

109TH CONGRESS  
1ST SESSION

# H. R. 3188

To amend the Immigration and Nationality Act to provide protection for  
immigrant victims of violence.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Ms. SCHAKOWSKY (for herself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Mr. GUTIERREZ, Ms. SOLIS, Mrs. CAPPS, Mr. FILNER, Mr. HONDA, Mr. HINOJOSA, Mr. LANTOS, Mr. KIND, Mr. MOORE of Kansas, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mrs. MALONEY, Ms. MOORE of Wisconsin, Mr. WAXMAN, Mr. BERMAN, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM of Minnesota, Ms. LEE, Ms. WATSON, Ms. LINDA T. SÁNCHEZ of California, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. DEGETTE, Mr. DOGGETT, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Mr. STARK, Mr. STUPAK, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To amend the Immigration and Nationality Act to provide protection for immigrant victims of violence.

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 (a) SHORT TITLE.—This Act may be cited as “Immi-  
 5 grant Victims of Violence Protection Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
 7 this Act is as follows:

Sec. 1. Short title.

## TITLE I—IMMIGRATION PROTECTIONS

### Subtitle A—Victims of Crime

- Sec. 101. Conditions applicable to U and T visas.
- Sec. 102. Clarification of basis for relief under hardship waivers for conditional permanent residence.
- Sec. 103. Adjustment of status for victims of trafficking.

### Subtitle B—VAWA Petitioners

- Sec. 111. Definition of VAWA petitioner.
- Sec. 112. Self-petitioning for children.
- Sec. 113. Self-petitioning parents.
- Sec. 114. Promoting consistency in VAWA adjudications.
- Sec. 115. Relief for certain victims pending actions on petitions and applications for relief.
- Sec. 116. Access to VAWA protection regardless of manner of entry.
- Sec. 117. Eliminating abusers’ control over applications for adjustments of status.
- Sec. 118. Parole for VAWA petitioners and derivatives.
- Sec. 119. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
- Sec. 120. Clarification of access to naturalization for victims of domestic violence.
- Sec. 121. Consolidating adjudication of VAWA cases in VAWA unit.
- Sec. 122. Prohibition of adverse determinations of admissibility or deportability based on protected information.

### Subtitle C—Miscellaneous Provisions

- Sec. 131. Removing 2 year custody and residency requirement for battered adopted children.
- Sec. 132. Waiver of certain grounds of inadmissibility for VAWA petitioners.
- Sec. 133. Treatment of good moral character.
- Sec. 134. Employment authorization for battered spouses of H-1B visa holders.
- Sec. 135. Grounds for hardship waiver for conditional permanent residence for intended spouses.
- Sec. 136. Cancellation of removal.
- Sec. 137. Motions to reopen.
- Sec. 138. Removal proceedings.
- Sec. 139. Conforming relief in suspension of deportation parallel to the relief available in VAWA-2000 cancellation for bigamy.
- Sec. 140. Correction of cross-reference to credible evidence provisions.
- Sec. 141. Technical corrections.

## TITLE II—ADDITIONAL PROTECTIONS

### Subtitle A—Ensuring Crime Victim Access to Legal Services

- Sec. 201. Ensuring crime victim access to legal services.

### Subtitle B—Eligibility for Certain Public Benefits of Aliens Suffering from Domestic Abuse

- Sec. 211. Eligibility for certain public benefits of aliens suffering from domestic abuse.

### Subtitle C—Law Enforcement Training Grants

- Sec. 221. Grants for law enforcement training programs to identify and protect victims of trafficking.

1           (c) REFERENCES TO VAWA-2000.—In this Act, the  
 2 term “VAWA-2000” means the Violence Against Women  
 3 Act of 2000 (division B of Public Law 106-386).

4           (d) REGULATIONS.— Not later than 180 days after  
 5 the date of the enactment of this Act, the Attorney Gen-  
 6 eral, the Secretary of Homeland Security, and Secretary  
 7 of State shall promulgate regulations to implement the  
 8 provisions contained in the Battered Immigrant Women  
 9 Protection Act of 2000 (title V of VAWA-2000) and the  
 10 amendments made by (and the provisions of) this Act.

1                   **TITLE I—IMMIGRATION**  
2                   **PROTECTIONS**  
3                   **Subtitle A—Victims of Crime**

4 **SEC. 101. CONDITIONS APPLICABLE TO U AND T VISAS.**

5           (a) TREATMENT OF U DERIVATIVES.—Clause (ii) of  
6 section 101(a)(15)(U)(ii) of the Immigration and Nation-  
7 ality Act (8 U.S.C. 1101(a)(15)(U)(ii)), as added by sec-  
8 tion 1513(b) of VAWA–2000, is amended to read as fol-  
9 lows:

10                   “(ii) the spouse or child of an alien de-  
11                   scribed in clause (i), or the parent of such an  
12                   alien if the alien is a child, or the unmarried  
13                   sibling of such a child if such sibling is under  
14                   18 years of age on the date on which such alien  
15                   applied for status under such clause, if—

16                   “(I) the Secretary of Homeland Secu-  
17                   rity considers it necessary to avoid extreme  
18                   hardship to such alien or such spouse,  
19                   child, parent, or sibling; or

20                   “(II) a government official described  
21                   in clause (i)(III) certifies that an investiga-  
22                   tion or prosecution described in such  
23                   clause would be harmed without the assist-  
24                   ance of such spouse, child, parent, or sib-  
25                   ling; and”.

1 (b) TREATMENT OF SPOUSE AND CHILDREN OF VIC-  
2 TIMS OF TRAFFICKING.—Clause (ii) of section  
3 101(a)(15)(T) of the Immigration and Nationality Act (8  
4 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

5 “(ii) if accompanying, or following to join,  
6 the alien described in clause (i)—

7 “(I) in the case of an alien so de-  
8 scribed who is under 21 years of age, the  
9 spouse, children, unmarried siblings under  
10 18 years of age on the date on which such  
11 alien applied for status under such clause,  
12 and parents of such alien; or

13 “(II) in the case of an alien described  
14 in clause (i) who is 21 years of age or  
15 older, the spouse and children of such  
16 alien;”.

