PUBLIC 99-603

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inttpinth Congress of the United States of 3tmi

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-first day of January,

one thousand nine hundred and eighty-six

an act

To amend the Immigration and Nationality Act to revise and reform the immigration

laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE. This Act may be cited as the "Immigration

Reform and Control Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT. -Except

as otherwise specifically provided in this Act, whenever in this Act

an amendment or repeal is expressed as an amendment to, or repeal

of, a provision, the reference shall be deemed to be made to the

Immigration and Nationality Act.

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:. 202. CUBAN-HAITIAN ADJUSTMENT.

ADJUSTMENT OF STATUS. The status of any alien described in

section (b) may be adjusted by the Attorney General, in the

orney General s discretion and under such regulations as the

orney General may prescribe, to that of an alien lawfully admit-

for permanent residence if

(1) the alien applies for such adjustment within two years

after the date of the enactment of this Act;

(2) the alien 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 exclusion specified in paragraphs (14), (15), (16), (17), (20),

(21), (25), and (32) of section 212(a) of the Immigration and

Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(hX2) of

such Act;

(4) the alien is physically present in the United States on the

date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States

since January 1, 1982.

D) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS. The benefits

ivided by subsection (a) shall apply to any alien

(1) who has received an immigration designation as a Cuban/

Haitian Entrant (Status Pending) as of the date of the enact-

ment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the

United States before January 1, 1982, with respect to whom any

record was established by the Immigration and Naturalization

Service before January 1, 1982, and who (unless the alien filed

an application for asylum with the Immigration and Naturaliza-

tion Service before January 1, 1982) was not admitted to the

United States as a nonimmigrant.

:) No AFFECT ON FASCELL-STONE BENEFITS. An alien who, as of

date of the enactment of this Act, is a Cuban and Haitian

rant for the purpose of section 501 of Public Law 96-422 shall

itinue to be considered such an entrant for such purpose without

ard to any adjustment of status effected under this section,

i) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 1, 1982.

on approval of an alien's application for adjustment of status

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under subsection (a), the Attorney General shall establish a record

of the alien's admission for permanent residence as of January 1,

1982.

(e) 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 the Immigration and Nationality Act and the

Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVI-

SIONS. Except as otherwise specifically provided in this section, the

definitions contained in the Immigration and Nationality Act shall

apply in the administration of this section. Nothing contained in

this section 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.