

such funds are deposited into the account shall remain available to the Secretary until expended. The Secretary may transfer all or a portion of such remaining sums to appropriate agencies to support the enforcement of the laws prohibiting the trafficking and exploitation of persons or programs that aid trafficking victims.

(d) Employer safe harbor.—

(1) In general.—An employer that hires workers referred by a foreign labor recruiter with a valid registration at the time of hiring shall not be held jointly liable for a violation committed solely by a foreign labor recruiter under this part—

(A) in any administrative action initiated by the Secretary concerning such violation; or

(B) in any Federal or State civil court action filed against the foreign labor recruiter by or on behalf of such workers or other aggrieved party under this part.

(2) Clarification.—Nothing in this part shall be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this part or any other Federal or State law against any employer who hired workers referred by a foreign labor recruiter—

(A) without a valid registration at the time of hire; or

(B) with a valid registration if the employer knew or learned of the violation and failed to report such violation to the Secretary.

(e) Parole to pursue relief.—If other immigration relief is not available, the Secretary of Homeland Security may grant parole to permit an individual to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to subsection (b) or (c).

(f) Waiver of rights.—Agreements by employees purporting to waive or to modify their rights under this part shall be void as contrary to public policy.

(g) Liability for agents.—Foreign labor recruiters shall be subject to the provisions of this section for violations committed by the foreign labor recruiter's agents or subcontractees of any level in relation to their foreign labor recruiting activity to the same extent as if the foreign labor recruiter had committed the violation.

Subtitle C—Immigration Adjustments

SEC. 951. UPDATING PROVISIONS OF THE IMMIGRATION ACT OF 1929.

(a) In general.—Section 249 of the Immigration and Nationality Act ([8 U.S.C. 1259](#)) is amended—

(1) in the section header, by striking "who entered the United States prior to January 1, 1972"; and

(2) by striking the matter following the section heading and inserting the following:

"(a) Record of lawful admission for permanent residence.—A record of lawful admission for permanent residence may, in the discretion of the Secretary of Homeland Security and under such

regulations as they may prescribe, be made in the case of any alien, as of the date of the approval of such person's application if no such record is otherwise available and such alien shall satisfy the Secretary that they are not inadmissible under section 1182(a)(3)(E) of this title or under [section 1182\(a\)](#) of this title insofar as it relates to criminals, procurers and other immoral persons, subversives, violators of the narcotic laws or smugglers of aliens, and establish that they—

"(1) entered the United States—

"(A) at least 10 years before the application date; or

"(B) at least 4 years before the application date and were younger than 16 years of age on the date of entry; and

"(i) have earned a high school diploma or a commensurate alternative award from a public or private high school, or have obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

"(ii) are enrolled in secondary school or in an education program assisting students in—

"(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

"(II) passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam;

"(2) have had residence in the United States continuously since such entry;

"(3) are a person of good moral character; and

"(4) are not ineligible to citizenship and are not deportable under [section 1227\(a\)\(4\)](#) of this title.

"(b) Pending applications.—

"(1) Employment authorization and removal protection.—An alien who files a nonfrivolous application under this section shall, during the period in which such application is pending, be eligible for employment authorization and not be removed from the United States, absent a conviction for a disqualifying criminal offense described in [section 1182\(a\)\(2\)](#).

"(2) Confidentiality of information.—

"(A) In general.—The Secretary may not disclose or use information provided in an application filed under this section for the purpose of immigration enforcement.

"(B) Referrals prohibited.—The Secretary, based solely on information provided in an application filed under this section, may not refer the applicant or any person identified in the application to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

"(C) Limited exception.—Notwithstanding subparagraphs (A) and (B), information provided in an application filed under this section may be shared with Federal security and law enforcement agencies—

"(i) for assistance in the consideration of an application under this section;

"(ii) to identify or prevent fraudulent claims;

"(iii) for national security purposes; or

"(iv) for the investigation or prosecution of any felony not related to immigration status.

"(D) Penalty.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than \$10,000.

"(E) Privacy protections.—The Secretary shall ensure that appropriate administrative and physical safeguards are in place to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to this section."

(b) Conforming amendment.—The item in the table of sections relating to section 249 is amended by striking out "who entered the United States prior to January 1, 1972".

