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Immigration Legalization and Status Adjustment Legislation

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Immigration Legalization and Status Adjustment Legislation

Summary

Although President George W. Bush has said he opposes broad legalization for unauthorized migrants, there were reports in the summer of 2001 that the President would recommend legislation to legalize an estimated 3 million Mexicans working in the United States without legal authorization. President Bush and Mexican President Vicente Fox have established a Cabinet-level working group to develop “an orderly framework for migration that ensures humane treatment [and] legal security, and dignifies labor conditions.” Initial speculation that the President would unveil a legalization proposal in early September was tempered by subsequent reports that he would recommend a more gradual series of proposals. Talks with Mexico continued after the September 11 terrorist attacks, and now the issue is re-emerging.

On August 2, Congressional Democrats announced a set of principles that will guide broad immigration legislation they intend to propose, and among those principles is a plan for “earned legalization.” Their proposal would not be limited to nationals of any one country and would focus on “longtime, hard-working residents of good moral character, with no criminal problems ... who are otherwise eligible to become U.S. citizens.”

While supporters characterize legalization provisions as fair treatment of aliens who have been living and working here for years as good neighbors and dedicated employees, opponents describe such proposals as an unfair reward to illegal aliens who violated the law to get into the United States.

During the 106th Congress, Democratic Members, with support from the Clinton Administration, unsuccessfully tried to enact a set of immigration legalization and status adjustment provisions known as the “Latino and Immigrant Fairness Act” (S. 3095). Congress ultimately enacted a set of provisions (**P.L. 106-553** and **P.L. 106-554**) known as the “Legal Immigration Family Equity Act” (LIFE). LIFE creates a new nonimmigrant “V” visa for certain immediate relatives of legal permanent residents (LPRs), expands the use of the “K” nonimmigrant visa to include immediate relatives of citizens, allows aliens in the “late amnesty” class action court cases to adjust to LPR status, and temporarily reinstated §245(i) of the Immigration and Nationality Act (INA), enabling unauthorized aliens to become LPRs if they are otherwise eligible for visas.

President Bush expressed support for an extension of §245(i), which expired April 30, 2001, and reached a compromise with congressional leaders (H.Res. 365) that passed the House March 12, 2002. Previously, a §245(i) extension bill introduced by House Judiciary Immigration Subcommittee Chairman George Gekas (H.R. 1885) had passed the House of Representatives May 21, 2001. The Senate passed their version of H.R. 1885 on September 6, 2001.

Recent estimates of unauthorized aliens based upon the 2000 census range from 7.5 to 9 million, with some suggesting that unauthorized aliens in the United States may be more than twice the 5.1 million total INS estimated previously.

Contents

Background	1
Legalization	1
Adjustment of Status	1
Estimates of Unauthorized Residents	2
Issues of Debate in the 106 th Congress	2
“Late Amnesty”	2
Legalization Through Registry	3
Reunification of LPR Relatives with Pending Cases	3
“NACARA Parity”	3
Adjustment of Status for Liberians	4
Adjustment of Status Under §245(i)	4
Legislation in 106 th Congress	5
LIFA	5
LIFE	5
“Late Amnesty” and Registry	6
“NACARA Parity” and Liberian Adjustment	6
Reinstating §245(i)	6
Temporary Agricultural Workers	6
Issues and Legislation in the 107 th Congress	7
Legalization	8
§245(i)	8
NACARA Parity	9
Liberian Adjustment	9
Andean Adjustment	10
Registry	10
Temporary Agricultural Workers	10

List of Tables

Table 1. Comparison of Leading Proposals to Legalize or Adjust Certain Unauthorized Immigrants in the 106 th Congress	7
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Immigration Legalization and Status Adjustment Legislation

Background

Legalization. The issue of whether aliens residing in the United States without legal authorization may be permitted to become legal permanent residents (LPRs) has been debated periodically, and at various times Congress has enacted legalization programs. In 1929, for example, Congress enacted a law that some consider a precursor to legalization because it permitted certain aliens arriving prior to 1921 “in whose case there is no record of admission for permanent residence” to register with INS’s predecessor agency so that they could become LPRs. In 1952, Congress included a registry provision when it codified the Immigration and Nationality Act (INA) and this provision evolved into an avenue for unauthorized aliens to legalize their status.¹ When Congress passed the Immigration Reform and Control Act (IRCA) of 1986, it included provisions that enabled several million aliens illegally residing in the United States to become LPRs. Generally, legislation such as IRCA is referred to as an “amnesty” or a legalization program because it provides LPR status to aliens who are otherwise residing illegally in the United States.² Although legalization is considered distinct from adjustment of status, most legalization provisions are codified under the adjustment or change of status chapter of INA.

