

107TH CONGRESS  
1ST SESSION

# H. R. 1806

To provide for the adjustment of status of certain nationals of Liberia  
to that of lawful permanent residence.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

Mr. KENNEDY of Rhode Island (for himself, Mr. FRANK, Mr. CUMMINGS, Ms. MCCOLLUM, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. McNULTY, Mr. RANGEL, Mr. DELAHUNT, Mr. BERMAN, Mr. MCGOVERN, Mr. HILLIARD, Mr. PAYNE, Mr. WYNN, Mr. LANTOS, Mr. CAPUANO, Mr. MEEKS of New York, Mr. LANGEVIN, and Mr. OWENS) introduced the following bill; which was 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 residence.

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 referred to as the “Liberian Refugee  
5 Immigration Fairness Act of 2001”.

6 **SEC. 2. ADJUSTMENT OF STATUS.**

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

1 (A) ELIGIBILITY.—The Attorney General  
2 shall adjust the status of an alien described in  
3 subsection (b) to that of an alien lawfully ad-  
4 mitted for permanent residence, if the alien—

5 (i) applies for adjustment before April  
6 1, 2003; and

7 (ii) is otherwise eligible to receive an  
8 immigrant visa and is otherwise admissible  
9 to the United States for permanent resi-  
10 dence, except that, in determining such ad-  
11 missibility, the grounds for inadmissibility  
12 specified in paragraphs (4), (5), (6)(A),  
13 and (7)(A) of section 212(a) of the Immi-  
14 gration and Nationality Act shall not  
15 apply.

16 (B) INELIGIBLE ALIENS.—An alien shall  
17 not be eligible for adjustment of status under  
18 this section if the Attorney General finds that  
19 the alien has been convicted of—

20 (i) any aggravated felony (as defined  
21 in section 101(a)(43) of the Immigration  
22 and Nationality Act (8 U.S.C.  
23 1101(a)(43)); or

24 (ii) two or more crimes involving  
25 moral turpitude.

1           (2) RELATIONSHIP OF APPLICATION TO CER-  
2 TAIN ORDERS.—An alien present in the United  
3 States who has been ordered excluded, deported, re-  
4 moved, or ordered to depart voluntarily from the  
5 United States under any provision of the Immigra-  
6 tion and Nationality Act may, notwithstanding such  
7 order, apply for adjustment of status under para-  
8 graph (1), if otherwise qualified under that para-  
9 graph. Such an alien may not be required, as a con-  
10 dition on submitting or granting such application, to  
11 file a separate motion to reopen, reconsider, or va-  
12 cate such order. If the Attorney General grants the  
13 application, the Attorney General shall cancel the  
14 order. If the Attorney General makes a final decision  
15 to deny the application, the order shall be effective  
16 and enforceable to the same extent as if the applica-  
17 tion had not been made.

18           (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
19 TUS.—

20           (1) IN GENERAL.—The benefits provided by  
21 subsection (a) shall apply to any alien—

22                   (A) who is—

23                           (i) a national of Liberia; and

24                           (ii) has been continuously present in  
25 the United States from January 1, 2001,

1 through the date of application under sub-  
2 section (a); or

3 (B) who is the spouse, child, or unmarried  
4 son or daughter of an alien described in sub-  
5 paragraph (A).

6 (2) DETERMINATION OF CONTINUOUS PHYS-  
7 ICAL PRESENCE.—For purposes of establishing the  
8 period of continuous physical presence referred to in  
9 paragraph (1), an alien shall not be considered to  
10 have failed to maintain continuous physical presence  
11 by reasons of an absence, or absences, from the  
12 United States for any period or periods amounting  
13 in the aggregate to not more than 180 days.

14 (c) STAY OF REMOVAL.—

15 (1) IN GENERAL.—The Attorney General shall  
16 provide by regulation for an alien who is subject to  
17 a final order of deportation or removal or exclusion  
18 to seek a stay of such order based on the filing of  
19 an application under subsection (a).

20 (2) DURING CERTAIN PROCEEDINGS.—Notwith-  
21 standing any provision of the Immigration and Na-  
22 tionality Act, the Attorney General shall not order  
23 an alien to be removed from the United States if  
24 the alien is in exclusion, deportation, or removal pro-  
25 ceedings under any provision of such Act and has

1 applied for adjustment of status under subsection  
2 (a), except where the Attorney General has made a  
3 final determination to deny the application.

4 (3) WORK AUTHORIZATION.—The Attorney  
5 General may authorize an alien who has applied for  
6 adjustment of status under subsection (a) to engage  
7 in employment in the United States during the  
8 pendency of such application and may provide the  
9 alien with an “employment authorized” endorsement  
10 or other appropriate document signifying authoriza-  
11 tion of employment, except that, if such application  
12 is pending for a period exceeding 180 days and has  
13 not been denied, the Attorney General shall author-  
14 ize such employment.

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

20 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
21 The Attorney General shall provide to applicants for ad-  
22 justment of status under subsection (a) the same right to,  
23 and procedures for, administrative review as are provided  
24 to—

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

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

6           (f) LIMITATION ON JUDICIAL REVIEW.—A deter-  
7           mination by the Attorney General as to whether the status  
8           of any alien should be adjusted under this section is final  
9           and shall not be subject to review by any court.

10          (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—  
11          Whenever an alien is granted the status of having been  
12          lawfully admitted for permanent residence pursuant to  
13          this section, the Secretary of State shall not be required  
14          to reduce the number of immigrant visas authorized to be  
15          issued under any provision of the Immigration and Na-  
16          tionality Act.

17          (h) APPLICATION OF IMMIGRATION AND NATION-  
18          ALITY ACT PROVISIONS.—Except as otherwise specifically  
19          provided in this Act, the definitions contained in the Immi-  
20          gration and Nationality Act shall apply in the administra-  
21          tion of this section. Nothing contained in the Act shall  
22          be held to repeal, amend, alter, modify, effect, or restrict  
23          the powers, duties, function, or authority of the Attorney  
24          General in the administration and enforcement of such  
25          Act or any other law relating to immigration, nationality,

1 or naturalization. The fact that an alien may be eligible  
2 to be granted the status of having been lawfully admitted  
3 for permanent residence under this section shall not pre-  
4 clude the alien from seeking such status under any other  
5 provision of law for which the alien may be eligible.

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