

109TH CONGRESS
1ST SESSION

S. 656

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2005

Mr. REED introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

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 Fairness Act of 2005”.

6 **SEC. 2. ADJUSTMENT OF STATUS.**

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

9 (A) ELIGIBILITY.—The Secretary of
10 Homeland Security shall adjust the status of an

1 alien described in subsection (b) to that of an
2 alien lawfully admitted for permanent residence,
3 if the alien—

4 (i) applies for adjustment before April
5 1, 2007; and

6 (ii) is otherwise eligible to receive an
7 immigrant visa and admissible to the
8 United States for permanent residence, ex-
9 cept that, in determining such admissi-
10 bility, the grounds for inadmissibility speci-
11 fied in paragraphs (4), (5), (6)(A), and
12 (7)(A) of section 212(a) of the Immigra-
13 tion and Nationality Act (8 U.S.C.
14 1182(a)) shall not apply.

15 (B) INELIGIBLE ALIENS.—An alien shall
16 not be eligible for adjustment of status under
17 this section if the Secretary of Homeland Secu-
18 rity finds that the alien has been convicted of—

19 (i) any aggravated felony (as defined
20 in section 101(a)(43) of the Immigration
21 and Nationality Act (8 U.S.C.
22 1101(a)(43)); or

23 (ii) 2 or more crimes involving moral
24 turpitude.

1 (2) RELATIONSHIP OF APPLICATION TO CER-
2 TAIN ORDERS.—

3 (A) IN GENERAL.—An alien present in the
4 United States who has been ordered excluded,
5 deported, removed, or to depart voluntarily
6 from the United States under any provision of
7 the Immigration and Nationality Act may, not-
8 withstanding such order, apply for adjustment
9 of status under paragraph (1) if otherwise
10 qualified under that paragraph.

11 (B) SEPARATE MOTION NOT REQUIRED.—
12 An alien described in subparagraph (A) may
13 not be required, as a condition of submitting or
14 granting such application, to file a separate mo-
15 tion to reopen, reconsider, or vacate the order
16 described in subparagraph (A).

17 (C) EFFECT OF DECISION BY SEC-
18 RETARY.—If the Secretary of Homeland Secu-
19 rity grants the application, the Secretary shall
20 cancel the order. If the Secretary of Homeland
21 Security makes a final decision to deny the ap-
22 plication, the order shall be effective and en-
23 forceable to the same extent as if the applica-
24 tion had not been made.

1 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
2 TUS.—

3 (1) IN GENERAL.—The benefits provided under
4 subsection (a) shall apply to any alien—

5 (A) who is—

6 (i) a national of Liberia; and

7 (ii) has been continuously present in
8 the United States from January 1, 2005,
9 through the date of application under sub-
10 section (a); or

11 (B) who is the spouse, child, or unmarried
12 son or daughter of an alien described in sub-
13 paragraph (A).

14 (2) DETERMINATION OF CONTINUOUS PHYS-
15 ICAL PRESENCE.—For purposes of establishing the
16 period of continuous physical presence referred to in
17 paragraph (1), an alien shall not be considered to
18 have failed to maintain continuous physical presence
19 by reasons of an absence, or absences, from the
20 United States for any period or periods amounting
21 in the aggregate to not more than 180 days.

22 (c) STAY OF REMOVAL.—

23 (1) IN GENERAL.—The Secretary of Homeland
24 Security shall provide by regulation for an alien who
25 is subject to a final order of deportation or removal

1 or exclusion to seek a stay of such order based on
2 the filing of an application under subsection (a).

3 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
4 standing any provision in the Immigration and Na-
5 tionality Act, the Secretary of Homeland Security
6 shall not order an alien to be removed from the
7 United States if the alien is in exclusion, deporta-
8 tion, or removal proceedings under any provision of
9 such Act and has applied for adjustment of status
10 under subsection (a), except where the Secretary of
11 Homeland Security has made a final determination
12 to deny the application.

13 (3) WORK AUTHORIZATION.—

14 (A) IN GENERAL.—The Secretary of
15 Homeland Security may authorize an alien who
16 has applied for adjustment of status under sub-
17 section (a) to engage in employment in the
18 United States during the pendency of such ap-
19 plication and may provide the alien with an
20 “employment authorized” endorsement or other
21 appropriate document signifying authorization
22 of employment.

23 (B) PENDING APPLICATIONS.—If an appli-
24 cation under subsection (a) is pending for a pe-
25 riod exceeding 180 days and has not been de-

1 nied, the Secretary of Homeland Security shall
2 authorize such employment.

3 (d) RECORD OF PERMANENT RESIDENCE.—Upon
4 approval of an alien’s application for adjustment of status
5 under subsection (a), the Secretary of Homeland Security
6 shall establish a record of the alien’s admission for perma-
7 nent record as of the date of the alien’s arrival in the
8 United States.

9 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
10 The Secretary of Homeland Security shall provide to ap-
11 plicants for adjustment of status under subsection (a) the
12 same right to, and procedures for, administrative review
13 as are provided to—

14 (1) applicants for adjustment of status under
15 section 245 of the Immigration and Nationality Act
16 (8 U.S.C. 1255); or

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

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

24 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
25 If an alien is granted the status of having been lawfully

1 admitted for permanent residence pursuant to this section,
2 the Secretary of State shall not be required to reduce the
3 number of immigrant visas authorized to be issued under
4 any provision of the Immigration and Nationality Act.

5 (h) APPLICATION OF IMMIGRATION AND NATION-
6 ALITY ACT PROVISIONS.—

7 (1) DEFINITIONS.—Except as otherwise specifi-
8 cally provided in this Act, the definitions contained
9 in the Immigration and Nationality Act shall apply
10 in this section.

11 (2) SAVINGS PROVISION.—Nothing in this Act
12 shall be construed to repeal, amend, alter, modify,
13 effect, or restrict the powers, duties, function, or au-
14 thority of the Secretary of Homeland Security in the
15 administration and enforcement of the Immigration
16 and Nationality Act or any other law relating to im-
17 migration, nationality, or naturalization.

18 (3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
19 OF STATUS.—Eligibility to be granted the status of
20 having been lawfully admitted for permanent resi-
21 dence under this section shall not preclude an alien
22 from seeking any status under any other provision
23 of law for which the alien may otherwise be eligible.

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