(c) Treatment of prior DACA grants.—In adjudicating an application under section 249 of the Immigration and Nationality Act, as amended by subsection (a), the Secretary of Homeland Security may treat a prior grant of deferred action under the Deferred Action for Childhood Arrivals program as prima facie evidence of the applicant's identity, age at entry, and residence in the United States during the period covered by such grant, unless the Secretary determines that such evidence is unreliable or has been rebutted.

SEC. 952. REFORMS TO EMPLOYMENT-BASED IMMIGRATION CAPS AND ADJUSTMENT OF STATUS PROCEDURES.

(a) Amendments to visa allocation and preference levels.—

(1) Section 201(d) of the Immigration and Nationality Act ([8 U.S.C. 1151\(d\)](#)) is amended—

(A) in paragraph (1)(A), by striking "140,000," and inserting "270,000,"; and

(B) in paragraph (2) by adding at the end the following:

"(D) The number computed under this paragraph for a fiscal year shall be increased by the difference (if any) between the worldwide level of employment-based immigrants established under paragraph (1) for the previous fiscal year and the number of visas issued under section 203(b) during that fiscal year."

(2) Section 202(a)(2) of the Immigration and Nationality Act ([8 U.S.C. 1152\(a\)\(2\)](#)) is amended—

(A) in the paragraph heading, by striking "and employment-based";

(B) by striking "subsections (a) and (b) of section 203" and inserting "section 203(a)";

(C) by striking "such subsections" and inserting "such subsection".

(3) Section 203(b) of the Immigration and Nationality Act ([8 U.S.C. 1153\(b\)](#)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "28.6 percent" and inserting "19 percent";

(B) in paragraph (2)(A), by striking "28.6 percent" and inserting "24 percent";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter before clause (i), by striking "28.6 percent" and inserting "35 percent"; and

(II) by amending clause (iii) to read as follows:

"(iii) Other workers.—Other qualified immigrants who, at the time of petitioning for classification under this paragraph—

"(I) are capable of performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

"(II) can demonstrate employment in the United States as an H-2A nonimmigrant worker for at least 100 days in each of at least 10 years.";

(ii) by amending subparagraph (B) to read as follows:

"(B) Visas allocated for other workers.—

"(i) In general.—Except as provided in clauses (ii) and (iii), 50,000 of the visas made available under this paragraph shall be reserved for qualified immigrants described in subparagraph (A)(iii).

"(ii) Preference for agricultural workers.—Subject to clause (iii), not less than 4/5ths of the visas described in clause (i) shall be reserved for—

"(I) qualified immigrants described in subparagraph (A)(iii)(I) who will be performing agricultural labor or services in the United States; and

"(II) qualified immigrants described in subparagraph (A)(iii)(II).

"(iii) Exception.—If because of the application of clause (ii), the total number of visas available under this paragraph for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, clause (ii) shall not apply to visas under this paragraph during the remainder of such calendar quarter.

"(iv) No per country limits.—Visas described under clause (ii) shall be issued without regard to the numerical limitation under section 202(a)(2)."; and

(D) by amending subparagraph (C) by striking "An immigrant visa" and inserting "Except for qualified immigrants petitioning for classification under subparagraph (A)(iii)(II), an immigrant visa";

(E) in paragraph (4), by striking "7.1 percent" and inserting "17 percent";

(F) in paragraph (5)(A), in the matter preceding clause (i), by striking "7.1 percent" and inserting "5 percent".

(4) Section 203(d) of the Immigration and Nationality Act ([8 U.S.C. 1153\(d\)](#)) is amended by adding at the end the following: "Visas issued to a spouse or child of an immigrant described in subsection (b) shall not be counted against the worldwide level of such visas set forth in section 201(d)(1) or the per country level set forth in section 202(a)(2).".

(b) Exemptions.—Section 201(b)(1) of the Immigration and Nationality Act ([8 U.S.C. 1151\(b\)\(1\)](#)) is amended by adding at the end the following:

"(F) Aliens who are members of an occupation that the Secretary of Labor has designated under Group I of Schedule A pursuant to [section 656.15 of title 20](#), Code of Federal Regulations, and are coming to the United States to work in such occupation, and the spouses and children (as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1)) of such aliens. Aliens described in this subparagraph may apply for an immigrant visa.

