

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the end, add the following:

2 **SEC. 7. LIBERIAN REFUGEE IMMIGRATION FAIRNESS.**

3 (a) DEFINITIONS.—In this section:

4 (1) IN GENERAL.—Except as otherwise specifically
5 cally provided, any term used in this section that is
6 used in the immigration laws shall have the meaning
7 given the term in the immigration laws.

1 (2) IMMIGRATION LAWS.—The term “immigra-
2 tion laws” has the meaning given the term in section
3 101(a)(17) of the Immigration and Nationality Act
4 (8 U.S.C. 1101(a)(17)).

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

7 (b) ADJUSTMENT OF STATUS.—

8 (1) ADJUSTMENT OF STATUS.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (C), the Secretary shall adjust
11 the status of an alien described in paragraph
12 (2) to that of an alien lawfully admitted for
13 permanent residence if the alien—

14 (i) applies for adjustment not later
15 than 1 year after the date of the enact-
16 ment of this Act;

17 (ii) is otherwise eligible to receive an
18 immigrant visa; and

19 (iii) subject to subparagraph (B), is
20 admissible to the United States for perma-
21 nent residence.

22 (B) APPLICABILITY OF GROUNDS OF INAD-
23 MISSIBILITY.—In determining the admissibility
24 of an alien under subparagraph (A)(iii), the
25 grounds of inadmissibility specified in para-

1 graphs (4), (5), (6)(A), and (7)(A) of section
2 212(a) of the Immigration and Nationality Act
3 (8 U.S.C. 1182(a)) shall not apply.

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

8 (i) has been convicted of any aggra-
9 vated felony;

10 (ii) has been convicted of 2 or more
11 crimes involving moral turpitude; or

12 (iii) has ordered, incited, assisted, or
13 otherwise participated in the persecution of
14 any person on account of race, religion, na-
15 tionality, membership in a particular social
16 group, or political opinion.

17 (D) RELATIONSHIP OF APPLICATION TO
18 CERTAIN ORDERS.—

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

1 justment of status under this subsection
2 paragraph if the alien is otherwise eligible
3 for adjustment of status under subpara-
4 graph (A).

5 (ii) SEPARATE MOTION NOT RE-
6 QUIRED.—An alien described in clause (i)
7 shall not be required, as a condition of
8 submitting or granting an application
9 under this paragraph, to file a separate
10 motion to reopen, reconsider, or vacate an
11 order described in clause (i).

12 (iii) EFFECT OF DECISION BY SEC-
13 RETARY.—

14 (I) GRANT.—If the Secretary ad-
15 justs the status of an alien pursuant
16 to an application under this para-
17 graph, the Secretary shall cancel any
18 order described in clause (i) to which
19 the alien has been subject.

20 (II) DENIAL.—If the Secretary
21 makes a final decision to deny such
22 application, any such order shall be
23 effective and enforceable to the same
24 extent that such order would be effec-

1 tive and enforceable if the application
2 had not been made.

3 (2) ALIENS ELIGIBLE FOR ADJUSTMENT OF
4 STATUS.—

5 (A) IN GENERAL.—The benefits provided
6 under paragraph (1) shall apply to any alien
7 who—

8 (i)(I) is a national of Liberia; and

9 (ii) has been continuously present in
10 the United States during the period begin-
11 ning on November 20, 2014, and ending
12 on the date on which the alien submits an
13 application under paragraph (1); or

14 (ii) is the spouse, child, or unmarried
15 son or daughter of an alien described in
16 clause (i).

17 (B) DETERMINATION OF CONTINUOUS
18 PHYSICAL PRESENCE.—For purposes of estab-
19 lishing the period of continuous physical pres-
20 ence referred to in subparagraph (A)(i)(II), an
21 alien shall not be considered to have failed to
22 maintain continuous physical presence based on
23 1 or more absences from the United States for
24 1 or more periods amounting, in the aggregate,
25 to not more than 180 days.

