

109TH CONGRESS
1ST SESSION

H. R. 342

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mr. OWENS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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. ADJUSTMENT OF STATUS FOR CERTAIN NA-**
4 **TIONALS OF MONTSEERRAT.**

5 (a) IN GENERAL.—The status of any alien described
6 in subsection (c) shall be adjusted by the Secretary of
7 Homeland Security (in this Act referred to as the “Sec-
8 retary”) to that of an alien lawfully admitted for perma-
9 nent residence, if the alien—

1 (1) applies for such adjustment within 1 year
2 after the date of enactment of this Act; and

3 (2) is determined to be admissible to the United
4 States for permanent residence.

5 (b) CERTAIN GROUNDS FOR EXCLUSION INAPPLI-
6 CABLE.—For purposes of determining admissibility under
7 subsection (a)(2), the grounds for inadmissibility specified
8 in paragraphs (4), (5), (6)(A), and 7(A) of section 212(a)
9 of the Immigration and Nationality Act shall not apply.

10 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
11 TUS.—An alien shall be eligible for adjustment of status
12 under subsection (a) only if the alien—

13 (1) is a national of Montserrat; and

14 (2) was granted temporary protected status in
15 the United States pursuant to the designation of
16 Montserrat under section 244A(b)(1) of the Immi-
17 gration and Nationality Act on August 28, 1997.

18 **SEC. 2. EFFECT OF APPLICATION ON CERTAIN ORDERS.**

19 An alien present in the United States who has been
20 ordered excluded, deported, or removed, or ordered to de-
21 part voluntarily, from the United States through an order
22 of removal issued under the Immigration and Nationality
23 Act may, notwithstanding such order of removal, apply for
24 adjustment of status under section 1. Such an alien shall
25 not be required to file a separate motion to reopen, recon-

1 sider, or vacate the order of removal. If the Secretary ap-
2 proves the application, the Secretary shall cancel the order
3 of removal. If the Secretary renders a final administrative
4 decision to deny the application, the order of removal shall
5 be effective and enforceable to the same extent as if the
6 application had not been made.

7 **SEC. 3. WORK AUTHORIZATION.**

8 The Secretary shall authorize an alien who has ap-
9 plied for adjustment of status under section 1 to engage
10 in employment in the United States during the pendency
11 of such application and shall provide the alien with an ap-
12 propriate document signifying authorization of employ-
13 ment.

14 **SEC. 4. ADJUSTMENT OF STATUS FOR CERTAIN FAMILY**
15 **MEMBERS.**

16 (a) IN GENERAL.—The status of an alien shall be
17 adjusted by the Secretary to that of an alien lawfully ad-
18 mitted for permanent residence if the alien—

19 (1) is the spouse, parent, or unmarried son or
20 daughter of an alien whose status is adjusted under
21 section 1;

22 (2) applies for adjustment under this section
23 within 2 years after the date of enactment of this
24 Act; and

1 (3) is determined to be admissible to the United
2 States for permanent residence.

3 (b) CERTAIN GROUNDS FOR EXCLUSION INAPPLI-
4 CABLE.—For purposes of determining admissibility under
5 subsection (a)(3), the grounds for inadmissibility specified
6 in paragraphs (4), (5), (6)(A), and 7(A) of section 212(a)
7 of the Immigration and Nationality Act shall not apply.

8 **SEC. 5. AVAILABILITY OF REVIEW.**

9 (a) ADMINISTRATIVE REVIEW.—The Secretary shall
10 provide to aliens applying for adjustment of status under
11 section 1 or 4 the same right to, and procedures for, ad-
12 ministrative review as are provided to—

13 (1) applicants for adjustment of status under
14 section 245 of the Immigration and Nationality Act;
15 or

16 (2) aliens subject to removal proceedings under
17 section 240 of such Act.

18 (b) LIMITATION ON JUDICIAL REVIEW.—A deter-
19 mination by the Secretary as to whether the status of any
20 alien should be adjusted under this Act is final and shall
21 not be subject to review by any court.

22 **SEC. 6. NO OFFSET IN NUMBER OF VISAS AVAILABLE.**

23 The granting of adjustment of status under section
24 1 shall not reduce the number of immigrant visas author-

1 ized to be issued under any provision of the Immigration
2 and Nationality Act.

