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**Bill 9 of 258**

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**Liberian Refugee Immigration Protection Act of 2007 (Introduced in House)**

HR 1941 IH

110th CONGRESS

1st Session

**H. R. 1941**

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

**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

## A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the `Liberian Refugee **Immigration** Protection Act of 2007'.

### SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN LIBERIAN NATIONALS.

#### (a) Adjustment of Status-

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

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

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6) (A), and (7)(A) of section 212(a) of the **Immigration** and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the **Immigration** and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Secretary of Homeland Security grants the application, the Secretary of Homeland Security shall cancel the order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) Aliens Eligible for Adjustment of Status- The benefits provided by subsection (a) shall apply

to any alien who--

(1) is a national of Liberia; and

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

(B) was eligible to apply for temporary protected status on or after March 27, 1991.

(c) Stay of Removal-

(1) IN GENERAL- The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the **Immigration** and Nationality Act, the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Secretary of Homeland Security has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION- The Secretary of Homeland Security may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) Adjustment of Status for Spouses and Children-

(1) IN GENERAL- Notwithstanding section 245(c) of the **Immigration** and Nationality Act, the status of an alien shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if--

(A) the alien is a national of Liberia;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically

present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

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

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

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

(e) **Availability of Administrative Review**- The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

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

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

(f) **Limitation on Judicial Review**- A determination by the Secretary of Homeland Security as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) **No Offset in Number of Visas Available**- When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the **Immigration** and Nationality Act.

(h) **Application of **Immigration** and Nationality Act Provisions**- Except as otherwise specifically provided in this Act, the definitions contained in the **Immigration** and Nationality Act shall apply in the administration of this section. Nothing contained in this Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Secretary of Homeland Security in the administration and enforcement of such Act or any other law relating to **immigration**, nationality, or naturalization. The fact that an alien may be eligible to be granted

the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

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**Liberian Refugee Immigration Fairness Act of 2007 (Introduced in Senate)**

S 656 IS

110th CONGRESS

1st Session

**S. 656**

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

**IN THE SENATE OF THE UNITED STATES**

**February 16, 2007**

Mr. REED introduced the following bill; which was read twice and 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the `Liberian Refugee **Immigration**Fairness Act of 2007'.

## **SEC. 2. ADJUSTMENT OF STATUS.**

(a) Adjustment of Status-

(1) IN GENERAL-

(A) ELIGIBILITY- The Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien--

(i) applies for adjustment before April 1, 2009; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the **Immigration** and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS- An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien has been convicted of--

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

(ii) 2 or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS-

(A) IN GENERAL- An alien present in the United States who has been ordered

excluded, deported, removed, or to depart voluntarily from the United States under any provision of the **Immigration** and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under that paragraph.

(B) SEPARATE MOTION NOT REQUIRED- An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY- If the Secretary of Homeland Security grants an application under paragraph (1), the Secretary shall cancel the order. If the Secretary of Homeland Security makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) Aliens Eligible for Adjustment of Status-

(1) IN GENERAL- The benefits provided under subsection (a) shall apply to any alien--

(A) who is--

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 2007, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

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

(c) Stay of Removal-

(1) IN GENERAL- The Secretary of Homeland Security shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision in the **Immigration** and Nationality Act, the Secretary of Homeland Security shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION-

(A) IN GENERAL- The Secretary of Homeland Security may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an `employment authorized' endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS- If an application under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) Record of Permanent Residence- Upon approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) Availability of Administrative Review- The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

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

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

(f) Limitation on Judicial Review- A determination by the Secretary of Homeland Security as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) No Offset in Number of Visas Available- If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the **Immigration** and Nationality Act.

(h) Application of **Immigration** and Nationality Act Provisions-

(1) DEFINITIONS- Except as otherwise specifically provided in this Act, the definitions contained in the **Immigration** and Nationality Act shall apply in this section.

(2) SAVINGS PROVISION- Nothing in this Act shall be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the **Immigration** and Nationality Act or any other law relating to **immigration**, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS- Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

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