17 (c) DURATION OF U AND T VISAS.—

18 (1) U VISAS.—Section 214(p) of such Act (8  
19 U.S.C. 1184(p)) is amended by adding at the end  
20 the following new paragraph:

21 “(6) DURATION OF STATUS.—The authorized  
22 period of status of an alien as a nonimmigrant  
23 under section 101(a)(15)(U) shall be 4 years, but  
24 shall be extended—

1           “(A) on a year-by-year basis upon certifi-  
2 cation from a Federal, State or local law en-  
3 forcement official, prosecutor, judge, or other  
4 Federal, State or local authority investigating  
5 or prosecuting criminal activity described in  
6 section 101(a)(15)(U)(iii) that the alien’s con-  
7 tinued presence in the United States is required  
8 to assist in the investigation or prosecution of  
9 such criminal activity; and

10           “(B) if the alien files an application for ad-  
11 justment of status under section 245(m), until  
12 final adjudication of such application.”.

13           (2) T VISAS.—Section 214(o) of such Act (8  
14 U.S.C. 1184(o)), as redesignated by section 8(a)(3)  
15 of the Trafficking Victims Protection Reauthoriza-  
16 tion Act of 2003 (Public Law 108–193), is amended  
17 by adding at the end the following:

18           “(7) The authorized period of status of an alien as  
19 a nonimmigrant status under section 101(a)(15)(T) shall  
20 be 4 years, but shall be extended—

21           “(A) on a year-by-year basis upon certification  
22 from a Federal, State or local law enforcement offi-  
23 cial, prosecutor, judge, or other Federal, State or  
24 local authority investigating or prosecuting criminal  
25 activity relating to human trafficking that the alien’s

1 continued presence in the United States is required  
2 to assist in the investigation or prosecution of such  
3 criminal activity; and

4 “(B) if the alien files an application for adjust-  
5 ment of status under section 245(l), until final adju-  
6 dication of such application.”.

7 (d) PERMITTING CHANGE OF NONIMMIGRANT STA-  
8 TUS TO U AND T NONIMMIGRANT STATUS.—

9 (1) IN GENERAL.—Section 248 of such Act (8  
10 U.S.C. 1258) is amended—

11 (A) by striking “The Attorney General”  
12 and inserting “(a) The Secretary of Homeland  
13 Security”;

14 (B) by inserting “(subject to subsection  
15 (b))” after “except”; and

16 (C) by adding at the end the following new  
17 subsection:

18 “(b) The limitation based on inadmissibility under  
19 section 212(a)(9)(B) and the exceptions specified in num-  
20 bered paragraphs of subsection (a) shall not apply to a  
21 change of nonimmigrant classification to that of a non-  
22 immigrant under subparagraph (T) or (U) of section  
23 101(a)(15), other than from such classification under sub-  
24 paragraph (C) or (D) of such section.”.

1           (2) CONFORMING AMENDMENT.—Section  
2           214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is  
3           amended by striking “248(2)” and inserting  
4           “248(a)(2)”.

5           (e) U VISA CRIMES.—

6           (1) IN GENERAL.—Section 101(a)(15)(U) of  
7           such Act (8 U.S.C. 1101(a)(15)(U)) is amended—

8                   (A) in clause (i)(I)—

9                           (i) by inserting “or injury” after  
10                           “physical or mental abuse”; and

11                           (ii) by inserting “or witness” after  
12                           “victim”; and

13                   (B) in clause (iii), by inserting “child  
14                   abuse; stalking (including physical or electronic  
15                   stalking);” after “unlawful criminal restraint;  
16                   false imprisonment;”.

17           (2) IMPLEMENTATION.—It is the intent of Con-  
18           gress that certifications should be made under clause  
19           (i)(III) of section 101(a)(15)(U) of the Immigration  
20           and Nationality Act (8 U.S.C. 1101(a)(15)(U))  
21           where an alien provides information to a law en-  
22           forcement official on criminal activity described in  
23           clause (iii) of such section and is willing to help in  
24           the investigation of such activity, regardless of  
25           whether a prosecution is made in such case or if

1 prosecution is made for criminal activity not de-  
2 scribed in such clause.

3 (f) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-  
4 FICKING.—

5 (1) VICTIM ASSISTANCE IN INVESTIGATION OR  
6 PROSECUTION.—Section 107(b)(1)(E) of the Traf-  
7 ficking Victims Protection Act of 2000 (Division A  
8 of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E))  
9 is amended—

10 (A) in clause (i)(I), by striking “investiga-  
11 tion and prosecution” and inserting “investiga-  
12 tion or prosecution, by the United States or a  
13 State or local government”; and

14 (B) in clause (iii)—

15 (i) by striking “INVESTIGATION AND  
16 PROSECUTION” and “investigation and  
17 prosecution” and inserting “INVESTIGA-  
18 TION OR PROSECUTION” and “investigation  
19 or prosecution”, respectively;

20 (ii) in subclause (II), by striking  
21 “and” at the end;

22 (iii) in subclause (III), by striking the  
23 period and inserting “; or”; and

24 (iv) by adding at the end the following  
25 new subclause:

1                   “(IV) responding to and cooper-  
2                   ating with requests for evidence and  
3                   information.”.

4                   (2) CLARIFYING ROLES OF ATTORNEY GENERAL  
5                   AND SECRETARY OF HOMELAND SECURITY.—

6                   (A) Section 107 of the Trafficking Victims  
7                   Protection Act of 2000 (Division A of Public  
8                   Law 106–386; 22 U.S.C. 7105) is amended—

9                   (i) in subsections (b)(1)(E)(i)(II)(bb),  
10                  (b)(1)(E)(ii), (e)(5), and (g), by striking  
11                  “Attorney General” and inserting “Sec-  
12                  retary of Homeland Security”; and

13                  (ii) in subsection (c), by inserting “,  
14                  Secretary of Homeland Security,” after  
15                  “Attorney General”.

16                  (B) Section 101(a)(15)(T) of the Immigra-  
17                  tion and Nationality Act (8 U.S.C.  
18                  1101(a)(15)(T)) is amended by striking “Attor-  
19                  ney General” and inserting “Secretary of  
20                  Homeland Security” each place it appears.

