

108TH CONGRESS  
2D SESSION

# S. 2187

To amend the Haitian Refugee Immigration Fairness Act of 1998.

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IN THE SENATE OF THE UNITED STATES

MARCH 10, 2004

Mr. GRAHAM of Florida (for himself, Mr. DEWINE, Mr. LAUTENBERG, Mr. DURBIN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Haitian Refugee Immigration Fairness Act  
of 1998.

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 “HRIFA Improvement  
5 Act of 2004”.

6 **SEC. 2. AMENDMENTS TO HAITIAN REFUGEE IMMIGRATION**

7 **FAIRNESS ACT OF 1998.**

8 (a) GROUND FOR INADMISSIBILITY FOR DOCUMENT  
9 FRAUD DOES NOT APPLY.—Section 902 of the Haitian  
10 Refugee Immigration Fairness Act of 1998 (8 U.S.C.

1 1255 note) is amended in subsections (a)(1)(B) and  
 2 (d)(1)(D) by inserting “(6)(C)(i),” after “(6)(A),”.

3 (b) DETERMINATION WITH RESPECT TO CHIL-  
 4 DREN.—Section 902(d) of such Act (8 U.S.C. 1255 note)  
 5 is amended by adding at the end the following:

6 “(3) DETERMINATIONS WITH RESPECT TO  
 7 CHILDREN.—

8 “(A) USE OF APPLICATION FILING  
 9 DATE.—Determinations made under this sub-  
 10 section as to whether an alien is a child of a  
 11 parent shall be made using the age and status  
 12 of the alien on the date of enactment of this  
 13 section.

14 “(B) APPLICATION SUBMISSION BY PAR-  
 15 ENT.—Notwithstanding paragraph (1)(C), an  
 16 application filed under this subsection based on  
 17 an alien’s status as a child may be filed for the  
 18 benefit of such child by a parent or guardian of  
 19 the child, if the child is physically present in the  
 20 United States on such filing date.”.

21 **SEC. 3. NEW APPLICATIONS AND MOTIONS TO REOPEN.**

22 (a) NEW APPLICATIONS.—Notwithstanding section  
 23 902(a)(1)(A) of the Haitian Refugee Immigration Fair-  
 24 ness Act of 1998 (8 U.S.C. 1255 note), an alien who is  
 25 eligible for adjustment of status under that Act, as amend-

1 ed by section 2, may submit an application for adjustment  
2 of status under that Act not later than the later of—

3 (1) 2 years after the date of enactment of this  
4 Act; or

5 (2) 1 year after the date on which final regula-  
6 tions implementing this Act are promulgated.

7 (b) MOTIONS TO REOPEN.—The Secretary of Home-  
8 land Security shall establish procedures for the reopening  
9 and reconsideration of applications for adjustment of sta-  
10 tus under the Haitian Refugee Immigration Fairness Act  
11 of 1998 (8 U.S.C. 1255 note) that are affected by the  
12 amendments made by section 2.

13 (c) RELATIONSHIP OF APPLICATION TO CERTAIN OR-  
14 DERS.—Section 902(a)(3) of the Haitian Refugee Immi-  
15 gration Fairness Act of 1998 (8 U.S.C. 1255 note) shall  
16 apply to an alien present in the United States who has  
17 been ordered excluded, deported, removed, or ordered to  
18 depart voluntarily, and who files an application under sub-  
19 section (a) or a motion under subsection (b), in the same  
20 manner as such section 902(a)(3) applied to aliens who  
21 filed applications for adjustment of status under that Act  
22 before April 1, 2000.

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