

119TH CONGRESS
2D SESSION

H. R. 9494

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2026

Ms. WILSON of Florida (for herself, Mr. BELL, Ms. BROWN, Mr. CARSON, Ms. CLARKE of New York, Mr. DAVIS of Illinois, Mr. FIGURES, Mr. FROST, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, and Ms. WATERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for adjustment of status for certain nationals
of Haiti, 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 “Haitian Refugee Immi-
5 gration Fairness Act of 2026”.

6 **SEC. 2. HAITIAN REFUGEE IMMIGRATION FAIRNESS.**

7 (a) DEFINITIONS.—In this section:

8 (1) IN GENERAL.—Except as otherwise specifi-
9 cally provided, any term used in this Act that is

1 used in the immigration laws shall have the meaning
2 given the term in the immigration laws.

3 (2) ATTORNEY GENERAL.—The term “Attorney
4 General” includes the Executive Office for Immigra-
5 tion Review and an immigration judge exercising ju-
6 risdiction under section 240 of the Immigration and
7 Nationality Act (8 U.S.C. 1229a).

8 (3) IMMIGRATION LAWS.—The term “immigra-
9 tion laws” has the meaning given the term in section
10 101(a)(17) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(17)).

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Homeland Security.

14 (b) ADJUSTMENT OF STATUS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (3), the Secretary shall adjust the status of
17 an alien described in subsection (c) to that of an
18 alien lawfully admitted for permanent residence if
19 the alien—

20 (A) applies for adjustment not later than
21 3 years after the date of the enactment of this
22 Act; and

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

1 (2) APPLICABILITY OF GROUNDS OF INADMISS-
2 SIBILITY.—In determining the admissibility of an
3 alien under paragraph (1)(B), the grounds of inad-
4 missibility specified in paragraphs (4), (5), (6)(A),
5 (7)(A), and (9) of section 212(a) of the Immigration
6 and Nationality Act (8 U.S.C. 1182(a)) shall not
7 apply.

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

11 (A) has been convicted of any aggravated
12 felony;

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

16 (C) has ordered, incited, assisted, or other-
17 wise participated in the persecution of any per-
18 son on account of race, religion, nationality,
19 membership in a particular social group, or po-
20 litical opinion.

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

23 (A) IN GENERAL.—An alien present in the
24 United States who has been subject to an order
25 of exclusion, deportation, removal, or voluntary

1 departure under any provision of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1101 et
3 seq.) may, notwithstanding such order, submit
4 an application for adjustment of status under
5 this subsection if the alien is otherwise eligible
6 for adjustment of status under paragraph (1).

7 (B) SEPARATE MOTION NOT REQUIRED.—

8 An alien described in subparagraph (A) shall
9 not be required, as a condition of submitting or
10 granting an application under this subsection,
11 to file a separate motion to reopen, reconsider,
12 or vacate an order described in subparagraph
13 (A).

14 (C) EFFECT OF DECISION BY SEC-
15 RETARY.—

16 (i) GRANT.—If the Secretary adjusts
17 the status of an alien pursuant to an appli-
18 cation under this subsection, the Secretary
19 shall cancel any order described in sub-
20 paragraph (A) to which the alien has been
21 subject.

22 (ii) DENIAL.—If the Secretary makes
23 a final decision to deny such application,
24 any such order shall be effective and en-
25 forceable to the same extent that such

1 order would be effective and enforceable if
2 the application had not been made.

3 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
4 TUS.—

5 (1) IN GENERAL.—The benefits provided under
6 subsection (b) shall apply to any alien who—

7 (A)(i) is a national of Haiti; and

8 (ii) has been continuously present in the
9 United States during the period beginning on
10 June 26, 2024, and ending on the date on
11 which the alien submits an application under
12 subsection (b); or

13 (B) is the spouse, child, or unmarried son
14 or daughter of an alien described in subpara-
15 graph (A).

