

Calendar No. 337111TH CONGRESS
2^D SESSION**S. 2960**

To exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2010

Mr. LEAHY (for himself, Mr. LUGAR, Mr. FEINGOLD, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 26 (legislative day, MARCH 25), 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Refugee Opportunity
3 Act”.

4 **SEC. 2. EXCEPTION TO ONE-YEAR PHYSICAL PRESENCE RE-**
5 **QUIREMENT FOR ADJUSTMENT OF STATUS**
6 **FOR ALIENS GRANTED ASYLUM AND EM-**
7 **PLOYED OVERSEAS BY THE FEDERAL GOV-**
8 **ERNMENT.**

9 Section 209 of the Immigration and Nationality Act
10 (8 U.S.C. 1159) is amended—

11 (1) in subsection (a)(1)(B), by inserting “(ex-
12 cept as provided under subsection (d))” after “one
13 year”;

14 (2) in subsection (b)(2), by inserting “(except
15 as provided under subsection (d)),” after “asylum”;
16 and

17 (3) by adding at the end the following:

18 “(d) **EXCEPTION TO 1-YEAR RESIDENCY REQUIRE-**
19 **MENT FOR ADJUSTMENT OF STATUS.**—An alien who does
20 not meet the physical presence requirement under sub-
21 section (a)(1)(B) or (b)(2), but who otherwise meets the
22 requirements under subsection (a) or (b) for adjustment
23 of status to that of an alien lawfully admitted for perma-
24 nent residence, shall be eligible for such adjustment of sta-
25 tus if the alien did not meet the 1-year physical presence
26 requirement because the alien was employed outside of the

1 United States by the Federal Government or by a con-
 2 tractor of the Federal Government.”

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Refugee Opportunity*
 5 *Act”.*

6 **SEC. 2. EXCEPTION TO ONE-YEAR PHYSICAL PRESENCE RE-**
 7 **QUIREMENT FOR ADJUSTMENT OF STATUS**
 8 **FOR ALIENS GRANTED ASYLUM AND EM-**
 9 **PLOYED OVERSEAS BY THE FEDERAL GOV-**
 10 **ERNMENT.**

11 *Section 209 of the Immigration and Nationality Act*
 12 *(8 U.S.C. 1159) is amended—*

13 *(1) in subsection (a)(1)(B), by inserting “(except*
 14 *as provided under subsection (d))” after “one year”;*

15 *(2) in subsection (b)(2), by inserting “(except as*
 16 *provided under subsection (d)),” after “asylum”; and*

17 *(3) by adding at the end the following:*

18 *“(d) An alien who does not meet the 1-year physical*
 19 *presence requirement under subsection (a)(1)(B) or (b)(2),*
 20 *but who otherwise meets the requirements under subsection*
 21 *(a) or (b) for adjustment of status to that of an alien law-*
 22 *fully admitted for permanent residence, may be eligible for*
 23 *such adjustment of status if the alien:*

24 *“(1) Is or was employed by the U.S. Government*
 25 *or a contractor of the U.S. Government overseas and*

1 *performing work on behalf of the U.S. Government for*
2 *the entire period of absence, which may not exceed 1*
3 *year; or*

4 *“(2) Is or was employed by the U.S. Government*
5 *or a contractor of the U.S. Government in the alien’s*
6 *country of nationality or last habitual residence for*
7 *the entire period of absence, which may not exceed 1*
8 *year, and the alien was under the protection of the*
9 *U.S. Government or a contractor while performing*
10 *work on behalf of the U.S. Government during the en-*
11 *tire period of employment; and*

12 *“(3) Returned immediately to the United States*
13 *upon the conclusion of the employment.”.*

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