

115TH CONGRESS
2D SESSION

H. R. 4956

To amend the Immigration and Nationality Act to provide for adjustment of status for aliens who are nationals of El Salvador and were granted or eligible for temporary protected status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Ms. NORTON (for herself and Mr. SARBANES) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for adjustment of status for aliens who are nationals of El Salvador and were granted or eligible for temporary protected status, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keeping Salvadoran
5 Families Together Act”.

1 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS**
 2 **OF EL SALVADOR GRANTED OR ELIGIBLE**
 3 **FOR TEMPORARY PROTECTED STATUS.**

4 (a) IN GENERAL.—Title II of the Immigration and
 5 Nationality Act (8 U.S.C. 1101 et seq.) is amended by
 6 inserting after section 244 the following:

7 **“SEC. 244A. ADJUSTMENT OF STATUS FOR CERTAIN NA-**
 8 **TIONALS OF EL SALVADOR GRANTED OR ELI-**
 9 **GIBLE FOR TEMPORARY PROTECTED STA-**
 10 **TUS.**

11 “(a) IN GENERAL.—The status of any alien described
 12 in subsection (c) shall be adjusted by the Secretary of
 13 Homeland Security to that of an alien lawfully admitted
 14 for permanent residence, if the alien—

15 “(1) applies for such adjustment within 3 years
 16 after the date of the enactment of this section;

17 “(2) is determined to be admissible to the
 18 United States for permanent residence; and

19 “(3) meets the criteria established under sub-
 20 section (c).

21 “(b) CERTAIN GROUNDS FOR INADMISSABILITY IN-
 22 APPLICABLE.—

23 “(1) IN GENERAL.—For purposes of deter-
 24 mining admissibility under subsection (a)(2), the
 25 grounds for inadmissibility specified in paragraphs

1 (4), (5), (6)(A), and (7)(A) of section 212(a) of the
2 Immigration and Nationality Act shall not apply.

3 “(2) ADDITIONAL WAIVER FOR INDIVIDUAL
4 ALIENS.—The Secretary may waive any other provi-
5 sion of section 212(a) in the case of an individual
6 alien for humanitarian purposes, to assure family
7 unity, or when it is otherwise in the public interest.

8 “(c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
9 TUS.—An alien shall be eligible for adjustment of status
10 if the alien—

11 “(1) is a national of El Salvador who was
12 granted temporary protected status, or was other-
13 wise eligible for temporary protected status, on or
14 before the date of the enactment of this section; and

15 “(2) has been continuously physically present in
16 the United States for a period of not less than 3
17 years before the date of the enactment of this sec-
18 tion.

19 “(d) WAIVER AUTHORIZED.—Notwithstanding any
20 provision of this Act, an alien who fails to meet the contin-
21 uous physical presence requirement under paragraph (2)
22 of subsection (c) shall be considered eligible for status ad-
23 justment as provided in this section if the Attorney Gen-
24 eral or the Secretary determines that the removal of the
25 alien from the United States would result in extreme hard-

1 ship to the alien, their spouse, their children, their par-
2 ents, or their domestic partner.

3 “(e) EFFECT OF APPLICATION ON CERTAIN OR-
4 DERS.—An alien present in the United States who has
5 been ordered removed or has been granted voluntary de-
6 parture from the United States may, notwithstanding
7 such order, apply for adjustment of status under this sec-
8 tion. Such alien shall not be required to file a separate
9 motion to reopen, reconsider, or vacate the order of re-
10 moval. If the Secretary approves the application, the Sec-
11 retary shall cancel the order of removal. If the Secretary
12 renders a final administrative decision to deny the applica-
13 tion, the order of removal shall be effective and enforce-
14 able to the same extent as if the application had not been
15 made.

16 “(f) WORK AUTHORIZATION.—The Secretary shall
17 authorize an alien who has applied for adjustment of sta-
18 tus under this section to engage in employment in the
19 United States during the pendency of such application and
20 shall provide the alien with an appropriate document signi-
21 fying authorization of employment.

22 “(g) ADJUSTMENT OF STATUS FOR CERTAIN FAMILY
23 MEMBERS.—

1 “(1) IN GENERAL.—The status of an alien shall
2 be adjusted by the Secretary to that of an alien law-
3 fully admitted for permanent residence if the alien—

4 “(A) is the spouse, parent, or unmarried
5 son or daughter of an alien whose status is ad-
6 justed under this section;

7 “(B) applies for adjustment under this sec-
8 tion within 3 years after the date of the enact-
9 ment of this section; and

10 “(C) is determined to be admissible to the
11 United States for permanent residence.

