



UNITED STATELESS

Stateless Protection Act of 2024 - Section by Section

SEC. II. FINDINGS; SENSE OF CONGRESS

This section lays out findings regarding the problem of statelessness worldwide and in the United States. It establishes a sense of Congress regarding resolving the problem of statelessness.

SEC. III. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES

Section (a) includes the following subsections:

Subsection (a) defines various terms, including:

- A stateless person as “a person who is not considered as a national by any State under the operation of its law.” This mirrors the 1954 Convention relating to the Status of Stateless Persons.
- Clarifies terms within this definition, including that “operation of law” includes how a State implements the terms of their nationality law.

Subsection (b), “Mechanisms for Regularizing the Status of Stateless Persons”, does the following:

- Individuals in the United States who are stateless can receive stateless protected status so long as they are not subject to certain inadmissibility and removal grounds, not persecutors, and did not intentionally become stateless by renouncing their U.S. citizenship. Spouses and minor children of stateless people are also eligible for this status if they are present in the United States and meet other eligibility requirements.
- Stateless protected status includes employment authorization, travel documentation, and protections against removal and detention.
- DHS will consider individuals granted stateless protected status for adjustment of status, in its discretion. Additional grounds of inadmissibility apply to this benefit request (eligibility is more restricted for adjustment of status). If someone with stateless protected status is adjusted to lawful permanent residence, they are eligible for naturalization after three years.
- Provides for the waiver of certain inadmissibility and deportation grounds.
- Provides for the immediate release of detained noncitizens with orders of removal upon a grant of stateless protected status.

- Establishes consequences for filing a frivolous application for stateless protected status.

Subsection (c), “Evidentiary Matters”, does the following:

- Adjudications of a person’s statelessness should include assessments of all relevant information, including human rights reports and information from UNHCR.
- Allows the Secretary of Homeland Security, in consultation with the Secretary of State, to designate groups of stateless people. This mirrors refugee group designations, which allow for efficient adjudications of groups of people with common factual situations.
- If DHS requests information from a government concerning a noncitizen’s nationality status, the lack of response or pro forma response by that government to which the individual has a connection can be considered as evidence that a person is not a national of that country.

Subsection (d), “Fees”, does the following:

- DHS may not charge fees for applications for stateless protected status or the employment authorization or travel documents authorized under subsection (b).

Subsection (e), “Jurisdiction and Review”, does the following:

- Provides USCIS with jurisdiction over applications for relief, and allows for appellate review by the Administrative Appeals Office of USCIS.

Subsection (f), “Effect on Removal Proceedings,” does the following:

- Removal proceedings will be administratively closed while USCIS adjudicates a noncitizen’s application for SPS.

Subsection (g), “Applicants with Final Orders of Removal,” does the following:

- An applicant with a final order of removal can request a stay of removal, and DHS will automatically stay an order of removal for nonfrivolous applications.

Subsection (h), “Exclusion from Numerical Limitations,” does the following:

- Clarifies that noncitizens granted stateless protected status or adjustment of status under the Act are not counted against any of the numerical limitations on immigrant visas.

Subsection (i) through (m) of text does the following:

- Clarify that the Act does not authorize or require the admission or parole of individuals from outside the United States.
- Require reports and the publication of policy guidance.
- Authorize DHS to issue regulations notwithstanding the Administrative Procedures Act.

- Exempts DHS from the requirements of the Paperwork Reduction Act to facilitate the swift creation of application forms for this new benefit.

SEC. IV. PREVENTION OF STATELESSNESS

- Directs the Executive Branch to implement programs to establish and carry out initiatives to prevent statelessness from occurring.

SEC. V. PREVENTING VOLUNTARY STATELESSNESS BY U.S. NATIONALS

- Repeals Section 349(a)(6) of the Immigration and Nationality Act, which was first established to accomplish the detention of Japanese-Americans and has never been justified by legitimate policy reasons. Repealing this provision prevents the voluntary renunciation of U.S. nationality by individuals in the United States who do not have any other nationality.