

Public Law 95-145
95th Congress

An Act

To authorize the creation of a record of admission for permanent residence in the cases of certain refugees from Vietnam, Laos, or Cambodia, and to amend the Indochina Migration and Refugee Assistance Act of 1975 to extend the period during which refugee assistance may be provided, and for other purposes.

Oct. 28, 1977

[H.R. 7769]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADJUSTMENT OF STATUS OF INDOCHINA
REFUGEES

SEC. 101. That (a) the status of any alien described in subsection (b) of this section may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien makes an application for such adjustment within six years after the date of enactment of this title;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except for the grounds for exclusion specified in paragraph (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act; and

(3) the alien has been physically present in the United States for at least two years.

(b) The benefits provided by subsection (a) shall apply to any alien who is a native or citizen of Vietnam, Laos, or Cambodia and who—

(1) was paroled into the United States as a refugee from those countries under section 212(d)(5) of the Immigration and Nationality Act subsequent to March 31, 1975, but prior to January 1, 1979; or

(2) was inspected and admitted or paroled into the United States on or before March 31, 1975, and was physically present in the United States on March 31, 1975.

SEC. 102. Upon approval of an application for adjustment of status under section 101 of this title, the Attorney General shall establish a record of the alien's admission for permanent residence as of March 31, 1975, or the date of the alien's arrival in the United States, whichever date is later.

SEC. 103. Any alien determined to be eligible for lawful admission for permanent residence under this title who acquired that status under the provisions of the Immigration and Nationality Act prior to the date of enactment of this title may, upon application, have his admission for permanent residence recorded as of March 31, 1975, or the date of his arrival in the United States, whichever date is later.

SEC. 104. When an alien has been granted the status of having been lawfully admitted to the United States for permanent residence pursuant to this title, his spouse and children, regardless of nationality, may also be granted such status by the Attorney General, in his discretion and under such regulations he may prescribe, if they meet the requirements specified in section 101(a) of this title. Upon approval

Indochinese
refugees.
Permanent
residence status,
adjustment and
refugee
assistance,
extension.
Conditions.
8 USC 1255 note.

8 USC 1182.

Record,
establishment.
8 USC 1255 note.

Recordation.
8 USC 1255 note.
8 USC 1101 note.

Spouse and
children of aliens,
grant of
permanent
residence status.
8 USC 1255 note.
Record, creation.

of the application, the Attorney General shall create a record of the alien's admission for permanent residence as of the date of the record of admission of the alien through whom such spouse and children derive benefits under this section.

Ineligibility.
8 USC 1255 note. SEC. 105. Any alien who ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, or political opinion shall be ineligible for permanent residence under any provision of this title.

8 USC 1255 note. SEC. 106. When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to the provisions of this title the Secretary of State shall not be required to reduce the number of visas authorized to be issued under the Immigration and Nationality Act, and the Attorney General shall not be required to charge the alien any fee.

8 USC 1101 note.
8 USC 1255 note. SEC. 107. Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this title. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, and naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this title shall not preclude him from seeking such status under any other provision of law for which he may be eligible.

TITLE II—EXTENSION OF THE INDOCHINA MIGRATION AND REFUGEE ASSISTANCE ACT OF 1975

Appropriation authorization.
22 USC 2601 note. SEC. 201. Section 2 of the Indochina Migration and Refugee Assistance Act of 1975 is amended to read as follows:

22 USC 2601. "SEC. 2. (a) (1) Subject to the provisions of subsection (b), there are authorized to be appropriated, in addition to amounts otherwise available for such purposes, such sums as may be necessary for carrying out the provisions of paragraphs (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 with respect to aliens who have fled from Cambodia, Vietnam, or Laos.

"(2) Funds appropriated under this Act shall be made available to State or local public agencies to reimburse them for the non-Federal share of costs under titles IV and XIX of the Social Security Act for the provision of cash or medical assistance to aliens who have fled from Cambodia, Vietnam, or Laos.

Funds for cash or medical assistance.
42 USC 601, 1396. "(b) (1) None of the funds authorized to be appropriated by subsection (a) may be available for obligation after September 30, 1981.

"(2) The amount of assistance (including the amount of reimbursement as described in subsection (a) (2)) provided to a State or local public agency under section 2(b) of the Migration and Refugee Assistance Act of 1962 for the purpose of providing cash or medical assistance to aliens who have fled from Cambodia, Vietnam, or Laos may not exceed—

"(A) for the fiscal year ending September 30, 1979, 75 per centum, and

"(B) for the fiscal year ending September 30, 1980, 50 per centum, and

"(C) for the fiscal year ending September 30, 1981, 25 per centum,

of the cost (including the non-Federal share of costs as described in subsection (a) (2)) of the State or local public agency in providing such assistance for such purpose for the fiscal year ending September 30, 1978.

“(c) In addition to amounts otherwise available for the purposes of this Act, there are authorized to be appropriated \$25,000,000, to remain available until expended, for special projects and programs, administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina refugee assistance program, to assist minor and adult refugees in resettling and in gaining skills and education necessary to become self-reliant.”

SEC. 202. (a) Section 4(b) of the Indochina Migration and Refugee Assistance Act of 1975 is amended to read as follows:

“(b) Not later than December 31 of each year ending prior to January 1, 1982, the Secretary of Health, Education, and Welfare shall transmit to such committees a report describing fully and completely the status of refugees from Cambodia, Vietnam, and Laos.”

(b) Section 4(c) of such Act is repealed.

Additional
appropriation
authorization.

Annual report to
congressional
committees.
22 USC 2601
note.

Repeal.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-547 (Comm. on the Judiciary).

SENATE REPORT No. 95-471 accompanying S. 2108 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 27, considered and passed House.

Oct. 10, considered and passed Senate, amended, in lieu of S. 2108.

Oct. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 44:

Oct. 28, Presidential statement.