

104TH CONGRESS
1ST SESSION

H. R. 1765

To amend the Immigration and Nationality Act to deny visas and admission to aliens who have been unlawfully present in the United States for more than 1 year until they have been outside the United States for 10 years and to repeal the provision allowing adjustment of status of unlawful aliens in the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to deny visas and admission to aliens who have been unlawfully present in the United States for more than 1 year until they have been outside the United States for 10 years and to repeal the provision allowing adjustment of status of unlawful aliens in the United States.

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. EXCLUSION OF ALIENS UNLAWFULLY PRESENT**
2 **IN THE UNITED STATES FOR MORE THAN 1**
3 **YEAR UNTIL HAVE BEEN OUTSIDE THE**
4 **UNITED STATES FOR 10 YEARS.**

5 (a) IN GENERAL.—Section 212(a)(6) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1182(a)(6)) is
7 amended by adding at the end the following new subpara-
8 graph:

9 “(G) ALIENS PRESENT UNLAWFULLY FOR
10 MORE THAN 1 YEAR.—

11 “(i) IN GENERAL.—Any alien who was
12 unlawfully present in the United States
13 during a period totaling 1 year is exclud-
14 able unless the alien has remained outside
15 the United States for a period totaling at
16 least 10 years.

17 “(ii) EXCEPTIONS.—

18 “(I) MINORS.—In applying
19 clause (i) no period of time before the
20 alien’s 18th birthday shall be taken
21 into account in determining the period
22 of unlawful presence in the United
23 States.

24 “(II) ASYLEES.—No period of
25 time in which an alien has a bona fide
26 application for asylum pending under

1 section 208 shall be taken into ac-
2 count in determining the period of un-
3 lawful presence in the United States
4 under clause (i).

5 “(iii) EXTENSION.—The Attorney
6 General may extend the period of 1 year
7 under clause (i) to a period of 15 months
8 in the case of an alien who applies to the
9 Attorney General (before the alien has
10 been present unlawfully in the United
11 States for a period totaling 1 year) and es-
12 tablishes to the satisfaction of the Attorney
13 General that—

14 “(I) the alien is not excludable
15 under clause (i) at the time of the ap-
16 plication, and

17 “(II) the failure to extend such
18 period would constitute an extreme
19 hardship for the alien.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect on the date of the enact-
22 ment of this Act, except that no period of time before the
23 date of the enactment of this Act shall be included in the
24 period of 1 year described in section 212(a)(6)(G)(i) of

1 the Immigration and Nationality Act (added by such
2 amendment).

3 **SEC. 2. REPEAL OF ADJUSTMENT OF STATUS OF UNLAW-**
4 **FUL ALIENS.**

5 (a) IN GENERAL.—Subsection (i) of section 245 of
6 the Immigration and Nationality Act (8 U.S.C. 1255), as
7 added by section 605(b) of the Department of State and
8 Related Agencies Appropriations Act, 1995 (Public Law
9 103–317, 108 Stat. 1765), is amended by repealed.

10 (b) EFFECTIVE DATE.—The repeal made by sub-
11 section (a) shall apply to applications for adjustment of
12 status filed before, on, or after the date of the enactment
13 of this Act, except such applications as were approved as
14 of the date of the enactment of this Act. In the case of
15 such an application for adjustment filed, but not approved,
16 as of the date of the enactment of this Act, the Attorney
17 General shall promptly refund to the applicant the amount
18 of the application fee paid.

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