

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.

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## 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

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## 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 Representatives of the United States of America in Congress assembled,*
- 2        **SECTION 1. SHORT TITLE.**
- 3        This Act may be cited as the “HRIFA Improvement
- 4        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.

## 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.

