

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

MARCH 19, 2009

9 (A) ELIGIBILITY.—Except as provided
10 under subparagraph (B), the Secretary of

1 Homeland Security shall adjust the status of an
2 alien described in subsection (b) to that of an
3 alien lawfully admitted for permanent residence,
4 if the alien—

5 (i) applies for adjustment before April
6 1, 2011; and

7 (ii) is otherwise eligible to receive an
8 immigrant visa and admissible to the
9 United States for permanent residence, ex-
10 cept that, in determining such admissi-
11 bility, the grounds for inadmissibility speci-
12 fied in paragraphs (4), (5), (6)(A), and
13 (7)(A) of section 212(a) of the Immigra-
14 tion and Nationality Act (8 U.S.C.
15 1182(a)) shall not apply.

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

21 (i) any aggravated felony (as defined
22 in section 101(a)(43) of the Immigration
23 and Nationality Act (8 U.S.C.
24 1101(a)(43)); or

1 (ii) 2 or more crimes involving moral
2 turpitude.

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

5 (A) IN GENERAL.—An alien present in the
6 United States who has been subject to an order
7 of exclusion, deportation, or removal, or has
8 been ordered to depart voluntarily from the
9 United States under any provision of the Immi-
10 gration and Nationality Act may, notwith-
11 standing such order, apply for adjustment of
12 status under paragraph (1) if otherwise quali-
13 fied under such paragraph.

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

20 (C) EFFECT OF DECISION BY SEC-
21 RETARY.—If the Secretary of Homeland Secu-
22 rity grants an application under paragraph (1),
23 the Secretary shall cancel the order described in
24 subparagraph (A). If the Secretary of Home-
25 land Security makes a final decision to deny the

1 application, the order shall be effective and en-
2 forceable to the same extent as if the applica-
3 tion had not been made.

4 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
5 TUS.—

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

8 (A) who is—

9 (i) a national of Liberia; and

10 (ii) has been continuously present in
11 the United States from January 1, 2009,
12 through the date of application under sub-
13 section (a); or

14 (B) who is the spouse, child, or unmarried
15 son or daughter of an alien described in sub-
16 paragraph (A).

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

25 (c) STAY OF REMOVAL.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall provide by regulation for an alien who
3 is subject to a final order of deportation or removal
4 or exclusion to seek a stay of such order based on
5 the filing of an application under subsection (a).

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

16 (3) WORK AUTHORIZATION.—

17 (A) IN GENERAL.—The Secretary of
18 Homeland Security may—

19 (i) authorize an alien who has applied
20 for adjustment of status under subsection
21 (a) to engage in employment in the United
22 States during the pendency of such appli-
23 cation; and

24 (ii) provide the alien with an “employ-
25 ment authorized” endorsement or other ap-

1 appropriate document signifying authoriza-
2 tion of employment.

3 (B) PENDING APPLICATIONS.—If an appli-
4 cation for adjustment of status under sub-
5 section (a) is pending for a period exceeding
6 180 days and has not been denied, the Sec-
7 retary of Homeland Security shall authorize
8 such employment.

9 (d) RECORD OF PERMANENT RESIDENCE.—Upon the
10 approval of an alien’s application for adjustment of status
11 under subsection (a), the Secretary of Homeland Security
12 shall establish a record of the alien’s admission for perma-
13 nent record as of the date of the alien’s arrival in the
14 United States.

15 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
16 The Secretary of Homeland Security shall provide to ap-
17 plicants for adjustment of status under subsection (a) the
18 same right to, and procedures for, administrative review
19 as are provided to—

20 (1) applicants for adjustment of status under
21 section 245 of the Immigration and Nationality Act
22 (8 U.S.C. 1255); and

23 (2) aliens subject to removal proceedings under
24 section 240 of such Act (8 U.S.C. 1229a).

1 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
2 mination by the Secretary of Homeland Security regarding
3 the adjustment of status of any alien under this section
4 is final and shall not be subject to review by any court.

5 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
6 If an alien is granted the status of having been lawfully
7 admitted for permanent residence pursuant to this section,
8 the Secretary of State shall not be required to reduce the
9 number of immigrant visas authorized to be issued under
10 any provision of the Immigration and Nationality Act (8
11 U.S.C. 1101 et seq.).

12 (h) APPLICATION OF IMMIGRATION AND NATION-
13 ALITY ACT PROVISIONS.—

14 (1) DEFINITIONS.—Except as otherwise specifi-
15 cally provided in this Act, the definitions contained
16 in the Immigration and Nationality Act (8 U.S.C.
17 1101 et seq.) shall apply in this section.

18 (2) SAVINGS PROVISION.—Nothing in this Act
19 may be construed to repeal, amend, alter, modify, ef-
20 fect, or restrict the powers, duties, function, or au-
21 thority of the Secretary of Homeland Security in the
22 administration and enforcement of the Immigration
23 and Nationality Act or any other law relating to im-
24 migration, nationality, or naturalization.

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

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