

# RESOLUTION OF THE CITY COUNCIL

No. 239

*Approved* April 23, 1999

*WHEREAS, There is pending legislation before the United States Congress relative to the Liberian Refugee Immigration Protection Act of 1999, and*

*WHEREAS, These legislative bills, HR 919 United States House, and S 656 United States Senate, will adjust the immigration status of all Liberian Nationals on Temporary Protected Status to that of a permanent resident status, and*

*WHEREAS, Liberians were granted Temporary Protected Status due to the bloody and senseless civil war situation in their country, and*

*WHEREAS, Individuals with Temporary Protected Status have lived, paid taxes, bought homes and have had children who are American Citizens and have contributed to the safety and welfare of their community, and*

*WHEREAS, Effective September 29, 1999, Temporary Protected Status will expire, and unfortunately, all Liberians in Temporary Protected Status might face deportation to a place where many still consider unsafe and unstable.*

*NOW, THEREFORE, BE IT RESOLVED, That the Mayor and the Providence City Council do hereby support the pending legislation before the United States Congress relative to the Liberian Refugee Immigration Protection Act of 1999.*

*Councilman*  
*Walter*

IN CITY COUNCIL  
APR 15 1999  
READ AND PASSED  
*[Signature]*  
PRES.  
*Richard R. Clement*  
CLERK

APPROVED  
APR 23 1999  
*[Signature]*  
MAYOR

)

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**To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence. (Introduced in the Senate)**

S 656 IS

106th 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**

**March 18, 1999**

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 referred to as the 'Liberian Refugee Immigration Fairness Act of 1999'.

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

**(a) ADJUSTMENT OF STATUS-**

**(1) IN GENERAL-**

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

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 Attorney General has made a final determination to deny the application.

(3) **WORK AUTHORIZATION**- The Attorney General 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 Attorney General shall authorize such employment.

(d) **RECORD OF PERMANENT RESIDENCE**- Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General 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 Attorney General 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 Attorney General 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**- Whenever 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 the Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General 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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alien--

(i) applies for adjustment before April 1, 2001; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise 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 shall not apply.

(B) INELIGIBLE ALIENS- An alien shall not be eligible for adjustment of status under this section if the Attorney General finds 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) two or more crimes involving moral turpitude.

(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), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General 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 by 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, 1999, 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 Attorney General 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 of the Immigration and Nationality Act, the Attorney General shall not order an alien to be

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## **Liberian Refugee Immigration Protection Act of 1999 (Introduced in the House)**

HR 919 IH

106th CONGRESS

1st Session

**H. R. 919**

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

### **IN THE HOUSE OF REPRESENTATIVES**

**March 2, 1999**

Mr. KENNEDY of Rhode Island 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 1999'.

### **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 Attorney General to that of an alien lawfully admitted for permanent residence, if the alien--

(A) applies for such adjustment before April 1, 2001; and

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 Attorney General 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 Attorney General 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 Attorney General 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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(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 Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General 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 Attorney General 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 Attorney General 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 Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General 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 Attorney General 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 Attorney

General 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