

108TH CONGRESS
2D SESSION

S. 3006

To amend the Haitian Refugee Immigration Fairness Act of 1998.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2004

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

A BILL

To amend the Haitian Refugee Immigration Fairness Act
of 1998.

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 “HRIFA Improvement
5 Act of 2004”.

6 **SEC. 2. AMENDMENTS TO HAITIAN REFUGEE IMMIGRATION**
7 **FAIRNESS ACT OF 1998.**

8 (a) DETERMINATION WITH RESPECT TO CHIL-
9 DREN.—Section 902(d) of the Haitian Refugee Immigra-
10 tion Fairness Act of 1998 (8 U.S.C. 1255 note) is amend-
11 ed by adding at the end the following:

1 “(3) DETERMINATIONS WITH RESPECT TO
2 CHILDREN.—

3 “(A) AGE-OUT PROTECTION.—Determina-
4 tions made under this subsection as to whether
5 an alien is a child of a parent shall be made
6 using the age and status of the alien on Octo-
7 ber 21, 1998.

8 “(B) APPLICATION SUBMISSION BY PAR-
9 ENT.—Notwithstanding paragraph (1)(C), an
10 application filed under this subsection based on
11 an alien’s status as a child may be filed for the
12 benefit of such child by a parent or guardian of
13 the child, if the child is physically present in the
14 United States on such filing date.”.

15 (b) WAIVER OF CERTAIN GROUNDS FOR EXCLU-
16 SION.—Section 902 of the Haitian Refugee Immigration
17 Fairness Act of 1998 (8 U.S.C. 1255 note) is amended
18 in subsections (a)(1)(B) and (d)(1)(D) by striking the pe-
19 riod at the end and inserting “, and the Secretary of
20 Homeland Security or the Attorney General, where appli-
21 cable, may waive any other provision of such section (other
22 than paragraph (2)(C) or subparagraph (A), (B), (C), or
23 (E) of paragraph (3)) with respect to such an alien for
24 humanitarian purposes, to assure family unity, or when
25 it is otherwise in the public interest.”.

1 **SEC. 3. NEW APPLICATIONS AND MOTIONS TO REOPEN.**

2 (a) NEW APPLICATIONS.—Notwithstanding section
3 902(a)(1)(A) of the Haitian Refugee Immigration Fair-
4 ness Act of 1998 (8 U.S.C. 1255 note), an alien who is
5 eligible for adjustment of status under that Act, as amend-
6 ed by section 2, may submit an application for adjustment
7 of status under that Act not later than the later of—

8 (1) 2 years after the date of enactment of this
9 Act; or

10 (2) 1 year after the date on which final regula-
11 tions implementing this Act are promulgated.

12 (b) MOTIONS TO REOPEN.—The Secretary of Home-
13 land Security shall establish procedures for the reopening
14 and reconsideration of applications for adjustment of sta-
15 tus under the Haitian Refugee Immigration Fairness Act
16 of 1998 (8 U.S.C. 1255 note) that are affected by the
17 amendments made by section 2.

18 (c) RELATIONSHIP OF APPLICATION TO CERTAIN OR-
19 DERS.—Section 902(a)(3) of the Haitian Refugee Immi-
20 gration Fairness Act of 1998 (8 U.S.C. 1255 note) shall
21 apply to an alien present in the United States who has
22 been ordered excluded, deported, removed, or ordered to
23 depart voluntarily, and who files an application under sub-
24 section (a) or a motion under subsection (b), in the same
25 manner as such section 902(a)(3) applied to aliens who

- 1 filed applications for adjustment of status under that Act
- 2 before April 1, 2000.