Adjustment of Status. In addition to laws such as IRCA that have permitted aliens residing illegally in the United States to legalize their status, Congress has enacted statutes that enable certain aliens in the United States on a recognized — but non-permanent — basis to adjust their status to legal permanent residence when they are not otherwise eligible for an immigrant visa. Since the codification of the INA in 1952, there have been at least 16 Acts of Congress that enable aliens in the United States in some type of temporary legal status to adjust to LPR status. Most of these adjustment of status laws focused on humanitarian cases, e.g., parolees or aliens from specific countries given blanket relief from removal such as temporary protected

¹For background and analysis, see CRS Report RL30578, *Immigration: Registry as Means of Obtaining Lawful Permanent Residence*, by Andorra Bruno.

²Some consider the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 a legalization program because the primary beneficiaries were Nicaraguans and Cubans who had come to the United States by December 1, 1995, but who had not been given any recognized legal status typically afforded to humanitarian migrants such as Temporary Protected Status, Extended Voluntary Departure, or Deferred Enforced Departure. Others view the Nicaraguans as having a quasi-legal status because the creation of the Nicaraguan Review Program in 1987 by then-Attorney General Edwin Meese gave special attention to the Nicaraguans who had been denied asylum.

status (TPS), deferred enforced departure (DED), or extended voluntary departure (EVD).³

Estimates of Unauthorized Residents. While the Immigration and Naturalization Service (INS) had estimated there were approximately 5.1 million unauthorized immigrants residing in the United States as of January 1997, recent estimates of unauthorized aliens based upon the 2000 census range from 7.5 to 9 million. Using their 5.1 million estimate, the INS calculates that about 16.4% have been living in the United States for more than 10 years. About 18% of the 5.1 million unauthorized residents are estimated to have filed applications with INS that might result in receipt of legal permanent resident status (i.e., 445,600 have applications for asylum pending and 474,000 have applications for immigrant visas pending). The INS study does not estimate how many of the 5.1 million unauthorized residents have a temporary legal status, e.g., TPS.⁴

As the 2000 Census of the U.S. Population is being released, preliminary data analyses offer competing population totals that, in turn, imply that illegal migration soared in the late 1990s and that estimates of unauthorized residents of the United States have been understated. Demographer Robert Warren of the INS now estimates that there are about 7.5 million unauthorized aliens living in the United States. In testimony before the House Committee on the Judiciary Subcommittee on Immigration and Claims, Jeffrey Passel, a demographic researcher at the Urban Institute, offered an estimate of 8 to 9 million unauthorized residents. Economists at Northeastern University drew on employment data reported by business establishments as well as 2000 census totals to infer that unauthorized migration may range around 11 million.⁵

Issues of Debate in the 106th Congress

“Late Amnesty”. “Late amnesty” is shorthand for aliens involved in litigation resulting from the sweeping legalization program enacted in 1986 by IRCA. That time-limited legalization program, codified at §245A of the INA, enabled certain illegal aliens who entered the United States before January 1, 1982, to become LPRs. Several class action lawsuits challenged various regulations adopted by INS to implement the legalization program as being improperly restrictive. As part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Congress placed jurisdictional limitations on challenges to the legalization program⁶

³For background on blanket forms of relief and the nationals who have received it, see CRS Report RS20844, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Shirin Kaleel.

⁴Warren, Robert. *Annual Estimates of the Unauthorized Immigrant Population Residing in the United States and Components of Change: 1987 to 1997*. Office of Policy and Planning, U.S. Immigration and Naturalization Service, September 2000.

