

H. R. 1087

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. ELLISON (for himself, Mr. CICILLINE, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. GUTIERREZ) introduced the following bill; which was 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 residents.

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 2013”.

6 SEC. 2. ADJUSTMENT OF STATUS.

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

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 not later
6 than 1 year after the date of the enact-
7 ment of this Act; and

8 (ii) is otherwise eligible to receive an
9 immigrant visa and admissible to the
10 United States for permanent residence, ex-
11 cept that, in determining such admissi-
12 bility, the grounds for inadmissibility speci-
13 fied in paragraphs (4), (5), (6)(A), and
14 (7)(A) of section 212(a) of the Immigra-
15 tion and Nationality Act (8 U.S.C.
16 1182(a)) shall not apply.

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

21 (i) has been convicted of any aggra-
22 vated felony (as defined in section
23 101(a)(43) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1101(a)(43)));

1 (ii) has been convicted of 2 or more
2 crimes involving moral turpitude; or

3 (iii) has ordered, incited, assisted, or
4 otherwise participated in the persecution of
5 any person on account of race, religion, na-
6 tionality, membership in a particular social
7 group, or political opinion.

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

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

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

1 (C) EFFECT OF DECISION BY SEC-
2 RETARY.—If the Secretary of Homeland Secu-
3 rity adjusts the status of an alien pursuant to
4 an application under paragraph (1), the Sec-
5 retary shall cancel the order described in sub-
6 paragraph (A). If the Secretary of Homeland
7 Security makes a final decision to deny such
8 adjustment of status, the order shall be effec-
9 tive and enforceable to the same extent as if the
10 application had not been made.

11 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
12 TUS.—

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

15 (A) who is—

16 (i) a national of Liberia; and

17 (ii) has been continuously present in
18 the United States between January 1,
19 2013, and the date on which the alien sub-
20 mits an application under subsection (a);

21 or

22 (B) who is the spouse, child, or unmarried
23 son or daughter of an alien described in sub-
24 paragraph (A).

1 (2) DETERMINATION OF CONTINUOUS PHYS-
2 ICAL PRESENCE.—For purposes of establishing the
3 period of continuous physical presence referred to in
4 paragraph (1)(A)(ii), an alien shall not be consid-
5 ered to have failed to maintain continuous physical
6 presence by reasons of an absence, or absences, from
7 the United States for any period or periods amount-
8 ing in the aggregate to not more than 180 days.

9 (c) STAY OF REMOVAL.—

10 (1) IN GENERAL.—The Secretary of Homeland
11 Security shall establish procedures, by regulation,
12 through which an alien, who is subject to a final
13 order of deportation, removal, or exclusion, may seek
14 a stay of such order based upon the filing of an ap-
15 plication under subsection (a).

16 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
17 standing any provision in the Immigration and Na-
18 tionality Act (8 U.S.C. 1101 et seq.), the Secretary
19 of Homeland Security may not order an alien to be
20 removed from the United States if the alien is in ex-
21 clusion, deportation, or removal proceedings under
22 any provision of such Act and has applied for ad-
23 justment of status under subsection (a) unless the
24 Secretary of Homeland Security has made a final
25 determination to deny the application.

1 (3) WORK AUTHORIZATION.—

2 (A) IN GENERAL.—The Secretary of
3 Homeland Security may—

4 (i) authorize an alien who has applied
5 for adjustment of status under subsection
6 (a) to engage in employment in the United
7 States while a determination regarding
8 such application is pending; and

9 (ii) provide the alien with an “employ-
10 ment authorized” endorsement or other ap-
11 propriate document signifying authoriza-
12 tion of employment.

13 (B) PENDING APPLICATIONS.—If an appli-
14 cation for adjustment of status under sub-
15 section (a) is pending for a period exceeding
16 180 days and has not been denied, the Sec-
17 retary of Homeland Security shall authorize
18 such employment.

19 (d) RECORD OF PERMANENT RESIDENCE.—Upon the
20 approval of an alien’s application for adjustment of status
21 under subsection (a), the Secretary of Homeland Security
22 shall establish a record of the alien’s admission for perma-
23 nent residence as of the date of the alien’s arrival in the
24 United States.

1 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

2 The Secretary of Homeland Security shall provide to ap-
3 plicants for adjustment of status under subsection (a) the
4 same right to, and procedures for, administrative review
5 as are provided to—

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

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

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

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

22 (h) APPLICATION OF IMMIGRATION AND NATION-
23 ALITY ACT PROVISIONS.—

24 (1) DEFINITIONS.—Except as otherwise specifi-
25 cally provided in this Act, the definitions contained

1 in the Immigration and Nationality Act (8 U.S.C.
2 1101 et seq.) shall apply in this section.

3 (2) SAVINGS PROVISION.—Nothing in this Act
4 may be construed to repeal, amend, alter, modify, ef-
5 fect, or restrict the powers, duties, function, or au-
6 thority of the Secretary of Homeland Security in the
7 administration and enforcement of the Immigration
8 and Nationality Act or any other law relating to im-
9 migration, nationality, or naturalization.

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

○