21                  (C) Section 212(d)(13) of the Immigration  
22                  and Nationality Act (8 U.S.C. 1182(d)(13)) is  
23                  amended—

1 (i) in subparagraph (A), by striking  
2 “Attorney General” and inserting “Sec-  
3 retary of Homeland Security”;

4 (ii) in subparagraph (B), by striking  
5 “Attorney General” the first place it ap-  
6 pears and inserting “Secretary of Home-  
7 land Security”; and

8 (iii) in subparagraph (B), by striking  
9 “Attorney General, in the Attorney Gen-  
10 eral’s discretion” and inserting “Secretary,  
11 in the Secretary’s discretion”.

12 (D) Section 101(i) of the Immigration and  
13 Nationality Act (8 U.S.C. 1101(i)) is amend-  
14 ed—

15 (i) in paragraph (1), by striking “At-  
16 torney General” and inserting “Secretary  
17 of Homeland Security, the Attorney Gen-  
18 eral,”; and

19 (ii) in paragraph (2), by striking “At-  
20 torney General” and inserting “Secretary  
21 of Homeland Security”.

22 (E) Section 245(l) of the Immigration and  
23 Nationality Act (8 U.S.C. 1255(l)) is amend-  
24 ed—

1 (i) by striking “Attorney General”  
2 and inserting “Secretary of Homeland Se-  
3 curity” the first place it appears in para-  
4 graphs (1) and (2) and in paragraph (4);

5 (ii) by striking “Attorney General”  
6 and inserting “Secretary ” the second  
7 place it appears in paragraphs (1) and (2);  
8 and

9 (iii) in paragraph (2), by striking “At-  
10 torney General’s” and inserting “Sec-  
11 retary’s”.

12 (3) PETITIONING BY STATE AND LOCAL LAW  
13 ENFORCEMENT OFFICIALS.—Section 107(c)(3) of  
14 the Trafficking Victims Protection Act of 2000 (Di-  
15 vision A of Public Law 106–386; 22 U.S.C.  
16 7105(c)(3)) is amended by adding at the end the fol-  
17 lowing: “State or local law enforcement officials may  
18 petition Federal law enforcement officials for the  
19 continued presence for trafficking victims. If such a  
20 petition contains a certification that a trafficking  
21 victim is a victim of a severe form of trafficking, the  
22 presence of the trafficking victim shall be permitted  
23 in accordance with this paragraph.”.

24 (g) EFFECTIVE DATES.—

1           (1) IN GENERAL.—The amendments made by  
2 subsections (a), (b), (c)(1), (d), and (e) shall take ef-  
3 fect on the date of the enactment of this Act.

4           (2) TRANSITION FOR DURATION OF T VISAS.—  
5 In the case of an alien who is classified as a non-  
6 immigrant under section 101(a)(15)(T) of the Immi-  
7 gration and Nationality Act (8 U.S.C.  
8 1101(a)(15)(T)) before the the date of implementa-  
9 tion of the amendment made by subsection (c)(2)  
10 and whose period of authorized stay was less than  
11 4 years, the authorized period of status of the alien  
12 as such a nonimmigrant shall be extended to be 4  
13 years and shall be further extended on a year-by-  
14 year basis as provided in section 214(o)(7) of such  
15 Act, as added by such amendment.

16           (3) CERTIFICATION PROCESS.—(A) The amend-  
17 ments made by subsection (f)(1) shall be effective as  
18 if included in the enactment of VAWA–2000.

19           (B) The amendments made by subsection (f)(2)  
20 shall be effective as of the applicable date of transfer  
21 of authority from the Attorney General to the Sec-  
22 retary of Homeland Security under the Homeland  
23 Security Act of 2002 (Public Law 107–296).

24           (C) The amendment made by subsection (f)(3)  
25 shall be effective as if included in the enactment of

1 the Trafficking Victims Protection Reauthorization  
2 Act of 2003 (Public Law 108–193).

3 **SEC. 102. CLARIFICATION OF BASIS FOR RELIEF UNDER**  
4 **HARDSHIP WAIVERS FOR CONDITIONAL PER-**  
5 **MANENT RESIDENCE.**

6 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-  
8 ed by adding at the end the following: “An application  
9 for relief under this paragraph may be based on one or  
10 more grounds specified in subparagraphs (A) through (D)  
11 and may be amended at any time to change the ground  
12 or grounds for such relief without the application being  
13 resubmitted.”.

14 (b) CONFORMING AMENDMENT.—Section  
15 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))  
16 is amended by inserting before the period at the end the  
17 following: “or qualifies for a waiver under section  
18 216(c)(4)”.

19 (c) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall apply to applications for relief pending  
21 or filed on or after April 10, 2003 .

1 **SEC. 103. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**  
2 **FICKING.**

3 Section 245(l)(1)(A) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1255(l)(1)(A)) is amended by striking  
5 “for a continuous period of at least 3 years”.

6 **Subtitle B—VAWA Petitioners**

7 **SEC. 111. DEFINITION OF VAWA PETITIONER.**

8 (a) IN GENERAL.—Section 101(a) of the Immigra-  
9 tion and Nationality Act (8 U.S.C. 1101(a)) is amended  
10 by adding at the end the following new paragraph:

11 “(51) The term ‘VAWA petitioner’ means an alien  
12 whose application or petition for classification or relief  
13 under any of the following provisions (whether as a prin-  
14 cipal or as a derivative) has been filed and has not been  
15 denied after exhaustion of administrative appeals:

16 “(A) Clause (iii), (iv), or (vii) of section  
17 204(a)(1)(A).

18 “(B) Clause (ii) or (iii) of section 204(a)(1)(B).

19 “(C) The first section of Public Law 89–732  
20 (commonly known as the Cuban Adjustment Act) as  
21 a child or spouse who has been battered or subjected  
22 to extreme cruelty.

23 “(D) Section 902(d)(1)(B) of the Haitian Ref-  
24 ugee Immigration Fairness Act of 1998 (division A  
25 of section 101(h) of Public Law 105–277).