12 “(2) CERTAIN GROUNDS FOR INADMISSIBILITY
13 INAPPLICABLE.—For purposes of determining ad-
14 missibility under subsection (g)(1)(C), the grounds
15 for inadmissibility specified in paragraphs (4), (5),
16 (6)(A), and (7)(A) of section 212(a) shall not apply.

17 “(h) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
18 The Secretary shall provide to aliens applying for adjust-
19 ment of status under this section the same right to, and
20 procedures for, administrative review as are provided to—

21 “(1) applicants for adjustment of status under
22 section 245; and

23 “(2) aliens subject to removal proceedings
24 under section 240.

1 “(i) NO OFFSET IN NUMBER OF VISAS AVAIL-
2 ABLE.—The granting of adjustment of status under this
3 section shall not reduce the number of immigrant visas
4 authorized to be issued under any provision of this Act.

5 “(j) TREATMENT OF BRIEF, CASUAL, AND INNOCENT
6 DEPARTURES AND CERTAIN OTHER ABSENCES.—An
7 alien who has failed to maintain the 3-year continuous
8 physical presence requirement under subsection (c) be-
9 cause of brief, casual, and innocent departures or, emer-
10 gency travel, or extenuating circumstances outside of the
11 control of the alien, shall not be considered to have failed
12 to maintain continuous physical presence in the United
13 States.

14 “(k) DEFINITION.—In this section, the term ‘domes-
15 tic partner’ means an adult of at least 18 years of age
16 in a committed relationship with an alien applying for ad-
17 justment of status under this section. A committed rela-
18 tionship is one in which the employee and the domestic
19 partner of the employee are each other’s sole domestic
20 partner (and are not married to or domestic partners with
21 anyone else) and share responsibility for a significant
22 measure of each other’s common welfare and financial ob-
23 ligations. This includes any relationship between two indi-
24 viduals of the same or opposite sex that is granted legal
25 recognition by a State or by the District of Columbia as

1 a marriage or analogous relationship (including a civil
2 union).”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of the Immigration and Nationality Act (8 U.S.C. 1101
5 et seq.) is amended by inserting after the item relating
6 to section 244 the following:

“Sec. 244A. Adjustment of status for certain nationals of El Salvador granted
or eligible for temporary protected status.”.

7 **SEC. 3. ADJUSTMENT OF RELATION OF PERIOD OF TEM-**
8 **PORARY PROTECTED STATUS TO CANCELLA-**
9 **TION OF REMOVAL.**

10 Section 244(e) of the Immigration and Nationality
11 Act (8 U.S.C. 1254a(e)) is amended—

12 (1) by striking “With respect to an alien” and
13 inserting the following:

14 “(1) IN GENERAL.—With respect to an alien”;
15 and

16 (2) by adding at the end the following:

17 “(2) WAIVER FOR CERTAIN TEMPORARY PRO-
18 TECTED STATUS HOLDERS.—The provisions in sub-
19 section (e) shall not apply to an alien who is eligible
20 for adjustment of status pursuant to section 244A.”.

21 **SEC. 4. ELIGIBILITY FOR NATURALIZATION.**

22 (a) IN GENERAL.—Notwithstanding sections 319(b),
23 328, and 329 of the Immigration and Nationality Act (8
24 U.S.C. 1430(b), 1439, and 1440), an alien whose status

1 is adjusted under section 244A of the Immigration and
2 Nationality Act, as added by section 2 of this Act, to that
3 of an alien lawfully admitted for permanent residence may
4 apply for naturalization under chapter 2 of title III of the
5 Immigration and Nationality Act (8 U.S.C. 1421 et seq.)
6 not earlier than 5 years after such adjustment of status.

7 (b) LANGUAGE REQUIREMENT WAIVER.—Section
8 312(b)(2) of the Immigration and Nationality Act (8
9 U.S.C. 1423(b)(2)) is amended—

10 (1) in the matter preceding subparagraph (A),
11 by striking “334, either—” and inserting “334—”;

12 (2) in subparagraph (A), by striking “, or” at
13 the end and inserting a semicolon;

14 (3) in subparagraph (B), by striking the period
15 at the end and inserting “; or”; and

16 (4) by adding at the end the following:

17 “(C) is an alien who received adjustment
18 of status under section 244A.”.

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