⁵U.S. Congress. House. Committee on the Judiciary Subcommittee on Immigration and Claims. *Hearing on the U.S. Population and Immigration*, August 2, 2001.

⁶IIRIRA is Division C of P.L. 104-208, September 30, 1996; 110 Stat. 3009. The IIRIRA (continued...)

in an effort, according to the conference report on the IIRIRA bill, “to put an end to litigation seeking to extend the amnesty provisions of [IRCA].”⁷ A Senate Judiciary Committee press release dated October 21, 2000, estimates that 400,000 aliens were involved in this litigation.

Legalization Through Registry. Registry is a provision of immigration law (§249) that enables certain unauthorized aliens in the United States to acquire lawful permanent resident status. It grants the Attorney General the discretionary authority to create a record of lawful admission for permanent residence for an alien who lacks such a record, has continuously resided in the United States since before January 1, 1972, and meets other specified requirements. The INS estimates that 500,000 aliens would be eligible to legalize to LPR status if the registry date would be advanced to 1986.⁸ Supporters of advancing it argue it is once again time to move up the date since it was set at 1972 in 1986, and now the registry date should be advanced to 1986. Opponents to advancing the registry date argue that it is not meant to be a “rolling date” and that such a legalization program would serve as a magnet for further illegal migration.

Reunification of LPR Relatives with Pending Cases. The spouses and minor children of LPRs (who do not accompany them when they initially immigrate to the United States) are eligible to become LPRs through the second preference category that governs admission of immigrants. Due to the numerical limits on the admission of immigrants — both country and worldwide ceilings — as well as the percentage allocation of immigrant visas across preference categories, more than one million people are waiting for a second preference visa. The estimated wait for some of these immediate relatives of LPRs may be as long as 6 years. INA makes these aliens ineligible for visitors’ visas because they have petitions for legal permanent residence pending. Some maintain that special provisions should be made to reunite these family members because the separation poses an undue hardship on the families. Others point out that millions of other people are also waiting for immigrant visas, including relatives of U.S. citizens, and that long wait lists are a regrettable, but inherent, element of the contemporary immigration experience.

“NACARA Parity”. Hundreds of thousands of Nicaraguans, Salvadorans, and Guatemalans fled civil conflicts in their native countries throughout the 1980s. Many of these Central Americans entered without proper documents; most were denied asylum and placed in deportation proceedings. Yet, policy decisions — notably the creation of the Nicaraguan Review Office in 1987, legislation giving TPS to Salvadorans in 1990, and an out-of-court settlement for Salvadorans and Guatemalans

⁶(...continued)

provision limiting litigation (§377) is at 110 Stat. 3009-649.

⁷U.S. Congress. Conference Committees. *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, conference report to accompany H.R. 2202. H.Rept. 104-828, 104th Cong., 2nd Sess. p. 230.

⁸For background and analysis, see CRS Report RL30578, *Immigration: Registry as Means of Obtaining Lawful Permanent Residence*, by Andorra Bruno.

of the *American Baptist Churches v. Thornburgh* case in 1990 — permitted these aliens to remain in the United States with employment authorizations.

The Nicaraguan Adjustment and Central American Relief Act (NACARA), part of the District of Columbia Appropriations Act for FY1998 (P.L. 105-100), enabled Nicaraguans and Cubans who had come to the United States by December 1, 1995, to become LPRs. NACARA also allows Salvadorans, Guatemalans, and unsuccessful asylum seekers from former Soviet Union and Eastern Bloc countries⁹ to seek legal permanent residency under the more generous standards of hardship relief in place prior to the tightening of immigration laws in 1996. Subsequently, Congress enacted the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998, which allows certain specified Haitians to adjust to LPR status, as part of the FY1999 omnibus appropriations act (P.L. 105-277). Many, including former President Clinton, have been critical of the differential treatment afforded the Nicaraguans and Cubans in contrast to the Salvadorans, Guatemalans and Eastern Europeans. Some are now arguing for the Hondurans, Salvadorans, Guatemalans, and Haitians not covered by HRIFA, and Eastern Europeans to be eligible for the same benefits as the Nicaraguans and Cubans, i.e., “NACARA parity.” Others are criticizing NACARA and any effort to broaden it as a legalization program that backslides from the reforms made by the 1996 immigration act.¹⁰ The INS estimates that about 680,000 Central Americans and Haitians (excluding derivative family members) would be eligible to adjust under “NACARA parity.”¹¹

