

106TH CONGRESS
1ST SESSION

H. R. 1844

To provide for adjustment of status for certain aliens granted temporary protected status in the United States because of conditions in Lebanon.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mr. LAHOOD (for himself, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. SUNUNU, Mr. FROST, Mr. DINGELL, and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for adjustment of status for certain aliens granted temporary protected status in the United States because of conditions in Lebanon.

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 cited as the “Lebanese Adjustment
5 Act”.

6 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS**
7 **OF LEBANON.**

8 (a) ADJUSTMENT OF STATUS.—

1 (1) IN GENERAL.—The status of any alien de-
2 scribed in subsection (b) shall be adjusted by the At-
3 torney General to that of an alien lawfully admitted
4 for permanent residence, if the alien—

5 (A) applies for such adjustment not later
6 than the date that is 18 months after the date
7 of the enactment of this Act; and

8 (B) is otherwise admissible to the United
9 States for permanent residence, except in deter-
10 mining such admissibility the grounds for inad-
11 missibility specified in paragraphs (4), (5),
12 (6)(A), (7)(A), and (9)(B) of section 212(a) of
13 the Immigration and Nationality Act shall not
14 apply.

15 (2) RELATIONSHIP OF APPLICATION TO CER-
16 TAIN ORDERS.—An alien present in the United
17 States who has been ordered excluded, deported, re-
18 moved, or ordered to depart voluntarily from the
19 United States under any provision of the Immigra-
20 tion and Nationality Act may, notwithstanding such
21 order, apply for adjustment of status under para-
22 graph (1). Such an alien may not be required, as a
23 condition of submitting or granting such application,
24 to file a separate motion to reopen, reconsider, or
25 vacate such order. If the Attorney General grants

1 the application, the Attorney General shall cancel
2 the order. If the Attorney General renders a final
3 administrative decision to deny the application, the
4 order shall be effective and enforceable to the same
5 extent as if the application had not been made.

6 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
7 TUS.—

8 (1) IN GENERAL.—The benefits provided by
9 subsection (a) shall apply to any alien who—

10 (A) was granted temporary protected sta-
11 tus in the United States by the Attorney Gen-
12 eral pursuant to the designation of Lebanon
13 under section 244A(b) of the Immigration and
14 Nationality Act (as in effect on the date of the
15 designation) on March 21, 1991, or any exten-
16 sion of the designation;

17 (B) prior to December 9, 1993, was per-
18 mitted by the Attorney General voluntarily to
19 depart the United States, in lieu of being sub-
20 ject to deportation proceedings or prior to the
21 completion of such proceedings; and

22 (C) has been physically present in the
23 United States for a continuous period, begin-
24 ning not later than March 28, 1993, and end-
25 ing not earlier than the date the application for

1 adjustment under such subsection is filed, ex-
2 cept an alien shall not be considered to have
3 failed to maintain continuous physical presence
4 by reason of an absence, or absences, from the
5 United States for any periods in the aggregate
6 not exceeding 180 days.

7 (2) PROOF OF COMMENCEMENT OF CONTIN-
8 UOUS PRESENCE.—For purposes of establishing that
9 the period of continuous physical presence referred
10 to in paragraph (1)(C) commenced not later than
11 March 28, 1993, an alien—

12 (A) shall demonstrate that the alien, prior
13 to March 28, 1993—

14 (i) performed service, or engaged in a
15 trade or business, within the United States
16 which is evidenced by records maintained
17 by the Commissioner of Social Security; or

18 (ii) applied for any benefit under the
19 Immigration and Nationality Act by means
20 of an application establishing the alien's
21 presence in the United States prior to
22 March 28, 1993; or

23 (B) shall make such other demonstration
24 of physical presence as the Attorney General
25 may provide for by regulation.

1 (c) STAY OF REMOVAL; WORK AUTHORIZATION.—

2 (1) IN GENERAL.—The Attorney General shall
3 provide by regulation for an alien subject to a final
4 order of deportation or removal to seek a stay of
5 such order based on the filing of an application
6 under subsection (a).

7 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
8 standing any provision of the Immigration and Na-
9 tionality Act, the Attorney General shall not order
10 any alien to be removed from the United States, if
11 the alien is in exclusion, deportation, or removal pro-
12 ceedings under any provision of such Act and has
13 applied for adjustment of status under subsection
14 (a), except where the Attorney General has rendered
15 a final administrative determination to deny the ap-
16 plication.

17 (3) WORK AUTHORIZATION.—The Attorney
18 General may authorize an alien who has applied for
19 adjustment of status under subsection (a) to engage
20 in employment in the United States during the
21 pendency of such application and may provide the
22 alien with an “employment authorized” endorsement
23 or other appropriate document signifying authoriza-
24 tion of employment, except that if such application
25 is pending for a period exceeding 180 days, and has

1 not been denied, the Attorney General shall author-
2 ize such employment.

3 (d) ADJUSTMENT OF STATUS FOR SPOUSES AND
4 CHILDREN.—

5 (1) IN GENERAL.—The status of an alien shall
6 be adjusted by the Attorney General to that of an
7 alien lawfully admitted for permanent residence, if
8 the alien—

9 (A) is the spouse, child, or unmarried son
10 or daughter, of an alien whose status is ad-
11 justed to that of an alien lawfully admitted for
12 permanent residence under subsection (a), ex-
13 cept that in the case of such an unmarried son
14 or daughter, the son or daughter shall be re-
15 quired to establish that they have been phys-
16 ically present in the United States for a contin-
17 uous period, beginning not later than March 28,
18 1993, and ending not earlier than the date the
19 application for adjustment under this sub-
20 section is filed;

21 (B) applies for such adjustment not later
22 than the date that is 18 months after the date
23 of the enactment of this Act and is physically
24 present in the United States on the date the
25 application is filed; and

1 (C) is otherwise admissible to the United
2 States for permanent residence, except in deter-
3 mining such admissibility the grounds for exclu-
4 sion specified in paragraphs (4), (5), (6)(A),
5 (7)(A), and (9)(B) of section 212(a) of the Im-
6 migration and Nationality Act shall not apply.

7 (2) PROOF OF CONTINUOUS PRESENCE.—For
8 purposes of establishing the period of continuous
9 physical presence referred to in paragraph (1)(A),
10 an alien—

11 (A) shall demonstrate that such period
12 commenced not later than March 28, 1993, in
13 a manner consistent with subsection (b)(2); and

14 (B) shall not be considered to have failed
15 to maintain continuous physical presence by
16 reason of an absence, or absences, from the
17 United States for any period in the aggregate
18 not exceeding 180 days.

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) APPLICATION OF IMMIGRATION AND NATION-
11 ALITY ACT PROVISIONS.—Except as otherwise specifically
12 provided in this section, the definitions contained in the
13 Immigration and Nationality Act shall apply in the admin-
14 istration of this section. Nothing contained in this section
15 shall be held to repeal, amend, alter, modify, affect, or
16 restrict the powers, duties, functions, or authority of the
17 Attorney General in the administration and enforcement
18 of such Act or any other law relating to immigration, na-
19 tionality, or naturalization. The fact that an alien may be
20 eligible to be granted the status of having been lawfully
21 admitted for permanent residence under this section shall
22 not preclude the alien from seeking such status under any
23 other provision of law for which the alien may be eligible.

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