

116TH CONGRESS  
1ST SESSION

# S. 456

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. KLOBUCHAR, Ms. SMITH, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents, 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 “Liberian Refugee Im-  
5       migration Fairness Act of 2019”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) IN GENERAL.—Except as otherwise specifi-  
9       cally provided, any term used in this Act that is

1 used in the immigration laws shall have the meaning  
2 given the term in the immigration laws.

3 (2) IMMIGRATION LAWS.—The term “immigra-  
4 tion laws” has the meaning given the term in section  
5 101(a)(17) of the Immigration and Nationality Act  
6 (8 U.S.C. 1101(a)(17)).

7 (3) SECRETARY.—The term “Secretary” means  
8 the Secretary of Homeland Security.

9 **SEC. 3. ADJUSTMENT OF STATUS.**

10 (a) ADJUSTMENT OF STATUS.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (3), the Secretary shall adjust the status of  
13 an alien described in subsection (b) to that of an  
14 alien lawfully admitted for permanent residence if  
15 the alien—

16 (A) applies for adjustment not later than  
17 1 year after the date of the enactment of this  
18 Act;

19 (B) is otherwise eligible to receive an im-  
20 migrant visa; and

21 (C) subject to paragraph (2), is admissible  
22 to the United States for permanent residence.

23 (2) APPLICABILITY OF GROUNDS OF INADMIS-  
24 SIBILITY.—In determining the admissibility of an  
25 alien under paragraph (1)(C), the grounds of inad-

1 missibility specified in paragraphs (4), (5), (6)(A),  
2 and (7)(A) of section 212(a) of the Immigration and  
3 Nationality Act (8 U.S.C. 1182(a)) shall not apply.

4 (3) EXCEPTIONS.—An alien shall not be eligible  
5 for adjustment of status under this subsection if the  
6 Secretary determines that the alien—

7 (A) has been convicted of any aggravated  
8 felony;

9 (B) has been convicted of 2 or more crimes  
10 involving moral turpitude; or

11 (C) has ordered, incited, assisted, or other-  
12 wise participated in the persecution of any per-  
13 son on account of race, religion, nationality,  
14 membership in a particular social group, or po-  
15 litical opinion.

16 (4) RELATIONSHIP OF APPLICATION TO CER-  
17 TAIN ORDERS.—

18 (A) IN GENERAL.—An alien present in the  
19 United States who has been subject to an order  
20 of exclusion, deportation, removal, or voluntary  
21 departure under any provision of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 1101 et  
23 seq.) may, notwithstanding such order, submit  
24 an application for adjustment of status under

1 this subsection if the alien is otherwise eligible  
2 for adjustment of status under paragraph (1).

3 (B) SEPARATE MOTION NOT REQUIRED.—

4 An alien described in subparagraph (A) shall  
5 not be required, as a condition of submitting or  
6 granting an application under this subsection,  
7 to file a separate motion to reopen, reconsider,  
8 or vacate an order described in subparagraph  
9 (A).

10 (C) EFFECT OF DECISION BY SEC-  
11 RETARY.—

12 (i) GRANT.—If the Secretary adjusts  
13 the status of an alien pursuant to an appli-  
14 cation under this subsection, the Secretary  
15 shall cancel any order described in sub-  
16 paragraph (A) to which the alien has been  
17 subject.

18 (ii) DENIAL.—If the Secretary makes  
19 a final decision to deny such application,  
20 any such order shall be effective and en-  
21 forceable to the same extent that such  
22 order would be effective and enforceable if  
23 the application had not been made.

24 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
25 TUS.—

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

3                   (A)(i) is a national of Liberia; and

4                   (ii) has been continuously present in the  
5 United States during the period beginning on  
6 November 20, 2014, and ending on the date on  
7 which the alien submits an application under  
8 subsection (a); or

9                   (B) is the spouse, child, or unmarried son  
10 or daughter of an alien described in subpara-  
11 graph (A).

