

118TH CONGRESS
1ST SESSION

H. R. 4048

To authorize the Secretary of Homeland Security to adjust the status of certain aliens who are nationals of Venezuela to that of aliens lawfully admitted for permanent residence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2023

Mr. SOTO (for himself, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, and Ms. SALAZAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Secretary of Homeland Security to adjust the status of certain aliens who are nationals of Venezuela to that of aliens lawfully admitted for permanent residence, and for other purposes.

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 “Venezuelan Adjust-
5 ment Act”.

6 **SEC. 2. VENEZUELAN REFUGEE IMMIGRATION FAIRNESS.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) IN GENERAL.—Except as otherwise specifi-
2 cally provided, any term used in this Act that is
3 used in the immigration laws shall have the meaning
4 given the term in the immigration laws.

5 (2) IMMIGRATION LAWS.—The term “immigra-
6 tion laws” has the meaning given the term in section
7 101(a)(17) of the Immigration and Nationality Act
8 (8 U.S.C. 1101(a)(17)).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 (b) ADJUSTMENT OF STATUS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (3), the Secretary shall adjust the status of
14 an alien described in subsection (c) to that of an
15 alien lawfully admitted for permanent residence if
16 the alien—

17 (A) applies for adjustment not later than
18 3 years after the date of the enactment of this
19 Act;

20 (B) is otherwise eligible to receive an im-
21 migrant visa; and

22 (C) subject to paragraph (2), is admissible
23 to the United States for permanent residence.

24 (2) APPLICABILITY OF GROUNDS OF INADMISS-
25 SIBILITY.—In determining the admissibility of an

1 alien under paragraph (1)(C), the grounds of inad-
2 missibility specified in paragraphs (4), (5), (6)(A),
3 and (7)(A) of section 212(a) of the Immigration and
4 Nationality Act (8 U.S.C. 1182(a)) shall not apply.

5 (3) EXCEPTIONS.—An alien shall not be eligible
6 for adjustment of status under this subsection if the
7 Secretary determines that the alien—

8 (A) has been convicted of any aggravated
9 felony;

10 (B) has been convicted of two or more
11 crimes involving moral turpitude (other than a
12 purely political offense); or

13 (C) has ordered, incited, assisted, or other-
14 wise participated in the persecution of any per-
15 son on account of race, religion, nationality,
16 membership in a particular social group, or po-
17 litical opinion.

18 (4) RELATIONSHIP OF APPLICATION TO CER-
19 TAIN ORDERS.—

20 (A) IN GENERAL.—An alien present in the
21 United States who has been subject to an order
22 of exclusion, deportation, removal, or voluntary
23 departure under any provision of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101 et
25 seq.) may, notwithstanding such order, submit

1 an application for adjustment of status under
2 this subsection if the alien is otherwise eligible
3 for adjustment of status under paragraph (1).

4 (B) SEPARATE MOTION NOT REQUIRED.—

5 An alien described in subparagraph (A) shall
6 not be required, as a condition of submitting or
7 granting an application under this subsection,
8 to file a separate motion to reopen, reconsider,
9 or vacate an order described in subparagraph
10 (A).

11 (C) EFFECT OF DECISION BY SEC-
12 RETARY.—

13 (i) GRANT.—If the Secretary adjusts
14 the status of an alien pursuant to an appli-
15 cation under this subsection, the Secretary
16 shall cancel any order described in sub-
17 paragraph (A) to which the alien has been
18 subject.

19 (ii) DENIAL.—If the Secretary makes
20 a final decision to deny such application,
21 any such order shall be effective and en-
22 forceable to the same extent that such
23 order would be effective and enforceable if
24 the application had not been made.

1 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
2 TUS.—

3 (1) IN GENERAL.—The benefits provided under
4 subsection (b) shall apply to any alien who—

5 (A)(i) is a national of Venezuela;

6 (ii) entered the United States before or on
7 December 31, 2021; and

8 (iii) has been continuously physically
9 present in the United States for not less than
10 1 year as of the date on which the alien submits
11 an application under such subsection (b); or

12 (B) is the spouse, child, or unmarried son
13 or daughter of an alien described in subpara-
14 graph (A).

