

107TH CONGRESS
1ST SESSION

H. R. 1713

To amend the Immigration and Nationality Act to restore the scope of eligibility for adjustment of status under section 245(i) of that Act to that in effect before November 1997.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

Mr. GUTIERREZ (for himself, Mrs. MORELLA, Mr. MENENDEZ, Ms. SOLIS, Mrs. NAPOLITANO, Mr. LaFALCE, Ms. VELÁZQUEZ, Mr. RANGEL, Mr. RODRIGUEZ, Mr. DOOLEY of California, Mr. SERRANO, Ms. SANCHEZ, Ms. ROYBAL-ALLARD, Mr. BACA, and Mr. REYES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to restore the scope of eligibility for adjustment of status under section 245(i) of that Act to that in effect before November 1997.

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. REMOVAL OF CERTAIN LIMITATIONS ON ELIGI-**
2 **BILITY FOR ADJUSTMENT OF STATUS UNDER**
3 **SECTION 245(D).**

4 (a) **ELIGIBILITY FOR ADJUSTMENT OF STATUS.**—
5 Section 245(i) of the Immigration and Nationality Act (8
6 U.S.C. 1255(i)) is amended—

7 (1) in paragraph (1), by striking “(i)(1)”
8 through “to that of an alien lawfully admitted for
9 permanent residence.” and inserting the following:

10 “(i)(1) Notwithstanding the provisions of subsections
11 (a) and (c) of this section, an alien physically present in
12 the United States who—

13 “(A) entered the United States without inspec-
14 tion; or

15 “(B) is within one of the classes enumerated in
16 subsection (c) of this section;

17 may apply to the Attorney General for the adjustment of
18 his or her status to that of an alien lawfully admitted for
19 permanent residence.”; and

20 (2) in paragraph (3)(B), by striking “, except
21 that” through “286(m)”.

22 (b) **EFFECTIVE DATES.**—

23 (1) **ELIGIBILITY.**—The amendment made by
24 subsection (a)(1) shall be effective as if included in
25 the enactment of section 111 of the Departments of
26 Commerce, Justice, and State, the Judiciary, and

1 Related Agencies Appropriations Act, 1998 (Public
2 Law 105–119; 111 Stat. 2458).

3 (2) USE OF FUNDS.—The amendment made by
4 subsection (a)(2) shall be effective as if included in
5 the enactment of section 1502 of division B of the
6 Miscellaneous Appropriations Act, 2001, as enacted
7 into law by section 1(a)(4) of Public Law 106–554.

8 (c) APPLICATION OF RELIEF TO DEPARTED
9 ALIENS.—

10 (1) IN GENERAL.—The Attorney General shall
11 establish a process under which an alien described in
12 paragraph (2) may apply (or reapply) for adjust-
13 ment of status under section 245(i) of the Immigra-
14 tion and Nationality Act, as amended by subsection
15 (a). For purposes of determining the eligibility of
16 such an alien for such adjustment, the departure de-
17 scribed in paragraph (2) shall be disregarded.

18 (2) ALIENS DESCRIBED.—An alien described in
19 this paragraph is an alien who—

20 (A) was ineligible for adjustment of status
21 under section 245(i) of the Immigration and
22 Nationality Act, as in effect before the date of
23 the enactment of this Act;

24 (B) departed from the United States after
25 the date of the enactment of the Departments

1 of Commerce, Justice, and State, the Judiciary,
2 and Related Agencies Appropriations Act, 1998
3 and before the date of the enactment of this
4 Act; and

5 (C) would be eligible for adjustment of sta-
6 tus to that of alien lawfully admitted for perma-
7 nent residence as a result of the amendment
8 made by subsection (a) but for such departure.

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