

109TH CONGRESS
1ST SESSION

H. R. 1737

To amend the Haitian Refugee Immigration Fairness Act of 1998 to benefit individuals who were children when such Act was enacted.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mr. MEEK of Florida (for himself, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. OWENS, Mr. CUMMINGS, Mr. RUSH, Mr. LYNCH, Mr. WEINER, Mr. KUCINICH, Mr. BISHOP of Georgia, Mr. MEEKS of New York, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Ms. LEE, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Haitian Refugee Immigration Fairness Act of 1998 to benefit individuals who were children when such Act was enacted.

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 2005”.

1 **SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN**
2 **UNDER THE HAITIAN AND IMMIGRANT FAIR-**
3 **NESS ACT OF 1998.**

4 Section 902(d) of the Haitian Refugee Immigration
5 Fairness Act of 1998 (8 U.S.C. 1255 note) is amended
6 by adding at the end the following:

7 “(3) DETERMINATIONS WITH RESPECT TO
8 CHILDREN.—

9 “(A) USE OF APPLICATION FILING
10 DATE.—Determinations made under this sub-
11 section as to whether an individual is a child of
12 a parent shall be made using the age and status
13 of the individual on the date of the enactment
14 of this section.

15 “(B) APPLICATION SUBMISSION BY PAR-
16 ENT.—Notwithstanding paragraph (1)(C), an
17 application under this subsection filed based on
18 status as a child may be filed for the benefit of
19 such child by a parent or guardian of the child,
20 if the child is physically present in the United
21 States on such filing date.”.

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

23 (a) NEW APPLICATIONS.—Notwithstanding section
24 902(a)(1)(A) of the Haitian and Immigrant Fairness Act
25 of 1998, an alien who is eligible for adjustment of status
26 under such Act, as amended by section 2 of this Act, may

1 submit an application for adjustment of status under such
2 Act not later than the later of—

3 (1) 2 years after the date of the enactment of
4 this Act; and

5 (2) 1 year after the date on which final regula-
6 tions implementing this Act are promulgated.

7 (b) MOTIONS TO REOPEN.—The Secretary of Home-
8 land Security shall establish procedures for the reopening
9 and reconsideration of applications for adjustment of sta-
10 tus under the Haitian Refugee Immigration Fairness Act
11 of 1998 that are affected by the amendments under sec-
12 tion 2 of this Act.

13 (c) RELATIONSHIP OF APPLICATION TO CERTAIN OR-
14 DERS.—Section 902(a)(3) of the Haitian and Immigrant
15 Fairness Act of 1998 shall apply to an alien present in
16 the United States who has been ordered excluded, de-
17 ported, removed, or ordered to depart voluntarily, and who
18 files an application under subsection (a), or a motion
19 under subsection (b), in the same manner as such section
20 902(a)(3) applied to aliens filing applications for adjust-
21 ment of status under such Act before April 1, 2000.

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