

118TH CONGRESS
1ST SESSION

H. R. 3911

To provide for adjustment of status of nationals of Ukraine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Mr. KEATING (for himself, Mr. FITZPATRICK, Mr. QUIGLEY, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for adjustment of status of nationals of Ukraine, and for other purposes.

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 “Ukrainian Adjustment
5 Act of 2023”.

6 **SEC. 2. ADJUSTMENT OF STATUS FOR ELIGIBLE UKRAIN-**
7 **IAN NATIONALS.**

8 (a) STREAMLINED ADJUSTMENT OF STATUS FOR EL-
9 IGIBLE UKRAINIAN NATIONALS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary of Homeland Security
3 shall adjust the status of an eligible Ukrainian na-
4 tional described in subsection (b) to the status of an
5 alien lawfully admitted for permanent residence if
6 the eligible Ukrainian national—

7 (A) submits an application for adjustment
8 of status in accordance with procedures estab-
9 lished by the Secretary of Homeland Security;

10 (B) subject to subsection (c), is otherwise
11 admissible to the United States as an immi-
12 grant, except that the grounds of inadmissibility
13 under paragraphs (4), (5), and (7)(A) of sec-
14 tion 212(a) the Immigration and Nationality
15 Act (8 U.S.C. 1182(a)) shall not apply;

16 (C) has complied with the vetting require-
17 ments under paragraphs (1) and (2) of sub-
18 section (d) to the satisfaction of the Secretary
19 of Homeland Security; and

20 (D) the Secretary of Homeland Security
21 determines that the adjustment of status of the
22 eligible Ukrainian national is not contrary to
23 the national welfare, safety, or security of the
24 United States.

1 (2) APPLICABILITY OF REFUGEE ADMISSIBILITY
2 REQUIREMENTS.—The provisions relating to admis-
3 sibility for a refugee seeking adjustment of status
4 under section 209(c) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1159(c)) shall apply to an
6 applicant for adjustment of status under this sub-
7 section.

8 (b) ELIGIBLE UKRAINIAN NATIONAL.—Notwith-
9 standing any other provision of law, an eligible Ukrainian
10 national for the purpose of this section is a citizen or na-
11 tional of Ukraine (or a person who last habitually resided
12 in Ukraine) who—

13 (1) completed security and law enforcement
14 background checks to the satisfaction of the Sec-
15 retary of Homeland Security and was subse-
16 quently—

17 (A) paroled into the United States after
18 February 20, 2014; or

19 (B) paroled into the United States for the
20 purpose of accompanying or following to join
21 as—

22 (i) the spouse or child (as defined in
23 section 101(b)(1) of the Immigration and
24 Nationality Act (8 U.S.C. 1101(b)(1))) of

1 an individual described in subparagraph
2 (A); or

3 (ii) the parent, legal guardian, or pri-
4 mary caregiver of an individual described
5 in subparagraph (A) who is determined to
6 be an unaccompanied child under section
7 462(g)(2) of the Homeland Security Act of
8 2002 (6 U.S.C. 279(g)(2)) or section
9 412(d)(2)(B) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1522(d)(2)(B));
11 and

12 (2) has not had such parole terminated by the
13 Secretary of Homeland Security.

14 (c) WAIVER.—

15 (1) IN GENERAL.—With respect to an applicant
16 for adjustment of status under this section, subject
17 to paragraph (2), the Secretary of Homeland Secu-
18 rity may waive any applicable ground of inadmis-
19 sibility under section 212(a) of the Immigration and
20 Nationality Act (8 U.S.C. 1182(a)) (other than
21 paragraphs 2(C) or (3) of such section) for humani-
22 tarian purposes, to ensure family unity, or if a waiv-
23 er is otherwise in the public interest.

24 (2) LIMITATIONS.—The Secretary of Homeland
25 Security may not waive under this subsection any

1 applicable ground of inadmissibility under section
2 212(a)(2) of the Immigration and Nationality Act (8
3 U.S.C. 1182(a)(2)) that arises due to criminal con-
4 duct that was committed—

5 (A) on or after February 20, 2014;

6 (B) within the United States; and

7 (C) by an applicant for adjustment of sta-
8 tus under this section.

9 (3) RULE OF CONSTRUCTION.—Nothing in this
10 subsection may be construed to limit any other waiv-
11 er authority.

12 (d) INTERVIEW AND VETTING REQUIREMENTS.—

13 (1) IN GENERAL.—The Secretary of Homeland
14 Security shall establish vetting requirements for ap-
15 plicants seeking adjustment of status under this sec-
16 tion that are equivalent to the vetting requirements
17 for refugees admitted to the United States through
18 the United States Refugee Admissions Program, in-
19 cluding an interview.

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 subsection may be construed to limit the authority
22 of the Secretary of Homeland Security to maintain
23 records under any other law.

24 (e) PROTECTION FOR BATTERED SPOUSES.—

1 (1) IN GENERAL.—An alien whose marriage to
2 an eligible Ukrainian national described in para-
3 graph (1)(A) of subsection (b) has been terminated
4 shall be eligible for adjustment of status under this
5 section as an alien described in paragraph (1)(B) of
6 that subsection for not more than 2 years after the
7 date on which such marriage is terminated if there
8 is a demonstrated connection between the termi-
9 nation of the marriage and battering or extreme cru-
10 elty perpetrated by the principal applicant.