1           “(E) Section 202(d)(1) of the Nicaraguan Ad-  
2           justment and Central American Relief Act (8 U.S.C.  
3           1255 note; Public Law 105–100).

4           “(F) Section 309(e)(5) of the Illegal Immigra-  
5           tion Reform and Immigrant Responsibility Act of  
6           1996 (division C of Public Law 104–208; 8 U.S.C.  
7           1101 note).”.

8           (b) CONFORMING AMENDMENTS.—

9           (1) Section 212(a)(6)(A)(ii)(I) of such Act (8  
10          U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking  
11          “qualifies for immigrant status under subparagraph  
12          (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section  
13          204(a)(1)” and inserting “is a VAWA petitioner”.

14          (2) Section 212(a)(9)(C)(ii) of such Act (8  
15          U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to  
16          whom the Attorney General has granted classifica-  
17          tion under clause (iii), (iv), or (v) of section  
18          204(a)(1)(A), or classification under clause (ii), (iii),  
19          or (iv) of section 204(a)(1)(B)” and inserting “is a  
20          VAWA petitioner”.

21          (3) Subsections (h)(1)(C) and (g)(1)(C) of sec-  
22          tion 212 (8 U.S.C. 1182) is amended by striking  
23          “qualifies for classification under clause (iii) or (iv)  
24          of section 204(a)(1)(A) or classification under clause

1 (ii) or (iii) of section 204(a)(1)(B)” and inserting  
2 “is a VAWA petitioner”.

3 (4) Section 212(i)(1) of such Act (8 U.S.C.  
4 1182(i)(1)) is amended by striking “an alien granted  
5 classification under clause (iii) or (iv) of section  
6 201(a)(1)(A) or clause (ii) or (iii) of section  
7 204(a)(1)(B)” and inserting “a VAWA petitioner”.

8 (5) Section 237(a)(1)(H)(ii) of such Act (8  
9 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is  
10 an alien who qualifies for classification under clause  
11 (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or  
12 (iii) of section 204(a)(1)(B)” and inserting “is a  
13 VAWA petitioner”.

14 (6) Section 240A(b)(4)(B) of such Act (8  
15 U.S.C. 1229b(b)(4)(B)) is amended by striking  
16 “they were applications filed under section 204(a)(1)  
17 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of such Act” and  
18 inserting “the applicants were VAWA petitioners”.

19 (7) Section 245(a) of such Act (8 U.S.C.  
20 1255(a)) is amended by striking “under subpara-  
21 graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section  
22 204(a)(1) or” and inserting “as a VAWA peti-  
23 tioner”.

24 (8) Section 245(c) of such Act (8 U.S.C.  
25 1255(c)) is amended by striking “under subpara-

1 graph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii),  
 2 (B)(iii), or (B)(iv) of section 204(a)(1)” and insert-  
 3 ing “as a VAWA petitioner”.

4 (9) For additional conforming amendments to  
 5 sections 212(a)(4)(C)(i) and 240(c)(6)(C)(iv)(I) of  
 6 the Immigration and Nationality Act, see sections  
 7 832(c) and 817(a) of this Act.

8 **SEC. 112. SELF-PETITIONING FOR CHILDREN.**

9 (a) SELF-PETITIONING BY CHILDREN OF PARENT-  
 10 ABUSERS UPON DEATH OR OTHER TERMINATION OF  
 11 PARENT-CHILD RELATIONSHIP.—

12 (1) CITIZEN PARENTS.—Section  
 13 204(a)(1)(A)(iv) of the Immigration and Nationality  
 14 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

15 (A) by striking “or who” and inserting  
 16 “who”; and

17 (B) by inserting after “domestic violence,”  
 18 the following: “or who was a child of a United  
 19 States citizen parent who within the past 2  
 20 years (or, if later, two years after the date the  
 21 child attains 18 years of age) died or otherwise  
 22 terminated the parent-child relationship,”.

23 (2) LAWFUL PERMANENT RESIDENT PAR-  
 24 ENTS.—

1 (A) IN GENERAL.—Section  
2 204(a)(1)(B)(iii) of such Act (8 U.S.C.  
3 1154(a)(1)(B)(iii)) is amended—

4 (i) by striking “or who” and inserting  
5 “who”; and

6 (ii) by inserting after “domestic vio-  
7 lence,” the following: “or who was a child  
8 of a lawful permanent resident resident  
9 who within the past 2 years (or, if later,  
10 two years after the date the child attains  
11 18 years of age) died or otherwise termi-  
12 nated the parent-child relationship,”.

13 (B) CONFORMING TREATMENT OF DE-  
14 CEASED SPOUSES.—Section  
15 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8  
16 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is  
17 amended—

18 (i) by redesignating subitems (aaa)  
19 and (bbb) as subitems (bbb) and (ccc), re-  
20 spectively; and

21 (ii) by inserting before subitem (bbb),  
22 as so redesignated, the following:

23 “(aaa) whose spouse died within the past  
24 2 years;”.

25 (3) EFFECTIVE DATES.—

1           (A) IN GENERAL.—Subject to subpara-  
2 graph (B), the amendment made by paragraphs  
3 (1) and (2) shall take effect on the date of the  
4 enactment of this Act.

5           (B) TRANSITION IN CASE OF CITIZEN PAR-  
6 ENTS WHO DIED BEFORE ENACTMENT.—In ap-  
7 plying the amendments made by paragraphs (1)  
8 and (2)(A) in the case of an alien whose citizen  
9 parent or lawful permanent resident parent died  
10 or whose parent-child relationship with such  
11 parent terminated during the period beginning  
12 on October 28, 1998, and ending on the date  
13 of the enactment of this Act, the following rules  
14 apply:

15           (i) The reference to “within the past  
16 2 years” in section 204(a)(1)(A)(iv) or  
17 204(a)(1)(B)(iii), respectively, of the Im-  
18 migration and Nationality Act in the mat-  
19 ter inserted by such paragraph is deemed  
20 to be a reference to such period.

21           (ii) The petition must be filed under  
22 such section within 2 years after the date  
23 of the enactment of this Act (or, if later,  
24 2 years after the alien’s 18th birthday).

