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107TH CONGRESS
1ST SESSION

H. R. 1726

To provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

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

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A BILL

To provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF MONTSERRAT.

(a) IN GENERAL.—The status of any alien described in subsection (c) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(1) applies for such adjustment within 1 year after the date of enactment of this Act; and

(2) is determined to be admissible to the United States for permanent residence.

(b) CERTAIN GROUNDS FOR EXCLUSION INAPPLICABLE.—For purposes of determining admissibility under subsection (a)(2), the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and 7(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—An alien shall be eligible for adjustment of status under subsection (a) only if the alien—

(1) is a national of Montserrat; and

(2) was granted temporary protected status in the United States by the Attorney General pursuant to the designation of Montserrat under section 244A(b)(1) of the Immigration and Nationality Act on August 28, 1997.

SEC. 2. EFFECT OF APPLICATION ON CERTAIN ORDERS.

An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily, from the United States through an order of removal issued under the Immigration and Nationality Act may, notwithstanding such order of removal, apply for adjustment of status under section 1. Such an alien shall

not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Attorney General approves the application, the Attorney General shall cancel the order of removal. If the Attorney General renders a final administrative decision to deny the application, the order of removal shall be effective and enforceable to the same extent as if the application had not been made.

SEC. 3. WORK AUTHORIZATION.

The Attorney General shall authorize an alien who has applied for adjustment of status under section 1 to engage in employment in the United States during the pendency of such application and shall provide the alien with an appropriate document signifying authorization of employment.

SEC. 4. ADJUSTMENT OF STATUS FOR CERTAIN FAMILY MEMBERS.

(a) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence if the alien—

(1) is the spouse, parent, or unmarried son or daughter of an alien whose status is adjusted under section 1;

(2) applies for adjustment under this section within 2 years after the date of enactment of this Act; and

(3) is determined to be admissible to the United States for permanent residence.

(b) CERTAIN GROUNDS FOR EXCLUSION INAPPLICABLE.—For purposes of determining admissibility under subsection (a)(3), the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and 7(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

SEC. 5. AVAILABILITY OF REVIEW.

(a) ADMINISTRATIVE REVIEW.—The Attorney General shall provide to aliens applying for adjustment of status under section 1 or 4 the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(b) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this Act is final and shall not be subject to review by any court.

SEC. 6. NO OFFSET IN NUMBER OF VISAS AVAILABLE.

The granting of adjustment of status under section 1 shall not reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

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