

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. MCGARVEY OF KENTUCKY

Add at the end of subtitle C of title XVII the following:

1 **SEC. 17___. ADJUSTMENT OF STATUS.**

2 (a) ADJUSTMENT OF STATUS.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (3), the Secretary shall adjust the status of
5 an alien described in subsection (b) to that of an
6 alien lawfully admitted for permanent residence if
7 the alien—

8 (A) applies for adjustment not later than
9 1 year after the date of the enactment of this
10 Act;

11 (B) is otherwise eligible to receive an im-
12 migrant visa; and

13 (C) subject to paragraph (2), is admissible
14 to the United States for permanent residence.

15 (2) APPLICABILITY OF GROUNDS OF INADMISS-
16 SIBILITY.—In determining the admissibility of an
17 alien under paragraph (1)(C), the grounds of inad-
18 missibility specified in paragraphs (4), (5), (6)(A),

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

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

6 (A) has been convicted of any aggravated
7 felony;

8 (B) has been convicted of 2 or more crimes
9 involving moral turpitude; or

10 (C) has ordered, incited, assisted, or other-
11 wise participated in the persecution of any per-
12 son on account of race, religion, nationality,
13 membership in a particular social group, or po-
14 litical opinion.

15 (4) RELATIONSHIP OF APPLICATION TO CER-
16 TAIN ORDERS.—

17 (A) IN GENERAL.—An alien present in the
18 United States who has been subject to an order
19 of exclusion, deportation, removal, or voluntary
20 departure under any provision of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1101 et
22 seq.) may, notwithstanding such order, submit
23 an application for adjustment of status under
24 this subsection if the alien is otherwise eligible
25 for adjustment of status under paragraph (1).

1 (B) SEPARATE MOTION NOT REQUIRED.—
2 An alien described in subparagraph (A) shall
3 not be required, as a condition of submitting or
4 granting an application under this subsection,
5 to file a separate motion to reopen, reconsider,
6 or vacate an order described in subparagraph
7 (A).

8 (C) EFFECT OF DECISION BY SEC-
9 RETARY.—

10 (i) GRANT.—If the Secretary adjusts
11 the status of an alien pursuant to an appli-
12 cation under this subsection, the Secretary
13 shall cancel any order described in sub-
14 paragraph (A) to which the alien has been
15 subject.

16 (ii) DENIAL.—If the Secretary makes
17 a final decision to deny such application,
18 any such order shall be effective and en-
19 forceable to the same extent that such
20 order would be effective and enforceable if
21 the application had not been made.

22 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
23 TUS.—

24 (1) IN GENERAL.—The benefits provided under
25 subsection (a) shall apply to any alien who—

1 (A)(i) is a national of Syria;

2 (ii) is eligible for Temporary Pro-
3 tected Status under section 244 of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1254a);

6 (iii) has had an application for such
7 status approved during the period begin-
8 ning on January 1, 2012 and ending on
9 May 1, 2024; and

10 (iv) has been continuously present in
11 the United States during the period begin-
12 ning on March 01, 2018, and ending on
13 the date on which the alien submits an ap-
14 plication under subsection (a); or

15 (B) is the spouse, child, or unmarried son
16 or daughter of an alien described in subpara-
17 graph (A).

18 (2) DETERMINATION OF CONTINUOUS PHYS-
19 ICAL PRESENCE.—For purposes of establishing the
20 period of continuous physical presence referred to in
21 paragraph (1)(A)(ii), an alien shall not be consid-
22 ered to have failed to maintain continuous physical
23 presence based on 1 or more absences from the
24 United States for 1 or more periods amounting, in
25 the aggregate, to not more than 180 days.

1 (c) STAY OF REMOVAL.—

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

8 (2) DURING CERTAIN PROCEEDINGS.—

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

15 (i) is in exclusion, deportation, or re-
16 moval proceedings under any provision of
17 such Act; and

18 (ii) has submitted an application for
19 adjustment of status under subsection (a).

20 (B) EXCEPTION.—The Secretary may
21 order an alien described in subparagraph (A) to
22 be removed from the United States if the Sec-
23 retary has made a final determination to deny
24 the application for adjustment of status under
25 subsection (a) of the alien.

1 (3) WORK AUTHORIZATION.—

2 (A) IN GENERAL.—The Secretary may—

3 (i) authorize an alien who has applied
4 for adjustment of status under subsection
5 (a) to engage in employment in the United
6 States during the period in which a deter-
7 mination on such application is pending;
8 and

9 (ii) provide such alien with an “em-
10 ployment authorized” endorsement or
11 other appropriate document signifying au-
12 thorization of employment.

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

19 (d) RECORD OF PERMANENT RESIDENCE.—On the
20 approval of an application for adjustment of status under
21 subsection (a) of an alien, the Secretary shall establish a
22 record of admission for permanent residence for the alien
23 as of the date of the arrival of the alien in the United
24 States.

1 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

2 The Secretary shall provide applicants for adjustment of
3 status under subsection (a) with the same right to, and
4 procedures for, administrative review as are provided to—

5 (1) applicants for adjustment of status under
6 section 245 of the Immigration and Nationality Act
7 (8 U.S.C. 1255); and

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

10 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
11 mination by the Secretary with respect to the adjustment
12 of status of any alien under this section is final and shall
13 not be subject to review by any court.

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

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

21 (h) APPLICATION OF IMMIGRATION AND NATION-
22 ALITY ACT PROVISIONS.—

23 (1) SAVINGS PROVISION.—Nothing in this sec-
24 tion may be construed to repeal, amend, alter, mod-
25 ify, effect, or restrict the powers, duties, function, or

1 authority of the Secretary in the administration and
2 enforcement of the Immigration and Nationality Act
3 (8 U.S.C. 1101 et seq.) or any other law relating to
4 immigration, nationality, or naturalization.

5 (2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
6 OF STATUS.—The eligibility of an alien to be law-
7 fully admitted for permanent residence under this
8 section shall not preclude the alien from seeking any
9 status under any other provision of law for which
10 the alien may otherwise be eligible.

11 (i) DEFINITIONS.—In this section:

12 (1) IN GENERAL.—Except as otherwise specifi-
13 cally provided, any term used in this section that is
14 used in the immigration laws shall have the meaning
15 given the term in the immigration laws.

16 (2) SECRETARY.—The term “Secretary” means
17 the Secretary of Homeland Security.

18 (3) IMMIGRATION LAWS.—The term “immigra-
19 tion laws” has the meaning given the term in section
20 101(a)(17) of the Immigration and Nationality Act
21 (8 U.S.C. 1101(a)(17)).

