AMENDMENT TO RULES COMMITTEE PRINT 118-10

OFFERED BY MR. SOTO OF FLORIDA

Page 1195. after line 24, insert the following:

SEC. 35. VENEZUELAN REFUGEE IMMIGRATION FAIRNESS.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(2) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall adjust the status of an alien described in subsection (c) to that of an alien lawfully admitted for permanent residence if the alien—
(A) applies for adjustment not later than 1 year after the date of the enactment of this Act;

(B) is otherwise eligible to receive an immigrant visa; and

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

(2) APPLICABILITY OF GROUNDS OF INADMISSIBILITY.—In determining the admissibility of an alien under paragraph (1)(C), the grounds of 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.

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

(A) has been convicted of any aggravated felony;

(B) has been convicted of two or more crimes involving moral turpitude (other than a purely political offense); or

(C) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality,
membership in a particular social group, or po-

citical opinion.

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

(A) IN GENERAL.—An alien present in the

United States who has been subject to an order

of exclusion, deportation, removal, or voluntary

departure under any provision of the Immigra-

tion and Nationality Act (8 U.S.C. 1101 et

seq.) may, notwithstanding such order, submit

an application for adjustment of status under

this subsection if the alien is otherwise eligible

for adjustment of status under paragraph (1).

(B) SEPARATE MOTION NOT REQUIRED.—

An alien described in subparagraph (A) shall

not be required, as a condition of submitting or

granting an application under this subsection,

to file a separate motion to reopen, reconsider,
or vacate an order described in subparagraph

(A).

(C) EFFECT OF DECISION BY SEC-

RETARY.—

(i) GRANT.—If the Secretary adjusts

the status of an alien pursuant to an appli-
cation under this subsection, the Secretary
shall cancel any order described in sub-
paragraph (A) to which the alien has been
subject.

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

(c) Aliens Eligible for Adjustment of Sta-
tus.—

(1) In general.—The benefits provided under
subsection (b) shall apply to any alien who—

(A)(i) is a national of Venezuela;

(ii) entered the United States before
or on December 31, 2021; and

(iii) has been continuously physically
present in the United States for not less
than 1 year as of the date on which the
alien submits an application under such
subsection (b); or

(B) is the spouse, child, or unmarried son
or daughter of an alien described in subpara-
graph (A).
(2) Determination of continuous physical presence.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence based on one or more absences from the United States for one or more periods amounting, in the aggregate, to not more than 180 days.

(d) Stay of removal.—

(1) In general.—The Secretary shall promulgate regulations establishing procedures by which an alien who is subject to a final order of deportation, removal, or exclusion, may seek a stay of such order based on the filing of an application under subsection (b).

(2) During certain proceedings.—

(A) In general.—Except as provided in subparagraph (B), notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may not order an alien to be removed from the United States if the alien—

(i) is in exclusion, deportation, or removal proceedings under any provision of such section; and
(ii) has submitted an application for adjustment of status under subsection (b).

(B) EXCEPTION.—The Secretary may order an alien described in subparagraph (A) to be removed from the United States if the Secretary has made a final determination to deny the application for adjustment of status under subsection (b) of the alien.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary may—

(i) authorize an alien who has applied for adjustment of status under subsection (b) to engage in employment in the United States during the period in which a determination on such application is pending; and

(ii) provide such alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (b) is pending for a period exceeding 180 days and has not been denied, the Sec-
retary shall authorize employment for the appli-
cable alien.

(e) RECORD OF PERMANENT RESIDENCE.—On the
approval of an application for adjustment of status under
subsection (b) of an alien, the Secretary shall establish
a record of admission for permanent residence for the
alien as of the date of the arrival of the alien in the United
States.

(f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
The Secretary shall provide applicants for adjustment of
status under subsection (b) with 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); and
(2) aliens subject to removal proceedings under
section 240 of such Act (8 U.S.C. 1229a).

(g) LIMITATION ON JUDICIAL REVIEW.—
(1) IN GENERAL.—A determination by the Sec-
retary with respect to the adjustment of status of
any alien under this section is final and shall not be
subject to review by any court.
(2) RULE OF CONSTRUCTION.—Nothing in
paragraph (1) shall be construed to preclude the re-
view of a constitutional claim or a question of law
under section 704 of title 5, United States Code,
with respect to a denial of adjustment of status
under this section.

(h) No Offset in Number of Visas Available.—
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 (8
U.S.C. 1101 et seq.) to offset the adjustment of status
of an alien who has been lawfully admitted for permanent
residence pursuant to this section.

(i) Application of Immigration and Nationality Act Provisions.—

(1) Savings Provision.—Nothing in this sec-
tion may be construed to repeal, amend, alter, mod-
ify, effect, or restrict the powers, duties, function, or
authority of the Secretary in the administration and
enforcement of the Immigration and Nationality Act
(8 U.S.C. 1101 et seq.) or any other law relating to
immigration, nationality, or naturalization.

(2) Effect of Eligibility for Adjustment
of Status.—The eligibility of an alien to be law-
fully admitted for permanent residence under this
section shall not preclude the alien from seeking any
status under any other provision of law for which
the alien may otherwise be eligible.