

109TH CONGRESS  
1ST SESSION

# H. R. 3658

To amend the Haitian Refugee Immigration Fairness Act of 1998.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

Mr. MEEK of Florida 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.

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”.

6       **SEC. 2. AMENDMENTS TO HAITIAN AND IMMIGRANT FAIR-**  
7       **NESS ACT OF 1998.**

8       (a) GROUND FOR INADMISSIBILITY FOR DOCUMENT  
9       FRAUD DOES NOT APPLY.—The Haitian Refugee Immi-  
10      gration Fairness Act of 1998 (8 U.S.C. 1255 note) is

1 amended in subsections (a)(1)(B) and (d)(1)(D) of section  
 2 902 by inserting “(6)(C)(i),” after “(6)(A),”.

3 (b) DETERMINATIONS WITH RESPECT TO CHIL-  
 4 DREN.—Section 902(d) of such Act is amended by adding  
 5 at the end the following:

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

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

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

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

22 (a) NEW APPLICATIONS.—Notwithstanding section  
 23 902(a)(1)(A) of the Haitian and Immigrant Fairness Act  
 24 of 1998, an alien who is eligible for adjustment of status  
 25 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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