Adjustment of Status for Liberians. Approximately 10,000 Liberians in the United States were given DED after their TPS expired September 28, 1999. These Liberians have had protections for the longest period, of those who currently have TPS or other forms of blanket relief from deportation, having received TPS in March 1991. The Attorney General had indicated that she did not wish to keep extending TPS or DED for Liberians. Some assert that it is now safe for the Liberians to return home and that they should do so. Others maintain that those Liberians who have lived in the United States for almost a decade have firm roots in the community and should be permitted to adjust to LPR status.

Adjustment of Status Under §245(i). Section 245 of the INA permits an alien who is legally but temporarily in the United States to adjust to permanent resident status if the alien becomes eligible on the basis of a family relationship or job skills, without having to go abroad to obtain an immigrant visa. Section 245 was limited to aliens who were here legally until 1994, when Congress enacted a 3-year trial provision (§245(i)) allowing aliens here illegally to adjust status once they became eligible for permanent residence, provided they paid a large fee. This

⁹The language specifies nationals of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

¹⁰See CRS Report 98-270, *Immigration: Haitian Relief Issues and Legislation*, and CRS Report 97-810, *Central American Asylum Seekers: Impact of 1996 Immigration Law*, both by Ruth Ellen Wasem.

¹¹This estimate of 680,000 includes many aliens who would also be able to adjust if the registry date would be advanced to 1986, so the two estimates are not cumulative.

provision was effectively repealed by the FY1998 CJS appropriations act (P.L. 105-119), which provided that only aliens who were beneficiaries of an immigration petition or a labor certification application filed on or before January 14, 1998, would be eligible for adjustment under §245(i).¹² Supporters point out that the beneficiaries of §245(i) are aliens eligible for immigrant visas even if they currently lack legal status, while opponents observe that it flies in the face of other immigration provisions designed to stymie illegal immigration.

Legislation in 106th Congress

A variety of legalization and status adjustment proposals were put forward in the 106th Congress.¹³ These proposals covered a range of immigration issues, such as “NACARA parity,” advancing the registry date to 1986, “late amnesty,” and creating a V nonimmigrant visa for certain immediate relatives of LPRs. A table that summarizes the main features of the two competing proposals — H.R. 4942, the “Legal Immigration Family Equity Act” (LIFE), and S. 3095, the “Latino and Immigrant Fairness Act” (LIFA) — as well as the compromise language amending LIFE in H.R. 4577, follows. President Clinton signed P.L. 106-553 (H.R. 4942) and P.L. 106-554 (H.R. 4577), the legislation containing LIFE and amendments to it, on December 21, 2000.

LIFA. “NACARA parity,” Liberian adjustment, advancement of the registry date, and reinstatement of §245(i) were included in the “Latino and Immigrant Fairness Act” (LIFA) that was introduced as S. 3095. Estimates of aliens and their derivative relatives who would have benefitted from this bill were as high as 2 million. This bill was comparable to language that the Senate Democrats tried unsuccessfully to bring up as an amendment during the floor consideration of S. 2045 (the H-1B legislation) on September 27. The sponsors of LIFA did not include provisions for “late amnesty” because those individuals would have been able to legalize through the advancement of the registry date, a main feature of S. 3095. In an October 26 letter to congressional leaders, President Clinton led his list of reasons he would veto the CJS appropriations bill with failure to include LIFA.