1 (iii) The determination of eligibility  
2 for benefits as a child under such section  
3 (including under section 204(a)(1)(D) of  
4 the Immigration and Nationality Act by  
5 reason of a petition authorized under such  
6 section) shall be determined as of the date  
7 of the death of the citizen parent or lawful  
8 permanent resident parent or the termi-  
9 nation of the parent-child relationship.

10 (b) PROTECTING VICTIMS OF CHILD ABUSE FROM  
11 AGING OUT.—

12 (1) CLARIFICATION REGARDING CONTINUATION  
13 OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF  
14 CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immi-  
15 gration and Nationality Act (8 U.S.C.  
16 1154(a)(1)(D)(i)(I)) is amended—

17 (A) by striking “clause (iv) of section  
18 204(a)(1)(A)” and inserting “subparagraph  
19 (A)(iv)”; and

20 (B) by striking “a petitioner for preference  
21 status under paragraph (1), (2), or (3) of sec-  
22 tion 203(a), whichever paragraph is applicable”  
23 and inserting “to continue to be treated as an  
24 immediate relative under section  
25 201(b)(2)(A)(i), or a petitioner for preference

1 status under section 203(a)(3) if subsequently  
2 married,”.

3 (2) CLARIFICATION REGARDING APPLICATION  
4 TO CHILDREN OF LAWFUL PERMANENT RESI-  
5 DENTS.—Section 204(a)(1)(D) of such Act (8  
6 U.S.C. 1154(a)(1)(D)) is amended—

7 (A) in clause (i)(I)—

8 (i) by inserting after the first sentence  
9 the following new sentence: “Any child who  
10 attains 21 years of age who has filed a pe-  
11 tition under subparagraph (B)(iii) that was  
12 filed or approved before the date on which  
13 the child attained 21 year of age shall be  
14 considered (if the child has not been ad-  
15 mitted or approved for lawful permanent  
16 residence by the date the child attained 21  
17 years of age) a petitioner for preference  
18 status under section 203(a)(2)(A), with the  
19 same priority date assigned to the self-peti-  
20 tion filed under such subparagraph.”; and

21 (ii) in the last sentence, by inserting  
22 “in either such case” after “shall be re-  
23 quired to be filed”;

1 (B) in clause (i)(III), by striking “para-  
2 graph (1), (2), or (3) of section 203(a)” and in-  
3 serting “section 203(a)(2)(A)”;

4 (C) in clause (ii), by striking “(A)(iii),  
5 (A)(iv),”.

6 (3) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall apply to applications filed  
8 before, on, or after the date of the enactment of  
9 VAWA–2000.

10 (c) CLARIFICATION OF NO SEPARATE ADJUSTMENT  
11 APPLICATION FOR DERIVATIVE CHILDREN.—

12 (1) IN GENERAL.—Section 245(a) of the Immi-  
13 gration and Nationality Act (8 U.S.C. 1255(a)) is  
14 amended by adding at the end the following: “In the  
15 case of a petition under clause (ii), (iii), or (iv) of  
16 section 204(a)(1)(A) that includes an individual as  
17 a derivative child of a principal alien, no adjustment  
18 application other than the adjustment application of  
19 the principal alien shall be required for adjustment  
20 of status of the individual under this subsection or  
21 subsection (c).”.

22 (2) EFFECTIVE DATE.—The amendment made  
23 by paragraph (1) shall take effect on the date of the  
24 enactment of this Act and shall apply to applications  
25 filed before, on, or after such date.

1 (d) LATE PETITION PERMITTED FOR ADULTS  
2 ABUSED AS CHILDREN.—

3 (1) IN GENERAL.—Section 204(a)(1)(D) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1154(a)(1)(D)), as amended by subsection (b)(1), is  
6 amended by adding at the end the following new  
7 clause:

8 “(v) In the case of an alien who qualified to petition  
9 under subparagraph (A)(iv) or (B)(iii) as of the date the  
10 individual attained 21 years of age, the alien may file a  
11 petition under such respective subparagraph notwith-  
12 standing that the alien has attained such age or been mar-  
13 ried so long as the petition is filed before the date the  
14 individual attains 30 years of age. In the case of such a  
15 petition, the alien shall remain eligible for adjustment of  
16 status as a child notwithstanding that the alien has at-  
17 tained 21 years of age or has married, or both.”

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall take effect on the date of the  
20 enactment of this Act and shall apply to individuals  
21 who attain 21 years of age on or after the date of  
22 the enactment of VAWA–2000.

1 **SEC. 113. SELF-PETITIONING PARENTS.**

2 (a) IN GENERAL.—Section 204(a)(1)(A) of the Im-  
3 migration and Nationality Act (8 U.S.C. 1154(a)(1)(A))  
4 is amended by adding at the end the following new clause:

5 “(vii) An alien who—

6 “(I) is the parent of a citizen of the United  
7 States or was a parent of a citizen of the United  
8 States who within the past 2 years lost or renounced  
9 citizenship status related to battering or extreme  
10 cruelty by the United States citizen son or daughter  
11 or who within the past two years died;

12 “(II) is a person of good moral character;

13 “(III) is eligible to be classified as an imme-  
14 diate relative under section 201(b)(2)(A)(i); and

15 “(IV) resides, or has resided in the past, with  
16 the citizen daughter or son;

17 may file a petition with the Secretary of Homeland Secu-  
18 rity under this subparagraph for classification of the alien  
19 under such section if the alien demonstrates that the alien  
20 has been battered by or has been the subject of extreme  
21 cruelty perpetrated by the alien’s citizen son or daugh-  
22 ter.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall take effect on the date of the enact-  
25 ment of this Act.