1 (3) STAY OF REMOVAL.—

2 (A) IN GENERAL.—The Secretary shall
3 promulgate regulations establishing procedures
4 by which an alien who is subject to a final order
5 of deportation, removal, or exclusion, may seek
6 a stay of such order based on the filing of an
7 application under paragraph (1).

8 (B) DURING CERTAIN PROCEEDINGS.—

9 (i) IN GENERAL.—Except as provided
10 clause (ii), notwithstanding any provision
11 of the Immigration and Nationality Act (8
12 U.S.C. 1101 et seq.), the Secretary may
13 not order an alien to be removed from the
14 United States if the alien—

15 (I) is in exclusion, deportation, or
16 removal proceedings under any provi-
17 sion of such Act; and

18 (II) has submitted an application
19 for adjustment of status under para-
20 graph (1).

21 (ii) EXCEPTION.—The Secretary may
22 order an alien described in clause (i) to be
23 removed from the United States if the Sec-
24 retary has made a final determination to

1 deny the application for adjustment of sta-
2 tus under paragraph (1) of the alien.

3 (C) WORK AUTHORIZATION.—

4 (i) IN GENERAL.—The Secretary
5 may—

6 (I) authorize an alien who has
7 applied for adjustment of status under
8 paragraph (1) to engage in employ-
9 ment in the United States during the
10 period in which a determination on
11 such application is pending; and

12 (II) provide such alien with an
13 “employment authorized” endorse-
14 ment or other appropriate document
15 signifying authorization of employ-
16 ment.

17 (ii) PENDING APPLICATIONS.—If an
18 application for adjustment of status under
19 paragraph (1) is pending for a period ex-
20 ceeding 180 days and has not been denied,
21 the Secretary shall authorize employment
22 for the applicable alien.

23 (4) RECORD OF PERMANENT RESIDENCE.—On
24 the approval of an application for adjustment of sta-
25 tus under paragraph (1) of an alien, the Secretary

1 shall establish a record of admission for permanent
2 residence for the alien as of the date of the arrival
3 of the alien in the United States.

4 (5) AVAILABILITY OF ADMINISTRATIVE RE-
5 VIEW.—The Secretary shall provide applicants for
6 adjustment of status under paragraph (1) with the
7 same right to, and procedures for, administrative re-
8 view as are provided to—

9 (A) applicants for adjustment of status
10 under section 245 of the Immigration and Na-
11 tionality Act (8 U.S.C. 1255); and

12 (B) aliens subject to removal proceedings
13 under section 240 of such Act (8 U.S.C.
14 1229a).

15 (C) LIMITATION ON JUDICIAL REVIEW.—A
16 determination by the Secretary with respect to
17 the adjustment of status of any alien under this
18 subsection is final and shall not be subject to
19 review by any court.

20 (6) NO OFFSET IN NUMBER OF VISAS AVAIL-
21 ABLE.—The Secretary of State shall not be required
22 to reduce the number of immigrant visas authorized
23 to be issued under any provision of the Immigration
24 and Nationality Act (8 U.S.C. 1101 et seq.) to offset
25 the adjustment of status of an alien who has been

1 lawfully admitted for permanent residence pursuant
2 to this subsection.

3 (7) APPLICATION OF IMMIGRATION AND NA-
4 TIONALITY ACT PROVISIONS.—

5 (A) SAVINGS PROVISION.—Nothing in this
6 section may be construed to repeal, amend,
7 alter, modify, effect, or restrict the powers, du-
8 ties, function, or authority of the Secretary in
9 the administration and enforcement of the Im-
10 migration and Nationality Act (8 U.S.C. 1101
11 et seq.) or any other law relating to immigra-
12 tion, nationality, or naturalization.

13 (B) EFFECT OF ELIGIBILITY FOR ADJUST-
14 MENT OF STATUS.—The eligibility of an alien to
15 be lawfully admitted for permanent residence
16 under this subsection shall not preclude the
17 alien from seeking any status under any other
18 provision of law for which the alien may other-
19 wise be eligible.