LIFE. Senate Judiciary Committee Chair Orrin Hatch, along with Congressmen Henry Bonilla and Lamar Smith, offered an alternative proposal called the “Legal Immigration Family Equity Act” (LIFE) that focused on the “late amnesty” cases and the immediate relatives of legal permanent residents (LPRs) who have second preference petitions pending. Those aliens who are part of the “late amnesty” litigation are permitted to legalize under the terms of §245A originally established by IRCA. According to the sponsors, about 600,000 aliens would benefit from a new temporary “V” visa for spouses and children of LPRs. This language was added to the CJS appropriations bill (H.R. 4690) that, in turn, was folded into the District of Columbia appropriations conference agreement (H.R. 4942, H.Rept. 106-1005), which became P.L. 106-553. After intense negotiations, amendments to LIFE were

¹²See CRS Report 97-946, *Immigration: Adjustment to Permanent Residence Status under Section 245(i)*, by Larry Eig and William Krouse.

¹³For further discussion of immigration legislation, see CRS Report RS20836, *Immigration Legislation in the 106th Congress*, by Ruth Ellen Wasem.

included in the Labor, Health and Human Services, Education FY2001 appropriations conference agreement (H.R. 4577, H.Rept. 106-1033), which became P.L. 106-554. The amendments to LIFE include a temporary reinstatement of §245(i) through April 30, 2001 and a modification of the “late amnesty” provisions to cover those aliens who unsuccessfully sought to legalize through IRCA and were part of the *Zambrano v. INS* class action suit.

“Late Amnesty” and Registry. Prior to LIFE and LIFA, a variety of bills addressed “late amnesty and the registry. H.R. 2125 would have amended the INA to repeal the judicial review limitation on denial of adjustment for certain applicants for legalization IRCA. S. 1552, H.R. 3149, and H.R. 4966 had the same “late amnesty” provisions and also would have extended the admission registry date for permanent residence. Other bills proposing to change the registry date included H.R. 4172 (introduced on behalf of the Clinton Administration), S. 2407, S. 2668, and S. 2912. These four bills and H.R. 4966 would have moved the registry date to January 1, 1986. In addition, S. 2407 and S. 2668 contained “rolling registry date” provisions to advance the registry date 1 year annually, 2002-2006.

“NACARA Parity” and Liberian Adjustment. On behalf of the Clinton Administration, a bipartisan group of Members originally introduced a “NACARA parity” bill (H.R. 2722) and a comparable bill (S. 1592) in the Senate. Similar provisions were included in H.R. 4200, S. 2912, S. 2668, and H.R. 4966. Separate bills before Congress (H.R. 919, S. 656) would have provided for the adjustment of status of certain Liberians in the United States to lawful permanent resident status. Liberian adjustment provisions also were included in S. 2668 and H.R. 4966.

Reinstating §245(i). A stand-alone bill (H.R. 1841) to restore §245(i) to its pre-1997 status was introduced, and similar provisions also were included in S. 2668, H.R. 4966, and S. 2912. In addition, the Senate-reported version of the FY2001 CJS appropriations act (H.R. 4690) also included such a provision, but it was dropped from the District of Columbia conference agreement (H.R. 4942) that included the CJS bill. It was folded back into the LIFE amendments in H.R. 4577, but only temporarily reinstated through April 30, 2001.

Temporary Agricultural Workers. Legislation to modify or supplement the H-2A temporary agricultural program was before Congress. S. 1814/H.R. 4056 would have established a time-limited amnesty program for aliens who have worked here illegally in seasonal agriculture and who continued to do so for a specified time. Although media reports indicated that a new temporary agricultural worker program with a legalization provision would also be included in the LIFE amendments, it was not in the final agreement.¹⁴

¹⁴For analysis and discussion of the temporary agricultural worker proposals, see CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*, by Ruth Ellen Wasem and Geoffrey K. Collver.

Table 1. Comparison of Leading Proposals to Legalize or Adjust Certain Unauthorized Immigrants in the 106th Congress