16 (2) DETERMINATION OF CONTINUOUS PHYS-
17 ICAL PRESENCE.—For purposes of establishing the
18 period of continuous physical presence referred to in
19 subparagraph (B), an alien shall not be considered
20 to have failed to maintain continuous physical pres-
21 ence as a result of—

22 (A) one or more absences from the United
23 States for one or more periods of time amount-
24 ing, in the aggregate, to not more than 180
25 days;

1 (B) travel authorized by the Secretary, in-
2 cluding travel pursuant to advance parole; or

3 (C) a departure, removal, or voluntary de-
4 parture occurring on or after February 3, 2026,
5 or on or after the effective date of any termi-
6 nation of temporary protected status for Haiti
7 under section 244 of the Immigration and Na-
8 tionality Act (8 U.S.C. 1254a), whichever is
9 earlier, and before the date of enactment of this
10 Act, if the alien otherwise satisfied the require-
11 ments of this subsection prior to such departure
12 or removal.

13 (d) STAY OF REMOVAL.—

14 (1) IN GENERAL.—The Secretary shall promul-
15 gate regulations establishing procedures by which an
16 alien who is subject to a final order of deportation,
17 removal, or exclusion, may seek a stay of such order
18 based on the filing of an application under sub-
19 section (b).

20 (2) DURING CERTAIN PROCEEDINGS.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), notwithstanding any provi-
23 sion of the Immigration and Nationality Act (8
24 U.S.C. 1101 et seq.), the Secretary or the At-
25 torney General, as applicable, may not order an

1 alien to be removed from the United States if
2 the alien—

3 (i) is in exclusion, deportation, or re-
4 moval proceedings under any provision of
5 such Act; and

6 (ii) has submitted an application for
7 adjustment of status under subsection (b).

8 (B) EXCEPTION.—The Secretary or the
9 Attorney General, as applicable, may order an
10 alien described in subparagraph (A) to be re-
11 moved from the United States if the Secretary
12 has made a final determination to deny the ap-
13 plication for adjustment of status under sub-
14 section (b) of the alien.

15 (3) WORK AUTHORIZATION.—

16 (A) IN GENERAL.—The Secretary may au-
17 thorize an alien who has applied for adjustment
18 of status under subsection (b) to engage in em-
19 ployment in the United States during the period
20 in which a determination on such application is
21 pending.

22 (B) PENDING APPLICATIONS.—If an appli-
23 cation for adjustment of status under sub-
24 section (b) is pending for a period exceeding
25 180 days and has not been denied, the Sec-

1 retary shall authorize employment for the appli-
2 cable alien.

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

9 (f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
10 The Secretary shall provide applicants for adjustment of
11 status under subsection (b) with the same right to, and
12 procedures for, administrative review as are provided to—

13 (1) applicants for adjustment of status under
14 section 245 of the Immigration and Nationality Act
15 (8 U.S.C. 1255); and

16 (2) aliens subject to removal proceedings under
17 section 240 of such Act (8 U.S.C. 1229a).

18 (g) JUDICIAL REVIEW.—

19 (1) IN GENERAL.—Judicial review of a final
20 order of removal under this section shall be governed
21 by section 242 of the Immigration and Nationality
22 Act (8 U.S.C. 1252).

23 (2) RULE OF CONSTRUCTION.—Nothing in
24 paragraph (1) shall be construed to preclude the re-
25 view of a constitutional claim or a question of law

1 under section 242(a)(2)(D) of the Immigration and
2 Nationality Act (8 U.S.C. 1252(a)(2)(D)).

3 (h) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

4 The Secretary of State shall not be required to reduce the
5 number of immigrant visas authorized to be issued under
6 any provision of the Immigration and Nationality Act (8
7 U.S.C. 1101 et seq.) to offset the adjustment of status
8 of an alien who has been lawfully admitted for permanent
9 residence pursuant to this section.

10 (i) APPLICATION OF IMMIGRATION AND NATION-
11 ALITY ACT PROVISIONS.—

12 (1) SAVINGS PROVISION.—Nothing in this Act
13 may be construed to repeal, amend, alter, modify, ef-
14 fect, or restrict the powers, duties, function, or au-
15 thority of the Secretary in the administration and
16 enforcement of the Immigration and Nationality Act
17 (8 U.S.C. 1101 et seq.) or any other law relating to
18 immigration, nationality, or naturalization.

19 (2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
20 OF STATUS.—The eligibility of an alien to be law-
21 fully admitted for permanent residence under this
22 section shall not preclude the alien from seeking any
23 status under any other provision of law for which
24 the alien may otherwise be eligible.

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