

115TH CONGRESS
2D SESSION

H. R. 5072

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2018

Mr. ELLISON (for himself, Mr. MCGOVERN, Mr. PAYNE, Ms. MOORE, Ms. LEE, and Mr. LANGEVIN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents 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 “Liberian Refugee Im-
5 migration Fairness Act of 2018”.

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

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

1 (A) ELIGIBILITY.—Except as provided in
2 subparagraph (B), the Secretary of Homeland
3 Security shall adjust the status of an alien de-
4 scribed in subsection (b) to that of an alien law-
5 fully admitted for permanent residence if the
6 alien—

7 (i) applies for adjustment not later
8 than 1 year after the date of the enact-
9 ment of this Act; and

10 (ii) is otherwise eligible to receive an
11 immigrant visa and admissible to the
12 United States for permanent residence, ex-
13 cept that, in determining such admissi-
14 bility, the grounds for inadmissibility speci-
15 fied in paragraphs (4), (5), (6)(A), and
16 (7)(A) of section 212(a) of the Immigra-
17 tion and Nationality Act (8 U.S.C.
18 1182(a)) shall not apply.

19 (B) INELIGIBLE ALIENS.—An alien shall
20 not be eligible for adjustment of status under
21 this section if the Secretary of Homeland Secu-
22 rity determines that the alien—

23 (i) has been convicted of any aggra-
24 vated felony (as defined in section

1 101(a)(43) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(43));

3 (ii) has been convicted of two or more
4 crimes involving moral turpitude; or

5 (iii) has ordered, incited, assisted, or
6 otherwise participated in the persecution of
7 any person on account of race, religion, na-
8 tionality, membership in a particular social
9 group, or political opinion.

10 (2) RELATIONSHIP OF APPLICATION TO CER-
11 TAIN ORDERS.—

12 (A) IN GENERAL.—An alien present in the
13 United States who has been subject to an order
14 of exclusion, deportation, or removal, or has
15 been ordered to depart voluntarily from the
16 United States under any provision of the Immi-
17 gration and Nationality Act (8 U.S.C. 1101 et
18 seq.) may, notwithstanding such order, apply
19 for adjustment of status under paragraph (1) if
20 otherwise qualified under such paragraph.

21 (B) SEPARATE MOTION NOT REQUIRED.—
22 An alien described in subparagraph (A) may
23 not be required, as a condition of submitting or
24 granting such application, to file a separate mo-

1 tion to reopen, reconsider, or vacate the order
2 described in subparagraph (A).

3 (C) EFFECT OF DECISION BY SEC-
4 RETARY.—If the Secretary of Homeland Secu-
5 rity adjusts the status of an alien pursuant to
6 an application under paragraph (1), the Sec-
7 retary shall cancel the order described in sub-
8 paragraph (A). If the Secretary of Homeland
9 Security makes a final decision to deny such
10 adjustment of status, the order shall be effec-
11 tive and enforceable to the same extent as if the
12 application had not been made.

13 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
14 TUS.—

15 (1) IN GENERAL.—The benefits provided under
16 subsection (a) shall apply to any alien—

17 (A) who is—

18 (i) a national of Liberia; and

19 (ii) has been continuously present in
20 the United States between November 20,
21 2014, and the date on which the alien sub-
22 mits an application under subsection (a);

23 or

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

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

12 (c) STAY OF REMOVAL.—

13 (1) IN GENERAL.—The Secretary of Homeland
14 Security shall promulgate regulations establishing
15 procedures through which an alien, who is subject to
16 a final order of deportation, removal, or exclusion,
17 may seek a stay of such order based upon the filing
18 of an application under subsection (a).

19 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
20 standing any provision in the Immigration and Na-
21 tionality Act (8 U.S.C. 1101 et seq.), the Secretary
22 of Homeland Security may not order an alien to be
23 removed from the United States if the alien is in ex-
24 clusion, deportation, or removal proceedings under
25 any provision of such Act and has applied for ad-

1 justment of status under subsection (a) unless the
2 Secretary has made a final determination to deny
3 the application.

4 (3) WORK AUTHORIZATION.—

5 (A) IN GENERAL.—The Secretary of
6 Homeland Security may—

7 (i) authorize an alien who has applied
8 for adjustment of status under subsection
9 (a) to engage in employment in the United
10 States while a determination regarding
11 such application is pending; and

12 (ii) provide the alien with an “employ-
13 ment authorized” endorsement or other ap-
14 propriate document signifying authoriza-
15 tion of employment.

16 (B) PENDING APPLICATIONS.—If an appli-
17 cation for adjustment of status under sub-
18 section (a) is pending for a period exceeding
19 180 days and has not been denied, the Sec-
20 retary shall authorize such employment.

21 (d) RECORD OF PERMANENT RESIDENCE.—Upon the
22 approval of an alien’s application for adjustment of status
23 under subsection (a), the Secretary of Homeland Security
24 shall establish a record of the alien’s admission for perma-

1 nent residence as of the date of the alien's arrival in the
2 United States.

3 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

4 The Secretary of Homeland Security shall provide appli-
5 cants for adjustment of status under subsection (a) with
6 the same right to, and procedures for, administrative re-
7 view as are provided to—

8 (1) applicants for adjustment of status under
9 section 245 of the Immigration and Nationality Act
10 (8 U.S.C. 1255); and

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

13 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
14 mination by the Secretary of Homeland Security regarding
15 the adjustment of status of any alien under this section
16 is final and shall not be subject to review by any court.

17 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

18 The Secretary of State shall not be required to reduce the
19 number of immigrant visas authorized to be issued under
20 any provision of the Immigration and Nationality Act (8
21 U.S.C. 1101 et seq.) to offset the adjustment of status
22 of an alien who has been lawfully admitted for permanent
23 residence pursuant to this section.

24 (h) APPLICATION OF IMMIGRATION AND NATION-
25 ALITY ACT PROVISIONS.—

1 (1) DEFINITIONS.—Except as otherwise specifi-
2 cally provided in this Act, the definitions contained
3 in the Immigration and Nationality Act (8 U.S.C.
4 1101 et seq.) shall apply in this section.

5 (2) SAVINGS PROVISION.—Nothing in this Act
6 may be construed to repeal, amend, alter, modify, ef-
7 fect, or restrict the powers, duties, function, or au-
8 thority of the Secretary of Homeland Security in the
9 administration and enforcement of the Immigration
10 and Nationality Act or any other law relating to im-
11 migration, nationality, or naturalization.

12 (3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
13 OF STATUS.—An alien’s eligibility to be lawfully ad-
14 mitted for permanent residence under this section
15 shall not preclude the alien from seeking any status
16 under any other provision of law for which the alien
17 may otherwise be eligible.

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