

109TH CONGRESS
1ST SESSION

H. R. 3450

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Mr. KENNEDY of Rhode Island (for himself, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. McDERMOTT, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SABO, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Ms. WATSON, Mr. LYNCH, and Ms. KILPATRICK of Michigan) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

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 “Liberian Refugee Im-
5 migration Protection Act of 2005”.

6 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN LIBERIAN**
7 **NATIONALS.**

8 (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2007; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such applica-

1 tion, to file a motion to reopen, reconsider, or vacate
2 such order. If the Attorney General grants the appli-
3 cation, the Attorney General shall cancel the order.
4 If the Attorney General renders a final administra-
5 tive decision to deny the application, the order shall
6 be effective and enforceable to the same extent as if
7 the application had not been made.

8 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
9 TUS.—The benefits provided by subsection (a) shall apply
10 to any alien who—

11 (1) is a national of Liberia; and

12 (2)(A) who was granted temporary protected
13 status on or after March 27, 1991; or

14 (B) was eligible to apply for temporary pro-
15 tected status on or after March 27, 1991.

16 (c) STAY OF REMOVAL.—

17 (1) IN GENERAL.—The Attorney General shall
18 provide by regulation for an alien subject to a final
19 order of deportation or removal or exclusion to seek
20 a stay of such order based on the filing of an appli-
21 cation under subsection (a).

22 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
23 standing any provision of the Immigration and Na-
24 tionality Act, the Attorney General shall not order
25 any alien to be removed from the United States, if

1 the alien is in exclusion, deportation, or removal pro-
2 ceedings under any provision of such Act and raises
3 as a defense to such an order the eligibility of the
4 alien to apply for adjustment of status under sub-
5 section (a), except where the Attorney General has
6 rendered a final administrative determination to
7 deny the application.

8 (3) WORK AUTHORIZATION.—The Attorney
9 General may authorize an alien who has applied for
10 adjustment of status under subsection (a) to engage
11 in employment in the United States during the
12 pendency of such application and may provide the
13 alien with an “employment authorized” endorsement
14 or other appropriate document signifying authoriza-
15 tion of employment, except that if such application
16 is pending for a period exceeding 180 days, and has
17 not been denied, the Attorney General shall author-
18 ize such employment.

19 (d) ADJUSTMENT OF STATUS FOR SPOUSES AND
20 CHILDREN.—

21 (1) IN GENERAL.—Notwithstanding section
22 245(c) of the Immigration and Nationality Act, the
23 status of an alien shall be adjusted by the Attorney
24 General to that of an alien lawfully admitted for per-
25 manent residence, if—

1 (A) the alien is a national of Liberia;

2 (B) the alien is the spouse, child, or un-
3 married son or daughter, of an alien whose sta-
4 tus is adjusted to that of an alien lawfully ad-
5 mitted for permanent residence under sub-
6 section (a), except that in the case of such an
7 unmarried son or daughter, the son or daughter
8 shall be required to establish that they have
9 been physically present in the United States for
10 at least 1 year and is physically present in the
11 United States on the date the application for
12 such adjustment is filed;

13 (C) the alien applies for such adjustment
14 and is physically present in the United States
15 on the date the application is filed; and

16 (D) the alien is otherwise eligible to receive
17 an immigration visa and is otherwise admissible
18 to the United States for permanent residence,
19 except in determining such admissibility the
20 grounds for exclusion specified in paragraphs
21 (4), (5), (6)(A), and (7)(A) of section 212(a) of
22 the Immigration and Nationality Act shall not
23 apply.

24 (2) PROOF OF CONTINUOUS PRESENCE.—For
25 purposes of establishing the period of continuous

1 physical presence referred to in paragraph (1)(B),
2 an alien shall not be considered to have failed to
3 maintain continuous physical presence by reason of
4 an absence, or absences, from the United States for
5 any periods in aggregate not exceeding 180 days.

6 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

7 The Attorney General shall provide to applicants for ad-
8 justment of status under subsection (a) the same right to,
9 and procedures for, administrative review as are provided
10 to—

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

14 (2) aliens subject to removal proceedings under
15 section 240 of such Act.

16 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
17 mination by the Attorney General as to whether the status
18 of any alien should be adjusted under this section is final
19 and shall not be subject to review by any court.

20 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

21 When an alien is granted the status of having been law-
22 fully admitted for permanent residence pursuant to this
23 section, the Secretary of State shall not be required to re-
24 duce the number of immigrant visas authorized to be

1 issued under any provision of the Immigration and Na-
2 tionality Act.

3 (h) APPLICATION OF IMMIGRATION AND NATION-
4 ALITY ACT PROVISIONS.—Except as otherwise specifically
5 provided in this Act, the definitions contained in the Immi-
6 gration and Nationality Act shall apply in the administra-
7 tion of this section. Nothing contained in this Act shall
8 be held to repeal, amend, alter, modify, effect, or restrict
9 the powers, duties, functions, or authority of the Attorney
10 General in the administration and enforcement of such
11 Act or any other law relating to immigration, nationality,
12 or naturalization. The fact that an alien may be eligible
13 to be granted the status of having been lawfully admitted
14 for permanent residence under this section shall not pre-
15 clude the alien from seeking such status under any other
16 provision of law for which the alien may be eligible.

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