

119TH CONGRESS
2D SESSION

S. _____

To authorize the adjustment to lawful permanent resident status for certain permanent residents of Hong Kong who were granted Deferred Enforced Departure.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the adjustment to lawful permanent resident status for certain permanent residents of Hong Kong who were granted Deferred Enforced Departure.

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 “Hong Konger Promise
5 of Refuge Act”.

1 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN PERMA-**
2 **NENT RESIDENTS OF HONG KONG.**

3 Chapter 5 of title II of the Immigration and Nation-
4 ality Act (8 U.S.C. 1255 et seq.) is amended by inserting
5 after section 245A the following:

6 **“SEC. 245B. ADJUSTMENT OF STATUS FOR CERTAIN PER-**
7 **MANENT RESIDENTS OF HONG KONG.**

8 “(a) IN GENERAL.—The Director of U.S. Citizenship
9 and Immigration Services shall adjust the status of any
10 individual who qualifies as a permanent resident of Hong
11 Kong, regardless of country of birth, and who meets the
12 conditions described in subsection (b) to that of an alien
13 lawfully admitted for permanent residence.

14 “(b) CONDITIONS.—An alien meets the conditions de-
15 scribed in this subsection if the alien—

16 “(1) was granted Deferred Enforced Departure
17 by a Presidential Memorandum issued August 5,
18 2021 (relating to Deferred Enforced Departure for
19 Certain Hong Kong Residents), or by the extension
20 of such authority issued on January 26, 2023 or
21 January 15, 2025;

22 “(2) has continuously resided in the United
23 States since January 15, 2025, except for authorized
24 absences totaling not more than 180 days in the ag-
25 gregate;

1 “(3) has not returned to Hong Kong or the
2 People’s Republic of China since such date;

3 “(4) has not been convicted of a felony or 2 or
4 more misdemeanors committed in the United States;

5 “(5) is not subject to extradition; and

6 “(6) submits an application to the Director con-
7 taining such information as the Director may rea-
8 sonably require not later than 1 year after the date
9 of the enactment of the Hong Konger Promise of
10 Refuge Act.

11 “(c) FAMILY MEMBERS.—The spouse, children, and
12 unmarried adult sons and daughters of an alien described
13 in subsection (a) are eligible to adjust to lawful permanent
14 resident status if they are not inadmissible under section
15 212(a) or deportable under section 237(a), except as pro-
16 vided in subsection (d).

17 “(d) WAIVER OF CERTAIN GROUNDS OF INADMISS-
18 SIBILITY AND DEPORTABILITY.—

19 “(1) GROUNDS OF INADMISSIBILITY.—Para-
20 graphs (4), (5), (6)(A), (7), and (9)(B) of section
21 212(a) shall not apply to aliens seeking adjustment
22 of status under this section.

23 “(2) GROUNDS OF DEPORTABILITY.—Para-
24 graphs (3)(A) and (5) of section 237(a) shall not

1 apply to aliens seeking adjustment of status under
2 this section.

3 “(e) WORK AUTHORIZATION.—An alien who has sub-
4 mitted an application for adjustment of status under this
5 section—

6 “(1) may not be subject to immigration deten-
7 tion, removal, or removal proceedings while such ap-
8 plication is pending; and

9 “(2) shall be authorized to engage in employ-
10 ment in the United States through an ‘employment
11 authorized’ endorsement or other appropriate work
12 permit.

13 “(f) CANCELLATION OF REMOVAL; EFFECTIVE
14 DATE.—If the status of an alien is adjusted to that of
15 a lawful permanent resident under this section—

16 “(1) any prior removal orders to which such
17 alien was subject shall be cancelled; and

18 “(2) the effective date of such lawful permanent
19 resident status shall be the date on which the alien
20 arrived in the United States.”.

21 **SEC. 3. CONFORMING AMENDMENTS.**

22 (a) CLERICAL AMENDMENT.—The table of contents
23 for the Immigration and Nationality Act (8 U.S.C. 1101
24 et seq.) is amended by inserting after the item relating
25 to section 245A the following:

“Sec. 245B. Adjustment of status for certain permanent residents of Hong Kong.”.

- 1 (b) EXEMPTION FROM NUMERICAL LIMITATIONS.—
2 Section 201(b)(1)(C) of the Immigration and Nationality
3 Act (8 U.S.C. 1151(b)(1)(C)) is amended by striking “or
4 245A” and inserting “, 245A, or 245B”.