"(G) Aliens who—

"(i) are not inadmissible under section 212(a) or deportable under section 237(a);

"(ii) have lived in the United States an aggregate period of not less than 10 years;

"(iii) were admitted as a dependent of a nonimmigrant under subparagraph (E), (H), or (L) of section 101(a)(15); and

"(iv) graduated from an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 ([20 U.S.C. 1002\(a\)](#))) in the United States.

"(H) Aliens whose status is adjusted to that of a lawful permanent resident under title IX of the POPULIST Act.".

(c) Immigrant petitions.—Section 204(a)(1) of the Immigration and Nationality Act ([8 U.S.C. 1154\(a\)\(1\)](#)) is amended—

(1) in subparagraph (E) by inserting "or 203(b)(3)(A)(iii)(II)" after "203(b)(1)(A)"; and

(2) by adding at the end the following new subparagraphs:

"(M) Any employer desiring and intending to employ within the United States an alien entitled to classification under section 201(b)(1)(F) may file a petition with the Secretary of Homeland Security for such classification on behalf of such alien.

"(N) Any employer desiring and intending to employ within the United States an alien entitled to classification under section 201(b)(1)(G) may file a petition with the Secretary of Homeland Security for such classification on behalf of such alien."

(d) Work authorization for spouses and children of certain nonimmigrants.—Section 214 of the Immigration and Nationality Act ([8 U.S.C. 1184](#)) is amended—

(1) in subsection (b), by striking "section 101(a)(15)(H)(i) except subclause (b1) of such section" and inserting "clause (i), except subclause (b1), or (ii)(a) of section 101(a)(15)(H)"; and

(2) by adding at the end the following:

"(s) The Secretary of Homeland Security shall—

"(1) authorize an alien spouse admitted under subparagraph (E), (H), or (L) of section 101(a)(15), who is accompanying or following to join a principal alien admitted under any such subparagraph, to engage in employment in the United States; and

"(2) provide such alien spouse with an 'employment authorized' endorsement or other appropriate work permit.

"(t) The Secretary of Homeland Security shall authorize an alien child admitted under subparagraph (E), (H), or (L) of section 101(a)(15), who is accompanying or following to join a principal alien admitted under any such subparagraph, to engage in employment in the United States, and shall provide such child with an 'employment authorized' endorsement or other appropriate work permit if—

"(1) the child is at least 16 years of age;

"(2) the child, or the child's legal representative, requests such work authorization; and

"(3) any employment in which the child may engage complies with the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#))".

(e) Early filing of adjustment of status.—Section 245 of the Immigration and Nationality Act ([8 U.S.C. 1255](#)) is amended—

(1) in subsection (a), by inserting ", or the status of any other alien with an approved petition for classification as a VAWA self-petitioner" after "into the United States"; and

(2) by adding at the end the following:

"(n) Adjustment of status application after an approved immigrant petition.—

"(1) Application.—An alien who has an approved immigrant petition may file an application for adjustment of status under subsection (a), which, if the alien is otherwise eligible, shall remain pending until a visa number becomes available.

"(2) Status.—An admissible alien who has properly filed an adjustment of status application under subsection (a) shall, throughout the pendency of such application—

"(A) have a lawful status and be considered lawfully present for purposes of section 212(a); and

"(B) following a biometric background check, be eligible for employment and travel authorization incident to such status.

"(3) Biometric background check.—Any biometric background check performed with respect to an alien during the 1-year period immediately preceding the alien's submission of an application for an adjustment of status under subsection (a) shall be sufficient for meeting the biometric background check requirement under paragraph (2)(B)."

(f) Effective date.—The new subparagraph (D) added to section 201(d)(2) of the Immigration and Nationality Act ([8 U.S.C. 1151\(d\)\(2\)](#)) shall apply with respect to fiscal years beginning after September 30, 2026.

SEC. 953. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ([8 U.S.C. 1623](#)) is repealed.

SEC. 954. AUTHORITY FOR APPOINTING COUNSEL TO CERTAIN INDIVIDUALS.

(a) Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ([8 U.S.C. 1232\(c\)\(5\)](#)) is amended to read as follows:

"(5) Access to counsel.—

"(A) In general.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act ([8 U.S.C. 1362](#)), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

"(B) Exception for certain children.—

"(i) In general.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act ([8 U.S.C. 1229a](#)), shall be represented by counsel subject to clause (v).

