

108TH CONGRESS  
2D SESSION

# S. 3015

For the relief of Fatuka Kaikumba Flake.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2004

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

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## A BILL

For the relief of Fatuka Kaikumba Flake.

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. PERMANENT RESIDENT STATUS FOR FATUKA**

4 **KAIKUMBA FLAKE.**

5 (a) IN GENERAL.—Notwithstanding subsections (a)  
6 and (b) of section 201 of the Immigration and Nationality  
7 Act, Fatuka Kaikumba Flake shall be eligible for issuance  
8 of an immigrant visa or for adjustment of status to that  
9 of an alien lawfully admitted for permanent residence  
10 upon filing an application for issuance of an immigrant  
11 visa under section 204 of such Act or for adjustment of  
12 status to lawful permanent resident.

1 (b) WAIVER OF GROUNDS FOR REMOVAL OR DENIAL  
2 OF ADMISSION.—

3 (1) IN GENERAL.—Notwithstanding sections  
4 212(a) and 237(a) of the Immigration and Nation-  
5 ality Act, Fatuka Kaikumba Flake may not be re-  
6 moved from the United States, denied admission to  
7 the United States, or considered ineligible for lawful  
8 permanent residence in the United States, by reason  
9 of any ground for removal or denial of admission  
10 that is reflected in the records of the Department of  
11 Homeland Security or the Visa Office of the Depart-  
12 ment of State, on the date of the enactment of this  
13 Act.

14 (2) RESCISSION OF OUTSTANDING ORDER OF  
15 REMOVAL.—The Secretary of Homeland Security  
16 shall rescind any outstanding order of removal or de-  
17 portation, or any finding of inadmissibility or de-  
18 portability, that has been entered against Fatuka  
19 Kaikumba Flake by reason of any ground described  
20 in paragraph (1).

21 (c) ADJUSTMENT OF STATUS.—If Fatuka Kaikumba  
22 Flake enters, or is admitted or paroled into, the United  
23 States before the filing deadline specified in subsection (c),  
24 she shall be considered to have entered and remained law-  
25 fully and shall, if otherwise eligible, be eligible for adjust-

1 ment of status under section 245 of the Immigration and  
2 Nationality Act as of the date of the enactment of this  
3 Act.

4 (d) DEADLINE FOR APPLICATION AND PAYMENT OF  
5 FEES.—Subsections (a) and (b) shall apply only if the ap-  
6 plication for issuance of an immigrant visa or the applica-  
7 tion for adjustment of status is filed with appropriate fees  
8 within 2 years after the date of the enactment of this Act.

9 (e) REDUCTION OF IMMIGRANT VISA NUMBER.—  
10 Upon the granting of an immigrant visa or permanent res-  
11 idence to Fatuka Kaikumba Flake, the Secretary of State  
12 shall instruct the proper officer to reduce by 1, during the  
13 current or next following fiscal year, the total number of  
14 immigrant visas that are made available to natives of the  
15 country of the alien's birth under section 203(a) of the  
16 Immigration and Nationality Act or, if applicable, the  
17 total number of immigrant visas that are made available  
18 to natives of the country of the alien's birth under section  
19 202(e) of such Act.

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