12           (2) DETERMINATION OF CONTINUOUS PHYS-  
13 ICAL PRESENCE.—For purposes of establishing the  
14 period of continuous physical presence referred to in  
15 paragraph (1)(A)(ii), an alien shall not be consid-  
16 ered to have failed to maintain continuous physical  
17 presence based on 1 or more absences from the  
18 United States for 1 or more periods amounting, in  
19 the aggregate, to not more than 180 days.

20           (c) STAY OF REMOVAL.—

21           (1) IN GENERAL.—The Secretary shall promul-  
22 gate regulations establishing procedures by which an  
23 alien who is subject to a final order of deportation,  
24 removal, or exclusion, may seek a stay of such order

1 based on the filing of an application under sub-  
2 section (a).

3 (2) DURING CERTAIN PROCEEDINGS.—

4 (A) IN GENERAL.—Except as provided in  
5 subparagraph (B), notwithstanding any provi-  
6 sion of the Immigration and Nationality Act (8  
7 U.S.C. 1101 et seq.), the Secretary may not  
8 order an alien to be removed from the United  
9 States if the alien—

10 (i) is in exclusion, deportation, or re-  
11 moval proceedings under any provision of  
12 such Act; and

13 (ii) has submitted an application for  
14 adjustment of status under subsection (a).

15 (B) EXCEPTION.—The Secretary may  
16 order an alien described in subparagraph (A) to  
17 be removed from the United States if the Sec-  
18 retary has made a final determination to deny  
19 the application for adjustment of status under  
20 subsection (a) of the alien.

21 (3) WORK AUTHORIZATION.—

22 (A) IN GENERAL.—The Secretary may—

23 (i) authorize an alien who has applied  
24 for adjustment of status under subsection  
25 (a) to engage in employment in the United

1 States during the period in which a deter-  
2 mination on such application is pending;  
3 and

4 (ii) provide such alien with an “em-  
5 ployment authorized” endorsement or  
6 other appropriate document signifying au-  
7 thorization of employment.

8 (B) PENDING APPLICATIONS.—If an appli-  
9 cation for adjustment of status under sub-  
10 section (a) is pending for a period exceeding  
11 180 days and has not been denied, the Sec-  
12 retary shall authorize employment for the appli-  
13 cable alien.

14 (d) RECORD OF PERMANENT RESIDENCE.—On the  
15 approval of an application for adjustment of status under  
16 subsection (a) of an alien, the Secretary shall establish a  
17 record of admission for permanent residence for the alien  
18 as of the date of the arrival of the alien in the United  
19 States.

20 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
21 The Secretary shall provide applicants for adjustment of  
22 status under subsection (a) with the same right to, and  
23 procedures for, administrative review as are provided to—

1           (1) applicants for adjustment of status under  
2           section 245 of the Immigration and Nationality Act  
3           (8 U.S.C. 1255); and

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

6           (f) LIMITATION ON JUDICIAL REVIEW.—A deter-  
7           mination by the Secretary with respect to the adjustment  
8           of status of any alien under this section is final and shall  
9           not be subject to review by any court.

10          (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—  
11          The Secretary of State shall not be required to reduce the  
12          number of immigrant visas authorized to be issued under  
13          any provision of the Immigration and Nationality Act (8  
14          U.S.C. 1101 et seq.) to offset the adjustment of status  
15          of an alien who has been lawfully admitted for permanent  
16          residence pursuant to this section.

17          (h) APPLICATION OF IMMIGRATION AND NATION-  
18          ALITY ACT PROVISIONS.—

19               (1) SAVINGS PROVISION.—Nothing in this Act  
20               may be construed to repeal, amend, alter, modify, ef-  
21               fect, or restrict the powers, duties, function, or au-  
22               thority of the Secretary in the administration and  
23               enforcement of the Immigration and Nationality Act  
24               (8 U.S.C. 1101 et seq.) or any other law relating to  
25               immigration, nationality, or naturalization.

1           (2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT  
2           OF STATUS.—The eligibility of an alien to be law-  
3           fully admitted for permanent residence under this  
4           section shall not preclude the alien from seeking any  
5           status under any other provision of law for which  
6           the alien may otherwise be eligible.

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