"(ii) Age determinations.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

"(iii) Appeals.—The rights and privileges under this subparagraph—

"(I) shall not attach to—

"(aa) an unaccompanied alien child after the date on which—

"(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act ([8 U.S.C. 1229a](#)) terminate;

"(BB) an order of removal with respect to the child becomes final; or

"(CC) an immigration benefit is granted to the child; or

"(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

"(II) shall attach to administrative reviews and appeals.

"(iv) Implementation.—Not later than April 30, 2027, the Secretary of Health and Human Services shall implement this subparagraph.

"(v) Remedies.—

"(I) In general.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act ([8 U.S.C. 1362](#)), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

"(II) Settlements.—Any settlement under this subparagraph shall be subject to appropriations."

(b) Section 240 of the Immigration and Nationality Act ([8 U.S.C. 1229a](#)) is amended—

(1) in subsection (b)(5)(A), by striking "subsection (e)(2)" and inserting "subsection (f)(2)";

(2) in subsection (b)(5)(C)(i), by striking "subsection (e)(1)" and inserting "subsection (f)(1)";

(3) in subsection (b)(7), by striking "subsection (e)(1)" and inserting "subsection (f)(1)";

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

"(e) Representation for certain incompetent aliens.—

"(1) In general.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

"(A) pro bono counsel is not available; and

"(B) the alien—

"(i) is unrepresented;

"(ii) was found by an immigration judge to be incompetent to represent themselves;
and

"(iii) has been placed in or referred to removal proceedings pursuant to this section.

"(2) Determination on competence.—

"(A) Presumption of competence.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

"(B) Decision of the immigration judge.—

"(i) In general.—If there are indicia of incompetency, the immigration judge shall consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

"(ii) Incompetency test.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

"(I) lacks a rational and factual understanding of the nature and object of the proceedings;

"(II) cannot consult with an available attorney or representative; and

"(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

"(iii) No appeal.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

"(C) Effect of finding of incompetence.—A finding by an immigration judge that an alien is incompetent to represent themselves in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

"(3) Rule of construction.—Nothing in this subsection may be construed—

"(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent indicia of incompetency;

"(B) to establish a substantive due process right;

"(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

"(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

"(E) to limit any authorized representative program by a State, local, or Tribal government;

"(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

"(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before enactment of this subsection.

"(4) Rulemaking.—The Attorney General is authorized to prescribe regulations to carry out this subsection."

(c) Section 292 of the Immigration and Nationality Act ([8 U.S.C. 1362](#)) is amended to read as follows:

"(a) In general.—In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from an order issued through such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by any counsel authorized to practice in such proceedings.

"(b) Exceptions for certain populations.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

"(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ([8 U.S.C. 1232\(c\)\(5\)\(B\)](#)); and

"(2) subject to appropriations, certain incompetent aliens described in section 240(e)."

SEC. 955. TEMPORARY FAMILY VISITATION.

(a) Establishment of new nonimmigrant visa category.—Section 101(a)(15)(B) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(15\)\(B\)](#)) is amended by striking "and who is visiting the United States temporarily for business or temporarily for pleasure;" and inserting "and who is visiting the United States temporarily for—

"(i) business;

"(ii) pleasure; or

"(iii) family purposes;"

(b) Requirements applicable to family purpose visas.—Section 214 of the Immigration and Nationality Act ([8 U.S.C. 1184](#)) is amended by adding at the end the following:

"(u) Requirements applicable to family purpose visas.—

"(1) Definitions.—In this subsection and [section 101\(a\)\(15\)\(B\)\(iii\)](#):

"(A) Family purposes.—The term 'family purposes' means any visit by a relative for a social, occasional, or any other purpose.

"(B) Relative.—The term 'relative' means the spouse, child, son, daughter, grandchild, parent, grandparent, sibling, uncle, aunt, niece, and nephew of a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2) Requirement.—A relative seeking admission pursuant to a visa issued under [section 101\(a\)\(15\)\(B\)\(iii\)](#) is inadmissible unless—

"(A) the individual petitioning for such admission, or an additional sponsor, has submitted to the Secretary of Homeland Security an undertaking under section 213 in the form of a declaration of support (Form I-134); and

"(B) such relative has obtained, for the duration of the relative's stay in the United States, a health insurance policy (such as an additional travel health insurance policy or an existing health insurance policy that includes travel health care costs) with minimum policy requirements, as determined by the Secretary.

