

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.

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## 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.

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. ADJUSTMENT OF STATUS FOR CERTAIN NA-**  
4 **TIONALS OF MONTSERRAT.**

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

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

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

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

10          (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
11          TUS.—An alien shall be eligible for adjustment of status  
12          under subsection (a) only if the alien—

13               (1) is a national of Montserrat; and

14               (2) was granted temporary protected status in  
15               the United States by the Attorney General pursuant  
16               to the designation of Montserrat under section  
17               244A(b)(1) of the Immigration and Nationality Act  
18               on August 28, 1997.

19          **SEC. 2. EFFECT OF APPLICATION ON CERTAIN ORDERS.**

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

1 not be required to file a separate motion to reopen, recon-  
2 sider, or vacate the order of removal. If the Attorney Gen-  
3 eral approves the application, the Attorney General shall  
4 cancel the order of removal. If the Attorney General ren-  
5 ders a final administrative decision to deny the applica-  
6 tion, the order of removal shall be effective and enforce-  
7 able to the same extent as if the application had not been  
8 made.

9 **SEC. 3. WORK AUTHORIZATION.**

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

16 **SEC. 4. ADJUSTMENT OF STATUS FOR CERTAIN FAMILY**  
17 **MEMBERS.**

18 (a) IN GENERAL.—The status of an alien shall be  
19 adjusted by the Attorney General to that of an alien law-  
20 fully admitted for permanent residence if the alien—

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

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

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

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

11       **SEC. 5. AVAILABILITY OF REVIEW.**

12          (a) ADMINISTRATIVE REVIEW.—The Attorney Gen-  
13          eral shall provide to aliens applying for adjustment of sta-  
14          tus under section 1 or 4 the same right to, and procedures  
15          for, administrative review as are provided to—

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

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

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

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

2       The granting of adjustment of status under section  
3 1 shall not reduce the number of immigrant visas author-  
4 ized to be issued under any provision of the Immigration  
5 and Nationality Act.

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