1 **SEC. 114. PROMOTING CONSISTENCY IN VAWA ADJUDICA-**  
2 **TIONS.**

3 (a) IN GENERAL.—Section 204(a)(1) of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is  
5 amended—

6 (1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb),  
7 by striking “an incident of domestic violence” and  
8 inserting “battering or extreme cruelty by the  
9 United States citizen spouse”;

10 (2) in subparagraph (A)(iv), by striking “an in-  
11 cident of domestic violence” and inserting “battering  
12 or extreme cruelty by such parent”;

13 (3) in subparagraph (B)(ii)(II)(aa)(CC)(aaa),  
14 by striking “due to an incident of domestic violence”  
15 and inserting “related to battering or extreme cru-  
16 elty by the lawful permanent resident spouse”; and

17 (4) in subparagraph (B)(iii), by striking “due  
18 to an incident of domestic violence” and inserting  
19 “related to battering or extreme cruelty by such par-  
20 ent”.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 subsection (a) shall take effect as if included in the enact-  
23 ment of VAWA–2000.

1 **SEC. 115. RELIEF FOR CERTAIN VICTIMS PENDING AC-**  
2 **TIONS ON PETITIONS AND APPLICATIONS**  
3 **FOR RELIEF.**

4 (a) VAWA PETITIONERS AND APPLICANTS FOR U  
5 AND T NONIMMIGRANT CLASSIFICATION.—

6 (1) IN GENERAL.— Section 204(a)(1) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1154(a)(1)) is amended by adding at the end the  
9 following new subparagraph:

10 “(K)(i) In the case of an alien in the United States  
11 for whom a petition as a VAWA petitioner has been  
12 filed—

13 “(I) if the petition sets forth a prima facie case  
14 for approval, the alien shall not be removed, de-  
15 tained, or deported, and such a petition shall be  
16 processed without regard to whether a proceeding to  
17 remove or deport such alien is brought or pending;  
18 and

19 “(II) if the petition is approved, the alien is eli-  
20 gible for work authorization and shall be provided an  
21 ‘employment authorized’ endorsement or other ap-  
22 propriate work permit incidental to such approval.

23 “(ii) In the case of an alien in the United States for  
24 whom an application for nonimmigrant status (whether as  
25 a principal or derivative child) under subparagraph (T)  
26 of section 101(a)(15) has been filed—

1           “(I) if there is a bona fide determination that  
2           the application is approvable or the application is  
3           approved, the alien shall not be removed, detained,  
4           or deported; and

5           “(II) if the application is approved, the alien is  
6           eligible for work authorization and shall be provided  
7           an ‘employment authorized’ endorsement or other  
8           appropriate work permit incidental to such approval.

9           “(iii) In the case of an alien in the United States  
10          for whom an application for nonimmigrant status (wheth-  
11          er as a principal or derivative child) under subparagraph  
12          (U) of section 101(a)(15) has been filed, if interim relief  
13          is granted on the application or the application is ap-  
14          proved—

15               “(I) the alien shall not be removed, detained, or  
16               deported; and

17               “(II) the alien is eligible for work authorization  
18               and shall be provided an ‘employment authorized’  
19               endorsement or other appropriate work permit inci-  
20               dental to such relief or approval.”.

21               (2) EFFECTIVE DATE.—The amendment made  
22               by paragraph (1) shall take effect on the date of the  
23               enactment of this Act and shall apply to petitions  
24               and applications filed before, on, or after such date.

1 (b) APPLICANTS FOR CANCELLATION OF REMOVAL  
2 OR SUSPENSION OF DEPORTATION.—

3 (1) IN GENERAL.—Section 240A(b)(2) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1229b(b)(2)) is amended by adding at the end the  
6 following new subparagraph: :

7 “(E) RELIEF WHILE APPLICATION PEND-  
8 ING.—In the case of an alien who has applied  
9 for relief under this paragraph and whose appli-  
10 cation sets forth a prima facie case for such re-  
11 lief or who has filed an application for relief  
12 under section 244(a)(3) (as in effect on March  
13 31, 1997) that sets forth a prima facie case for  
14 such relief—

15 “(i) the alien shall not be removed,  
16 detained, or deported unless the applica-  
17 tion is denied and all opportunities for ap-  
18 peal of the denial have been exhausted;  
19 and

20 “(ii) such an application shall be proc-  
21 essed without regard to whether a pro-  
22 ceeding to remove or deport such alien is  
23 brought or pending.”.

24 (2) EFFECTIVE DATE.—The amendment made  
25 by paragraph (1) shall take effect on the date of the

1 enactment of this Act and shall apply to applications  
2 filed before, on, or after such date.

3 **SEC. 116. ACCESS TO VAWA PROTECTION REGARDLESS OF**  
4 **MANNER OF ENTRY.**

5 (a) FIANCEES.—

6 (1) IN GENERAL.—Section 214(d) of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1184(d)) is  
8 amended by inserting before the period at the end  
9 the following: “, unless the alien is not eligible under  
10 section 204(c) to have a petition approved and is eli-  
11 gible for status as a VAWA petitioner, for status as  
12 a nonimmigrant under subparagraph (T) or (U) of  
13 section 101(a)(15)(T), or for relief under section  
14 240A(b)(2) or under section 244(a)(3) (as in effect  
15 on March 31, 1997)”.

16 (2) EFFECTIVE DATE.—The amendment made  
17 by paragraph (1) shall take effect on the date of the  
18 enactment of this Act and shall apply to aliens ad-  
19 mitted before, on, or after such date.

20 (b) SPOUSES WHO ARE CONDITIONAL PERMANENT  
21 RESIDENTS.—

22 (1) IN GENERAL.—Section 245(d) of the Immi-  
23 gration and Nationality Act (8 U.S.C. 1255(d)) is  
24 amended—

25 (A) by inserting “(1)” after “(d)”; and

1 (B) by adding at the end the following new  
2 paragraph:

3 “(2) Paragraph (1) shall not apply to an alien who  
4 seeks adjustment of status on the basis of an approved  
5 petition for classification as a VAWA petitioner.”.

6 (2) CONFORMING CLARIFICATION IN CANCELLA-  
7 TION OF REMOVAL.—Section 240A(b)(2)(A) of such  
8 Act (8 U.S.C. 1229b(b)(2)(A)) is amended, in the  
9 matter before clause (i), by inserting “, regardless of  
10 whether the alien has been admitted for permanent  
11 residence on a conditional basis under section 216,”  
12 before “if the alien demonstrates”.