"(3) Period of authorized admission.—The period of authorized admission for a nonimmigrant described in [section 101\(a\)\(15\)\(B\)\(iii\)](#) shall not exceed 90 days.

"(4) Petitioner requirement.—

"(A) In general.—An individual may not petition for the admission of the same relative as a nonimmigrant described in [section 101\(a\)\(15\)\(B\)\(iii\)](#) if the individual previously petitioned for the admission of that relative who—

"(i) was admitted to the United States pursuant to a visa issued under that section as a result; and

"(ii) overstayed the relative's period of authorized admission.

"(B) Previous petitioners.—An individual petitioning for the admission of a relative as a nonimmigrant described in [section 101\(a\)\(15\)\(B\)\(iii\)](#) who has previously petitioned for the admission of that relative shall submit to the Secretary of Homeland Security evidence demonstrating that the relative on behalf of whom the individual previously petitioned did not overstay the relative's period of authorized admission."

(c) Restriction on change of status.—Section 248(a)(1) of the Immigration and Nationality Act ([8 U.S.C. 1258\(a\)\(1\)](#)) is amended to read as follows:

"(1) an alien classified as a nonimmigrant under subparagraph (B)(iii), (C), (D), (K), or (S) of section 101(a)(15),".

(d) Family purpose visa eligibility while awaiting immigrant visa.—Notwithstanding section 214(b) of the Immigration and Nationality Act ([8 U.S.C. 1184\(b\)](#)), a nonimmigrant described in section 101(a)(15)(B)(iii) of that Act who is the beneficiary of an approved immigrant petition under section 204 of that Act ([8 U.S.C. 1154](#)), has been assigned a priority date, and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of that Act ([8 U.S.C. 1153](#)) may be admitted pursuant to a family purpose visa, in accordance with section 214(u) of that Act, if the individual is otherwise eligible for admission.

SEC. 956. PROTECTION OF STUDENT STATUS DURING ADMINISTRATIVE PROCESSING.

(a) Maintenance of status.—An alien admitted under subparagraph (F), (M), or (J) of section 101(a)(15) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(15\)](#)) shall not be considered to

have failed to maintain such nonimmigrant status solely as a result of a delay by U.S. Citizenship and Immigration Services in adjudicating a timely filed, nonfrivolous application, petition, or benefit request.

(b) Employment authorization.—An alien described in subsection (a) who is otherwise eligible for employment authorization shall remain eligible for such authorization during the pendency of the application, petition, or benefit request described in subsection (a).

(c) Rule of construction.—Nothing in this section shall be construed to confer any immigration status or benefit not otherwise authorized under the Immigration and Nationality Act.

SEC. 957. ADDRESSING GARLAND V. ALEMAN GONZALEZ.

(a) Injunctive relief for Constitutional violations.—Section 242(f)(3) of the Immigration and Nationality Act ([8 U.S.C. 1252\(f\)\(3\)](#)) is amended—

(1) by striking "or section" and inserting "section"; and

(2) by inserting before the period at the end ", or to an action alleging a violation of the Constitution of the United States".

SEC. 958. ADDRESSING MULLIN V. DOE.

Section 244(b)(5)(A) of the Immigration and Nationality Act ([8 U.S.C. 1254a\(b\)\(5\)\(A\)](#)) is amended to read as follows:

"(A) Designations.—

"(i) Review restriction.—There is no judicial review of any determination of the Secretary of Homeland Security with respect to the designation of a foreign state under this subsection.

"(ii) Limited judicial review.—Notwithstanding [section 242](#), [section 701\(a\)\(1\) of title 5](#), United States Code, or any other provision of law, a determination of the Secretary of Homeland Security with respect to the termination or extension of such a designation shall be subject to judicial review in accordance with [chapter 7 of title 5](#), United States Code.

"(iii) Relief.—In an action under clause (ii), the court may grant declaratory relief, temporary or permanent injunctive relief, postponement of the effective date of agency action, vacatur, remand, or any other relief available under law."