Major features	Legal Immigrant Family Equity Act (P.L. 106-553)	Amendments to LIFE (P.L. 106-554)	Latino and Immigrant Fairness Act (S. 3095)
“Late amnesty”	makes IRCA §245A provisions applicable to those in “late amnesty” class action cases, enabling them to legalize	adds aliens from the “Zambrano v. INS” class action case	<i>[presumed to be covered by advancing the registry date]</i>
Registry date	—	—	would amend INA to advance it to 1986 and create mechanism for a rolling registry date up to 1991.
Family reunification	amends INA to provide nonimmigrant “V” visa for certain immediate relatives of LPRs with cases pending for 3 years or more; would also modify the K nonimmigrant visa to include spouses of U.S. citizens who marry abroad and the spouses’ minor children.	clarifies that spouses and minor children of beneficiaries are eligible for the “family unity” provisions of the Immigration Act of 1990	—
“NACARA parity”	—	makes technical corrections to NACRA and HRIFA that waives certain grounds of inadmissibility	would enable aliens from El Salvador, Guatemala, Haiti, Honduras, the former Soviet Union, and Eastern Bloc countries who meet certain conditions to become LPRs
Liberians	—	—	would adjust status to LPR
§245(i)	<i>[conferees dropped from CJS bill]</i>	reinstates through April 30, 2001	would amend INA to reinstate it

Issues and Legislation in the 107th Congress

The resolution of the “late amnesty” cases, the enactment of the “V” visa for the immediate relatives of LPRs who have second preference petitions pending, and the temporary reinstatement of §245(i) addressed some, but not all of the immigration issues pertaining to legalization and status adjustment of aliens.

Legalization. Although President George Bush has said he opposes broad legalization for unauthorized migrants, there have been reports that the President will recommend legislation to legalize an estimated 3 million Mexicans living in the United States without legal authorization. President Bush and Mexican President Vicente Fox have established a Cabinet-level working group to develop “an orderly framework for migration that ensures humane treatment [and] legal security, and dignifies labor conditions.” U.S. Secretary of State Colin Powell, Mexican Foreign Minister Jorge Castaneda, U.S. Attorney General John Ashcroft, and Mexican Interior Secretary Santiago Creelto are leading the bi-national group.

President Vincente Fox of Mexico is encouraging the United States to “regularize” the immigration status of Mexicans living and working in the United States without authorization. The term “regularize” is not an immigration term, but its current usage in this debate implies a legalization of status that may be only temporary and not necessarily a pathway to permanent residence. Initial speculation that President Bush would unveil a major immigration proposal in early September that includes a legalization program has been tempered by more recent reports that he will recommend a more gradual set of proposals.

On August 2, Congressional Democrats announced a set of principles that will guide broad immigration legislation they intend to propose, and among those principles is a plan for “earned legalization.” Their proposal would not be limited to nationals of any one country and would focus on “longtime, hard-working residents of good moral character, with no criminal problems ... who are otherwise eligible to become U.S. citizens.” The Democrats’ stated principles also included a family reunification element and an “enhanced” temporary worker program.

The September 11 terrorist attacks shifted the focus of the immigration debate toward border security and visa entry reform, but legalization proposals are resurfacing with new perspectives growing out of September 11. Talks with Mexico continued after the September 11 terrorist attacks, and now the issues are re-emerging.

Proponents of legalization are awaiting the introduction of broad legislation, characterizing legalization provisions as fair treatment of aliens who have been living and working here for years as good neighbors and dedicated employees. They argue that the unauthorized aliens are already residing here, benefitting the United States. Supporters assert it is not feasible or humane to round up millions of people and deport them.

Opponents, on the other hand, describe legalization as an unfair reward to illegal aliens who violated the law to get into the United States. They state that such migrants jumped the line ahead of millions of family members of U.S. residents and potential employees of U.S. businesses who wait their turn to enter the United States legally. They maintain that — rather than solving the problem of illegal migration — amnesty provisions fuel further illegal migration, pointing to the rise in unauthorized migration over the decade following the implementation of IRCA.

§245(i). President Bush announced that he would support legislation to extend §245(i) and reached a compromise with congressional leadership for a limited

extension. This compromise — contained in H.Res. 365 — passed the House on March 12, 2002. Earlier efforts to include an extension of §245(i) when the House passed H.R. 3525 (the Enhanced Border Security and Visa Entry Reform Act of 2001) on December 20, 2001 failed. The most recent House-passed §245(i) language would extend the filing deadline to the earlier of November 30, 2002, or the date that is 120 days after the Attorney General issues final regulations. The provision would amend §245(i) to require the prospective immigrant to demonstrate that the family relationship existed prior to August 15, 2001 in the cases of family-based petitions or that the labor certification had been filed prior to August 15, 2001 in the cases of employment-based petitions.