13 (3) SUSPENSION OF DEPORTATION.—An alien  
14 may qualify for relief under section 244(a)(3) of the  
15 Immigration and Nationality Act (as in effect on  
16 March 31, 1997), regardless of whether the alien  
17 has been admitted for permanent residence on a con-  
18 ditional basis under section 216 of such Act.

19 (4) EFFECTIVE DATE.—The amendments made  
20 by this subsection, and the provisions of paragraph  
21 (3), shall take effect on the date of the enactment  
22 of this Act and shall apply to applications for adjust-  
23 ment of status, for cancellation of removal, or for  
24 suspension of deportation filed before, on, or after  
25 such date.

1 (c) SPOUSES AND CHILDREN OF ASYLUM APPLI-  
2 CANTS UNDER ADJUSTMENT PROVISIONS.—

3 (1) IN GENERAL.—Section 209(b)(3) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1159(b)(3))  
5 is amended—

6 (A) by inserting “(A)” after “(3)”; and

7 (B) by adding at the end the following:

8 “(B) was the spouse of a refugee within the  
9 meaning of section 101(a)(42)(A) at the time the  
10 asylum application was granted and who was bat-  
11 tered or was the subject of extreme cruelty per-  
12 petrated by such refugee or whose child was battered  
13 or subjected to extreme cruelty by such refugee  
14 (without the active participation of such spouse in  
15 the battery or cruelty), or

16 “(C) was the child of a refugee within the  
17 meaning of section 101(a)(42)(A) at the time of the  
18 filing of the asylum application and who was bat-  
19 tered or was the subject of extreme cruelty per-  
20 petrated by such refugee,”.

21 (2) EFFECTIVE DATE.—The amendments made  
22 by paragraph (1) shall take effect on the date of the  
23 enactment of this Act and—

24 (A) section 209(b)(3)(B) of the Immigra-  
25 tion and Nationality Act, as added by para-

1 graph (1)(B), shall apply to asylum applications  
2 granted before, on, or after such date; and

3 (B) section 209(b)(3)(C) of such Act, as so  
4 added, shall apply with respect to asylum appli-  
5 cations filed before, on, or after such date.

6 (d) VISA WAIVER ENTRANTS.—

7 (1) IN GENERAL.—Section 217(b)(2) of such  
8 Act (8 U.S.C. 1187(b)(2)) is amended by inserting  
9 after “asylum,” the following: “as a VAWA peti-  
10 tioner, or for relief under subparagraph (T) or (U)  
11 of section 101(a)(15), under section 240A(b)(2), or  
12 under section 244(a)(3) (as in effect on March 31,  
13 1997),”.

14 (2) EFFECTIVE DATE.—The amendment made  
15 by paragraph (1) shall take effect on the date of the  
16 enactment of this Act and shall apply to waivers  
17 provided under section 217(b)(2) of the Immigration  
18 and Nationality Act before, on, or after such date as  
19 if it had been included in such waivers.

20 (e) EXCEPTION FROM FOREIGN RESIDENCE RE-  
21 QUIREMENT FOR EDUCATIONAL VISITORS.—

22 (1) IN GENERAL.—Section 212(e) of such Act  
23 (8 U.S.C. 1182(e)) is amended, in the matter before  
24 the first proviso, by inserting “unless the alien is a  
25 VAWA petitioner or a nonimmigrant under subpara-

1 graph (T) or (U) of section 101(a)(15)” after “fol-  
2 lowing departure from the United States”.

3 (2) EFFECTIVE DATE.—The amendment made  
4 by paragraph (1) shall take effect on the date of the  
5 enactment of this Act and shall apply to .

6 **SEC. 117. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**  
7 **CATIONS FOR ADJUSTMENTS OF STATUS.**

8 (a) APPLICATION OF MOTIONS TO REOPEN FOR ALL  
9 VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the  
10 Immigration and Nationality Act (8 U.S.C.  
11 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)  
12 of the REAL ID Act of 2005 (Division B of Public Law  
13 109–13), is amended —

14 (1) in subclause (I), by striking “under clause  
15 (iii) or (iv) of section 204(a)(1)(A), clause (ii) or  
16 (iii) of section 204(a)(1)(B)” and inserting “as a  
17 VAWA petitioner”; and

18 (2) in subclause (II), by inserting “or adjust-  
19 ment of status” after “cancellation of removal”.

20 (b) APPLICATION OF VAWA DEPORTATION PROTEC-  
21 TIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETI-  
22 TIONERS.—Section 1506(c)(2) of the Violence Against  
23 Women Act of 2000 (8 U.S.C. 1229a note) is amended—

24 (1) in subparagraph (A)—

1 (A) by amending clause (i) to read as fol-  
2 lows:

3 “(i) if the basis of the motion is to  
4 apply for relief as a VAWA petitioner (as  
5 defined in section 101(a)(51) of the Immi-  
6 gration and Nationality Act (8 U.S.C.  
7 1101(a)(51)) or under section 244(a)(3) of  
8 such Act (8 U.S.C. 1254(a)(3)); and”;

9 (B) in clause (ii), by inserting “or adjust-  
10 ment of status” after “suspension of deporta-  
11 tion”; and

12 (2) in subparagraph (B)(ii), by striking “for re-  
13 lief” and all that follows through “1101 note))” and  
14 inserting “for relief described in subparagraph  
15 (A)(i)”.

16 (c) APPLICATION OF VAWA-RELATED RELIEF  
17 UNDER SECTION 202 OF NACARA.—

18 (1) IN GENERAL.—Section 202(d)(1) of the  
19 Nicaraguan Adjustment and Central American Re-  
20 lief Act (8 U.S.C. 1255 note; Public Law 105–100)  
21 is amended—

22 (A) in subparagraph (B)(ii), by inserting  
23 “, or was eligible for adjustment,” after “whose  
24 status is adjusted”; and

1 (B) in subparagraph (E), by inserting  
2 after “April 1, 2000” the following: “, or, in  
3 the case of an alien who qualifies under sub-  
4 paragraph (B)(ii), applies for such adjustment  
5 during the 18-month period beginning on the  
6 date of enactment of the Violence Against  
7 Women Act of 2005” .