11 (2) APPLICABILITY OF OTHER LAW.—In review-
12 ing an application for adjustment of status under
13 this section with respect to spouses and children who
14 have been battered or subjected to extreme cruelty,
15 the Secretary of Homeland Security shall apply sec-
16 tion 204(a)(1)(J) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1154(a)(1)(J)) and section 384
18 of the Illegal Immigration Reform and Immigrant
19 Responsibility Act of 1996 (8 U.S.C. 1367).

20 (f) DATE OF APPROVAL.—Upon the approval of an
21 application for adjustment of status under this section, the
22 Secretary of Homeland Security shall create a record of
23 the alien’s admission as a lawful permanent resident as
24 of the date on which the alien was inspected and admitted
25 or paroled into the United States.

1 (g) PROHIBITION ON FURTHER AUTHORIZATION OF
2 PAROLE.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), an individual who is a national of
5 Ukraine shall not be authorized for an additional pe-
6 riod of parole if such individual—

7 (A) is eligible to apply for adjustment of
8 status under this section; and

9 (B) fails to submit an application for ad-
10 justment of status by the later of—

11 (i) the date that is 1 year after the
12 date on which final guidance described in
13 subsection (h)(2) is published; or

14 (ii) the date that is 1 year after the
15 date on which such individual becomes eli-
16 gible to apply for adjustment of status
17 under this section.

18 (2) EXCEPTION.—An individual described in
19 paragraph (1)(A) may be authorized for an addi-
20 tional period of parole if such individual—

21 (A) within the period described in para-
22 graph (1)(B), seeks an extension to file an ap-
23 plication for adjustment of status under this
24 section; or

1 (B) has previously submitted to a vetting
2 equivalent of the vetting required under sub-
3 section (d).

4 (3) DEADLINE FOR APPLICATION.—Except as
5 provided in paragraph (2), a national of Ukraine
6 who does not submit an application for adjustment
7 of status within the timeline provided in paragraph
8 (1)(B) may not later adjust status under this sec-
9 tion.

10 (h) IMPLEMENTATION.—

11 (1) INTERIM GUIDANCE.—

12 (A) IN GENERAL.—Not later than 180
13 days after the date of the enactment of this
14 Act, the Secretary of Homeland Security shall
15 issue guidance implementing this section.

16 (B) PUBLICATION.—Notwithstanding sec-
17 tion 553 of title 5, United States Code, such
18 guidance—

19 (i) may be published on the internet
20 website of the Department of Homeland
21 Security; and

22 (ii) shall be effective on an interim
23 basis immediately upon such publication
24 but may be subject to change and revision

1 after notice and an opportunity for public
2 comment.

3 (2) FINAL GUIDANCE.—Not later than 1 year
4 after the date of the enactment of this Act, the Sec-
5 retary of Homeland Security shall finalize guidance
6 implementing this section.

7 (i) ADMINISTRATIVE REVIEW.—The Secretary of
8 Homeland Security shall provide applicants for adjust-
9 ment of status under this section with the same right to,
10 and procedures for, administrative review as are provided
11 to applicants for adjustment of status under section 245
12 of the Immigration and Nationality Act (8 U.S.C. 1255).

13 (j) PROHIBITION ON FEES.—The Secretary of Home-
14 land Security may not charge a fee to any eligible Ukrain-
15 ian national in connection with—

16 (1) an application for adjustment of status or
17 employment authorization under this section; or

18 (2) the issuance of a permanent resident card
19 or an employment authorization document.

20 (k) PENDING APPLICATIONS.—During the period be-
21 ginning on the date on which an alien files a bona fide
22 application for adjustment of status under this section and
23 ending on the date on which the Secretary of Homeland
24 Security makes a final administrative decision regarding
25 such application, any alien and any dependent included

1 in such application who remains in compliance with all ap-
2 plication requirements may not be—

3 (1) removed from the United States unless the
4 Secretary of Homeland Security makes a prima facie
5 determination that the alien is, or has become, ineli-
6 gible for adjustment of status under this section;

7 (2) considered unlawfully present under section
8 212(a)(9)(B) of the Immigration and Nationality
9 Act (8 U.S.C. 1182(a)(9)(B)); or

10 (3) considered an unauthorized alien (as de-
11 fined in section 274A(h)(3) of the Immigration and
12 Nationality Act (8 U.S.C. 1324a(h)(3))).

13 (l) VAWA SELF PETITIONERS.—Section 101(a)(51)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1101(a)(51)) is amended—

16 (1) in subparagraph (F), by striking “or”;

17 (2) in subparagraph (G), by striking the period
18 at the end and inserting “; or”; and

19 (3) by adding at the end the following:

20 “(H) section 2(a) of the Ukrainian Adjust-
21 ment Act of 2023.”.

22 (m) EXEMPTION FROM NUMERICAL LIMITATIONS.—
23 Aliens granted adjustment of status under this section
24 shall not be subject to the numerical limitations under sec-

1 tions 201, 202, and 203 of the Immigration and Nation-
2 ality Act (8 U.S.C. 1151, 1152, and 1153).

3 (n) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to preclude an eligible Ukrainian
5 national from applying for or receiving any immigration
6 benefit to which the eligible Ukrainian national is other-
7 wise entitled.

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