

112TH CONGRESS
1ST SESSION

S. 656

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

MARCH 28, 2011

Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. MIKULSKI, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CARDIN) introduced the following bill; which was read twice and 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.

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 2011”.

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

7 (a) ADJUSTMENT OF STATUS.—

8 (1) IN GENERAL.—

1 (A) ELIGIBILITY.—Except as provided
2 under subparagraph (B), the Secretary of
3 Homeland Security shall adjust the status of an
4 alien described in subsection (b) to that of an
5 alien lawfully admitted for permanent residence
6 if the 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 2 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 may, notwith-
18 standing such order, apply for adjustment of
19 status under paragraph (1) if otherwise quali-
20 fied 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 January 1,
21 2011, 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 establish procedures, by regulation,
15 through which an alien, who is subject to a final
16 order of deportation, removal, or exclusion, may seek
17 a stay of such order based upon the filing of an ap-
18 plication 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 of Homeland Security has made a final
3 determination to deny 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 of Homeland Security shall authorize
21 such employment.

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

1 nent record 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 to ap-
5 plicants for adjustment of status under subsection (a) the
6 same right to, and procedures for, administrative review
7 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 If an alien is granted the status of having been lawfully
19 admitted for permanent residence pursuant to this section,
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.).

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.—Eligibility to be granted the status of
14 having been lawfully admitted for permanent resi-
15 dence under this section shall not preclude an alien
16 from seeking any status under any other provision
17 of law for which the alien may otherwise be eligible.

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