Last year, the House Committee on the Judiciary Immigration Subcommittee Chairman George Gekas, introduced H.R. 1885, which passed the House May 21, 2001. H.R. 1885 would reinstate §245(i) for 120 days after enactment, with the stipulations that the applicants were physically present by December 21, 2000 [when the LIFE Act was signed] and that the familial or employment relationships qualifying the applicant for the visa existed prior to April 30, 2001 (when the §245(i) provision of LIFE expired). Representatives Charles Rangel (H.R. 1195) and Sheila Jackson-Lee (H.R. 1615) and Senator Chuck Hagel (S. 778) all have introduced legislation to extend INA §245(i) for 1 year. These bills would expand the number of aliens eligible to become LPRs if their immigrant petitions and labor certifications are filed by April 30, 2002. Representative Peter King's bill (H.R. 1242) would extend the §245(i) through October 31, 2001.

The Senate passed their version of H.R. 1885 on September 6, 2001. It incorporates elements of the legislation the Senate Judiciary Committee reported with amendments (S. 778) on July 26. As passed by the Senate, H.R. 1885 would require that the familial or employment relationships qualifying the applicant for the visa existed on or before August 15, 2001, and would extend §245(i) through April 30, 2002 (or 120 days after regulations are promulgated). S. 778 as reported would require that the familial or employment relationships qualifying the applicant for the visa existed on or before the date of enactment. The Senate Appropriations Committee had included a permanent reinstatement of §245(i) in its version of the 2002 Commerce-Justice-State (CJS) appropriations act (S. 1214) that was reported July 20.

NACARA Parity. Two bills have been introduced in the House that would expand to other Central American nationals the immigration relief provided by NACARA to Nicaraguans and Cubans. Both H.R. 348 (Representative Luis Gutierrez) and H.R. 707 (Representative Chris Smith) would allow certain Guatemalans, Haitians, Hondurans and Salvadorans to adjust to LPR status under terms comparable to the 1997 NACARA law.

Liberian Adjustment. Legislation has been introduced to adjust to LPR status Liberians who had been given blanket relief from removal from the United States. Representative Patrick Kennedy is sponsoring the House bill (H.R. 357), and Senator Jack Reed is sponsoring the Senate bill (S. 656).

Andean Adjustment. Representative Lincoln Diaz-Balart has introduced legislation (H.R. 945) to enable Peruvians and Colombians in the United States by December 1995 to adjust to LPR status under specified conditions.

Registry. Among other provisions, H.R. 500 (Representative Luis Gutierrez) would advance the registry date from January 1, 1972, to February 6, 1996, and would establish a “rolling registry date” that would advance the registry date annually until it reaches February 6, 2001, in 2007. Upon enactment, unauthorized migrants living in the United States as of February 6, 1996, would be eligible to adjust to LPR status if they met the conditions of INA §249. In 2003, those residing here as of February 6, 1997, would be eligible to adjust, and accordingly each year through 2007 when those residing here as of February 6, 2001, would be eligible to adjust.

Temporary Agricultural Workers. Several H-2A reform bills that include provisions for status adjustment have been introduced thus far in the 107th Congress. Senator Ted Kennedy, chairman of the Senate Committee on the Judiciary Subcommittee on Immigration, and Representative Howard Berman have introduced the “H-2A Reform and Agricultural Worker Adjustment Act of 2001” (S. 1313/H.R. 2736), which includes provisions that would allow unauthorized foreign agricultural workers to become legal temporary residents if they have worked in agriculture for at least 90 days in the 18-month period prior to July 2001 and are otherwise admissible as an immigrant. S. 1313/H.R. 2736 would enable these temporary residents subsequently to adjust to LPR status after certain other requirements are met. The “Agricultural Job Opportunity, Benefits, and Security (AgJOBS) Act of 2001,” (S. 1161), introduced by Senator Larry Craig, includes provisions that would allow H-2A workers to apply for LPR status if they worked 150 days in any consecutive 12-month period during the 18 months prior to July 2001.