

108TH CONGRESS
1ST SESSION

S. 656

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2003

Mr. REED introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be referred to as the “Liberian Refugee
5 Immigration Fairness Act of 2003”.

6 **SEC. 2. ADJUSTMENT OF STATUS.**

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

9 (A) ELIGIBILITY.—The Attorney General
10 shall adjust the status of an alien described in

1 subsection (b) to that of an alien lawfully ad-
2 mitted for permanent residence, if the alien—

3 (i) applies for adjustment before April
4 1, 2005; and

5 (ii) is otherwise eligible to receive an
6 immigrant visa and is otherwise admissible
7 to the United States for permanent resi-
8 dence, except that, in determining such ad-
9 missibility, the grounds for inadmissibility
10 specified in paragraphs (4), (5), (6)(A),
11 and (7)(A) of section 212(a) of the Immi-
12 gration and Nationality Act shall not
13 apply.

14 (B) INELIGIBLE ALIENS.—An alien shall
15 not be eligible for adjustment of status under
16 this section if the Attorney General finds that
17 the alien has been convicted of—

18 (i) any aggravated felony (as defined
19 in section 101(a)(43) of the Immigration
20 and Nationality Act (8 U.S.C.
21 1101(a)(43)); or

22 (ii) two or more crimes involving
23 moral turpitude.

24 (2) RELATIONSHIP OF APPLICATION TO CER-
25 TAIN ORDERS.—An alien present in the United

1 States who has been ordered excluded, deported, re-
2 moved, or ordered to depart voluntarily from the
3 United States under any provision of the Immigra-
4 tion and Nationality Act may, notwithstanding such
5 order, apply for adjustment of status under para-
6 graph (1), if otherwise qualified under that para-
7 graph. Such an alien may not be required, as a con-
8 dition on submitting or granting such application, to
9 file a separate motion to reopen, reconsider, or va-
10 cate such order. If the Attorney General grants the
11 application, the Attorney General shall cancel the
12 order. If the Attorney General makes a final decision
13 to deny the application, the order shall be effective
14 and enforceable to the same extent as if the applica-
15 tion had not been made.

16 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
17 TUS.—

18 (1) IN GENERAL.—The benefits provided by
19 subsection (a) shall apply to any alien—

20 (A) who is—

21 (i) a national of Liberia; and

22 (ii) has been continuously present in
23 the United States from January 1, 2003,
24 through the date of application under sub-
25 section (a); or

1 (B) who is the spouse, child, or unmarried
2 son or daughter of an alien described in sub-
3 paragraph (A).

4 (2) DETERMINATION OF CONTINUOUS PHYS-
5 ICAL PRESENCE.—For purposes of establishing the
6 period of continuous physical presence referred to in
7 paragraph (1), an alien shall not be considered to
8 have failed to maintain continuous physical presence
9 by reasons of an absence, or absences, from the
10 United States for any period or periods amounting
11 in the aggregate to not more than 180 days.

12 (c) STAY OF REMOVAL.—

13 (1) IN GENERAL.—The Attorney General shall
14 provide by regulation for an alien who is subject to
15 a final order of deportation or removal or exclusion
16 to seek a stay of such order based on the filing of
17 an application under subsection (a).

18 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
19 standing any provision of the Immigration and Na-
20 tionality Act, the Attorney General shall not order
21 an alien to be removed from the United States if the
22 alien is in exclusion, deportation, or removal pro-
23 ceedings under any provision of such Act and has
24 applied for adjustment of status under subsection

1 (a), except where the Attorney General has made a
2 final determination to deny the application.

3 (3) WORK AUTHORIZATION.—The Attorney
4 General may authorize an alien who has applied for
5 adjustment of status under subsection (a) to engage
6 in employment in the United States during the
7 pendency of such application and may provide the
8 alien with an “employment authorized” endorsement
9 or other appropriate document signifying authoriza-
10 tion of employment, except that, if such application
11 is pending for a period exceeding 180 days and has
12 not been denied, the Attorney General shall author-
13 ize such employment.

14 (d) RECORD OF PERMANENT RESIDENCE.—Upon
15 approval of an alien’s application for adjustment of status
16 under subsection (a), the Attorney General shall establish
17 a record of the alien’s admission for permanent record as
18 of the date of the alien’s arrival in the United States.

19 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
20 The Attorney General shall provide to applicants for ad-
21 justment of status under subsection (a) the same right to,
22 and procedures for, administrative review as are provided
23 to—

1 (1) applicants for adjustment of status under
2 section 245 of the Immigration and Nationality Act;
3 or

4 (2) aliens subject to removal proceedings under
5 section 240 of such Act.

6 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
7 mination by the Attorney General as to whether the status
8 of any alien should be adjusted under this section is final
9 and shall not be subject to review by any court.

10 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
11 Whenever an alien is granted the status of having been
12 lawfully admitted for permanent residence pursuant to
13 this section, the Secretary of State shall not be required
14 to reduce the number of immigrant visas authorized to be
15 issued under any provision of the Immigration and Na-
16 tionality Act.

17 (h) APPLICATION OF IMMIGRATION AND NATION-
18 ALITY ACT PROVISIONS.—Except as otherwise specifically
19 provided in this Act, the definitions contained in the Immi-
20 gration and Nationality Act shall apply in the administra-
21 tion of this section. Nothing contained in the Act shall
22 be held to repeal, amend, alter, modify, effect, or restrict
23 the powers, duties, function, or authority of the Attorney
24 General in the administration and enforcement of such
25 Act or any other law relating to immigration, nationality,

1 or naturalization. The fact that an alien may be eligible
2 to be granted the status of having been lawfully admitted
3 for permanent residence under this section shall not pre-
4 clude the alien from seeking such status under any other
5 provision of law for which the alien may be eligible.

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