15 (2) DETERMINATION OF CONTINUOUS PHYS-
16 ICAL PRESENCE.—For purposes of establishing the
17 period of continuous physical presence referred to in
18 paragraph (1)(A)(ii), an alien shall not be consid-
19 ered to have failed to maintain continuous physical
20 presence based on one or more absences from the
21 United States for one or more periods amounting, in
22 the aggregate, to not more than 180 days.

23 (d) STAY OF REMOVAL.—

24 (1) IN GENERAL.—The Secretary shall promul-
25 gate regulations establishing procedures by which an

1 alien who is subject to a final order of deportation,
2 removal, or exclusion, may seek a stay of such order
3 based on the filing of an application under sub-
4 section (b).

5 (2) DURING CERTAIN PROCEEDINGS.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), notwithstanding any provi-
8 sion of the Immigration and Nationality Act (8
9 U.S.C. 1101 et seq.), the Secretary may not
10 order an alien to be removed from the United
11 States if the alien—

12 (i) is in exclusion, deportation, or re-
13 moval proceedings under any provision of
14 such Act; and

15 (ii) has submitted an application for
16 adjustment of status under subsection (b).

17 (B) EXCEPTION.—The Secretary may
18 order an alien described in subparagraph (A) to
19 be removed from the United States if the Sec-
20 retary has made a final determination to deny
21 the application for adjustment of status under
22 subsection (b) of the alien.

23 (3) WORK AUTHORIZATION.—

24 (A) IN GENERAL.—The Secretary may—

1 (i) authorize an alien who has applied
2 for adjustment of status under subsection
3 (b) to engage in employment in the United
4 States during the period in which a deter-
5 mination on such application is pending;
6 and

7 (ii) provide such alien with an “em-
8 ployment authorized” endorsement or
9 other appropriate document signifying au-
10 thorization of employment.

11 (B) PENDING APPLICATIONS.—If an appli-
12 cation for adjustment of status under sub-
13 section (b) is pending for a period exceeding
14 180 days and has not been denied, the Sec-
15 retary shall authorize employment for the appli-
16 cable alien.

17 (e) RECORD OF PERMANENT RESIDENCE.—On the
18 approval of an application for adjustment of status under
19 subsection (b) of an alien, the Secretary shall establish
20 a record of admission for permanent residence for the
21 alien as of the date of the arrival of the alien in the United
22 States.

23 (f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
24 The Secretary shall provide applicants for adjustment of

1 status under subsection (b) with the same right to, and
2 procedures for, administrative review as are provided to—

3 (1) applicants for adjustment of status under
4 section 245 of the Immigration and Nationality Act
5 (8 U.S.C. 1255); and

6 (2) aliens subject to removal proceedings under
7 section 240 of such Act (8 U.S.C. 1229a).

8 (g) LIMITATION ON JUDICIAL REVIEW.—

9 (1) IN GENERAL.—A determination by the Sec-
10 retary with respect to the adjustment of status of
11 any alien under this section is final and shall not be
12 subject to review by any court.

13 (2) RULE OF CONSTRUCTION.—Nothing in
14 paragraph (1) shall be construed to preclude the re-
15 view of a constitutional claim or a question of law
16 under section 704 of title 5, United States Code,
17 with respect to a denial of adjustment of status
18 under this section.

19 (h) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
20 The Secretary of State shall not be required to reduce the
21 number of immigrant visas authorized to be issued under
22 any provision of the Immigration and Nationality Act (8
23 U.S.C. 1101 et seq.) to offset the adjustment of status
24 of an alien who has been lawfully admitted for permanent
25 residence pursuant to this section.

1 (i) APPLICATION OF IMMIGRATION AND NATION-
2 ALITY ACT PROVISIONS.—

3 (1) SAVINGS PROVISION.—Nothing in this Act
4 may be construed to repeal, amend, alter, modify, ef-
5 fect, or restrict the powers, duties, function, or au-
6 thority of the Secretary in the administration and
7 enforcement of the Immigration and Nationality Act
8 (8 U.S.C. 1101 et seq.) or any other law relating to
9 immigration, nationality, or naturalization.

10 (2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
11 OF STATUS.—The eligibility of an alien to be law-
12 fully admitted for permanent residence under this
13 section shall not preclude the alien from seeking any
14 status under any other provision of law for which
15 the alien may otherwise be eligible.

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