

110TH CONGRESS  
1ST SESSION

# H. R. 1941

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2007

Mr. KENNEDY (for himself, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LANGEVIN, Mr. LYNCH, and Mr. WALBERG) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To adjust the immigration status of certain Liberian nationals who were provided refuge 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Liberian Refugee Im-  
5 migration Protection Act of 2007”.

6 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN LIBERIAN**  
7 **NATIONALS.**

8 (a) ADJUSTMENT OF STATUS.—

1           (1) IN GENERAL.—Notwithstanding section  
2           245(c) of the Immigration and Nationality Act, the  
3           status of any alien described in subsection (b) shall  
4           be adjusted by the Secretary of Homeland Security  
5           to that of an alien lawfully admitted for permanent  
6           residence, if the alien—

7                   (A) applies for such adjustment before  
8                   April 1, 2009;

9                   (B) is otherwise eligible to receive an im-  
10                  migrant visa and is otherwise admissible to the  
11                  United States for permanent residence, except  
12                  in determining such admissibility the grounds  
13                  for inadmissibility specified in paragraphs (4),  
14                  (5), (6)(A), and (7)(A) of section 212(a) of the  
15                  Immigration and Nationality Act shall not  
16                  apply.

17           (2) RELATIONSHIP OF APPLICATION TO CER-  
18           TAIN ORDERS.—An alien present in the United  
19           States who has been ordered excluded, deported, re-  
20           moved, or ordered to depart voluntarily from the  
21           United States under any provision of the Immigra-  
22           tion and Nationality Act may, notwithstanding such  
23           order, apply for adjustment of status under para-  
24           graph (1). Such an alien may not be required, as a  
25           condition on submitting or granting such applica-

1       tion, to file a motion to reopen, reconsider, or vacate  
2       such order. If the Secretary of Homeland Security  
3       grants the application, the Secretary of Homeland  
4       Security shall cancel the order. If the Secretary of  
5       Homeland Security renders a final administrative  
6       decision to deny the application, the order shall be  
7       effective and enforceable to the same extent as if the  
8       application had not been made.

9       (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
10      TUS.—The benefits provided by subsection (a) shall apply  
11     to any alien who—

12             (1) is a national of Liberia; and

13             (2)(A) who was granted temporary protected  
14             status on or after March 27, 1991; or

15             (B) was eligible to apply for temporary pro-  
16             tected status on or after March 27, 1991.

17      (c) STAY OF REMOVAL.—

18             (1) IN GENERAL.—The Secretary of Homeland  
19             Security shall provide by regulation for an alien sub-  
20             ject to a final order of deportation or removal or ex-  
21             clusion to seek a stay of such order based on the fil-  
22             ing of an application under subsection (a).

23             (2) DURING CERTAIN PROCEEDINGS.—Notwith-  
24             standing any provision of the Immigration and Na-  
25             tionality Act, the Secretary of Homeland Security

1 shall not order any alien to be removed from the  
2 United States, if the alien is in exclusion, deporta-  
3 tion, or removal proceedings under any provision of  
4 such Act and raises as a defense to such an order  
5 the eligibility of the alien to apply for adjustment of  
6 status under subsection (a), except where the Sec-  
7 retary of Homeland Security has rendered a final  
8 administrative determination to deny the application.

9 (3) WORK AUTHORIZATION.—The Secretary of  
10 Homeland Security may authorize an alien who has  
11 applied for adjustment of status under subsection  
12 (a) to engage in employment in the United States  
13 during the pendency of such application and may  
14 provide the alien with an “employment authorized”  
15 endorsement or other appropriate document signi-  
16 fying authorization of employment, except that if  
17 such application is pending for a period exceeding  
18 180 days, and has not been denied, the Secretary of  
19 Homeland Security shall authorize such employment.

20 (d) ADJUSTMENT OF STATUS FOR SPOUSES AND  
21 CHILDREN.—

22 (1) IN GENERAL.—Notwithstanding section  
23 245(c) of the Immigration and Nationality Act, the  
24 status of an alien shall be adjusted by the Secretary

1 of Homeland Security to that of an alien lawfully  
2 admitted for permanent residence, if—

3 (A) the alien is a national of Liberia;

4 (B) the alien is the spouse, child, or un-  
5 married son or daughter, of an alien whose sta-  
6 tus is adjusted to that of an alien lawfully ad-  
7 mitted for permanent residence under sub-  
8 section (a), except that in the case of such an  
9 unmarried son or daughter, the son or daughter  
10 shall be required to establish that they have  
11 been physically present in the United States for  
12 at least 1 year and is physically present in the  
13 United States on the date the application for  
14 such adjustment is filed;

15 (C) the alien applies for such adjustment  
16 and is physically present in the United States  
17 on the date the application is filed; and

18 (D) the alien is otherwise eligible to receive  
19 an immigration visa and is otherwise admissible  
20 to the United States for permanent residence,  
21 except in determining such admissibility the  
22 grounds for exclusion specified in paragraphs  
23 (4), (5), (6)(A), and (7)(A) of section 212(a) of  
24 the Immigration and Nationality Act shall not  
25 apply.

1           (2) PROOF OF CONTINUOUS PRESENCE.—For  
2           purposes of establishing the period of continuous  
3           physical presence referred to in paragraph (1)(B),  
4           an alien shall not be considered to have failed to  
5           maintain continuous physical presence by reason of  
6           an absence, or absences, from the United States for  
7           any periods in aggregate not exceeding 180 days.

8           (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
9           The Secretary of Homeland Security shall provide to ap-  
10          plicants for adjustment of status under subsection (a) the  
11          same right to, and procedures for, administrative review  
12          as are provided to—

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

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

18          (f) LIMITATION ON JUDICIAL REVIEW.—A deter-  
19          mination by the Secretary of Homeland Security as to  
20          whether the status of any alien should be adjusted under  
21          this section is final and shall not be subject to review by  
22          any court.

23          (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—  
24          When an alien is granted the status of having been law-  
25          fully admitted for permanent residence pursuant to this

1 section, the Secretary of State shall not be required to re-  
2 duce the number of immigrant visas authorized to be  
3 issued under any provision of the Immigration and Na-  
4 tionality Act.

5 (h) APPLICATION OF IMMIGRATION AND NATION-  
6 ALITY ACT PROVISIONS.—Except as otherwise specifically  
7 provided in this Act, the definitions contained in the Immi-  
8 gration and Nationality Act shall apply in the administra-  
9 tion of this section. Nothing contained in this Act shall  
10 be held to repeal, amend, alter, modify, effect, or restrict  
11 the powers, duties, functions, or authority of the Secretary  
12 of Homeland Security in the administration and enforce-  
13 ment of such Act or any other law relating to immigration,  
14 nationality, or naturalization. The fact that an alien may  
15 be eligible to be granted the status of having been lawfully  
16 admitted for permanent residence under this section shall  
17 not preclude the alien from seeking such status under any  
18 other provision of law for which the alien may be eligible.

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