8 (2) TECHNICAL AMENDMENT.—Section  
9 202(d)(3) of such Act (8 U.S.C. 1255 note; Public  
10 Law 105–100) is amended by striking  
11 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

12 (3) EFFECTIVE DATE.—The amendment made  
13 by paragraph (2) shall take effect as if included in  
14 the enactment of VAWA–2000.

15 (d) PETITIONING RIGHTS OF CERTAIN FORMER  
16 SPOUSES UNDER CUBAN ADJUSTMENT.—

17 (1) IN GENERAL.—The first section of Public  
18 Law 89–732 (8 U.S.C. 1255 note) is amended—

19 (A) in the last sentence, by striking  
20 “204(a)(1)(H)” and inserting “204(a)(1)(J)”;  
21 and

22 (B) by adding at the end the following:  
23 “An alien who was the spouse of any Cuban  
24 alien described in this section and has resided  
25 with such spouse shall continue to be treated as

1           such a spouse for 2 years after the date on  
2           which the Cuban alien dies (or, if later, 2 years  
3           after the date of enactment of Violence Against  
4           Women Act of 2005), or for 2 years after the  
5           date of termination of the marriage (or, if later,  
6           2 years after the date of enactment of Violence  
7           Against Women Act of 2005) if the alien dem-  
8           onstrates a connection between the termination  
9           of the marriage and the battering or extreme  
10          cruelty by the Cuban alien.”.

11           (2) EFFECTIVE DATE.—The amendment made  
12          by paragraph (1)(A) shall take effect as if included  
13          in the enactment of VAWA–2000.

14          (e) SELF-PETITIONING RIGHTS OF HRIFA APPLI-  
15          CANTS.—

16           (1) IN GENERAL.—Section 902(d)(1)(B) of the  
17          Haitian Refugee Immigration Fairness Act of 1998  
18          (division A of section 101(h) of Public Law 105–  
19          277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as  
20          amended by section 1511(a) of VAWA–2000, is  
21          amended—

22           (A) in clause (i), by striking “whose status  
23          is adjusted to that of an alien lawfully admitted  
24          for permanent residence” and inserting “who is  
25          or was eligible for classification”;

1           (B) in clause (ii), by striking “whose sta-  
2           tus is adjusted to that of an alien lawfully ad-  
3           mitted for permanent residence” and inserting  
4           “who is or was eligible for classification”; and

5           (C) in clause (iii), by striking  
6           “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

7           (2) EFFECTIVE DATE.—The amendments made  
8           by paragraph (1)(C) shall take effect as if included  
9           in the enactment of VAWA–2000.

10          (f) SELF-PETITIONING RIGHTS UNDER SECTION 203  
11          OF NACARA.—Section 309 of the Illegal Immigration  
12          and Reform and Immigrant Responsibility Act of 1996  
13          (division C of Public Law 104–208; 8 U.S.C. 1101 note),  
14          as amended by section 203(a) of the Nicaraguan Adjust-  
15          ment and Central American Relief Act (8 U.S.C. 1255  
16          note; Public Law 105–100), is amended—

17               (1) in subsection (c)(5)(C)(i)(VII)(aa), as  
18               amended by section 1510(b) of VAWA–2000—

19                       (A) by striking “or” at the end of subitem  
20                       (BB);

21                       (B) by striking “and” at the end of  
22                       subitem (CC) and inserting “or”; and

23                       (C) by adding at the end the following new  
24                       subitem:

1                   “(DD) at the time at which  
2                   the spouse or child files an appli-  
3                   cation for suspension of deporta-  
4                   tion or cancellation of removal;  
5                   and”;

6                   (2) in subsection (g)—

7                   (A) by inserting “(1)” before “Notwith-  
8                   standing”;

9                   (B) by inserting “subject to paragraph  
10                  (2),” after “section 101(a) of the Immigration  
11                  and Nationality Act),”;

12                  (C) by adding at the end the following new  
13                  paragraph:

14                  “(2) There shall be no limitation on a motion to re-  
15                  open removal or deportation proceedings in the case of an  
16                  alien who is described in subclause (VI) or (VII) of sub-  
17                  section (c)(5)(C)(i). Motions to reopen removal or deporta-  
18                  tion proceedings in the case of such an alien shall be han-  
19                  dled under the procedures that apply to aliens seeking re-  
20                  lief under section 204(a)(1)(A)(iii) of the Immigration and  
21                  Nationality Act.”.

22                  (g) EFFECTIVE DATE.—Except as otherwise provided  
23                  in this section, the amendments made by this section shall  
24                  take effect on the date of the enactment of this Act.

1 **SEC. 118. PAROLE FOR VAWA PETITIONERS AND DERIVA-**  
2 **TIVES.**

3 (a) IN GENERAL.—Section 240A(b)(4) of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1229b(b)(4)) is  
5 amended—

6 (1) in the heading, by inserting “BATTERED  
7 ALIENS AND” before “CHILDREN OF BATTERED  
8 ALIENS”;

9 (2) in subparagraph (A)—

10 (A) by striking “or” at the end of clause  
11 (i);

12 (B) by striking the period at the end of  
13 clause (ii) and inserting “; or”; and

14 (C) by adding at the end the following new  
15 clause:

16 “(iii) a VAWA petitioner.”; and

17 (3) in subparagraph (B)—

18 (A) in the first sentence, by inserting “on  
19 a year-by-year basis” after “shall extend”; and

20 (B) in the first sentence, by inserting “or,  
21 in the case of subparagraph (A)(iii), from the  
22 date of approval of the applicable petition”  
23 after “1996”).

24 (b) CONFORMING AMENDMENT.—Section 212(d)(5)  
25 of such Act (8 U.S.C. 1182(d)(5)) is amended by adding  
26 at the end the following new subparagraph:

1       “(C) For provision providing for parole for certain  
2 battered aliens, children or battered aliens, and parents  
3 of battered alien children, see section 240A(b)(4).”.

4       (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on the date of the enactment  
6 of this Act.

7 **SEC. 119. EXEMPTION OF VICTIMS OF DOMESTIC VIO-**  
8 **LENCE, SEXUAL ASSAULT AND TRAFFICKING**  
9 **FROM SANCTIONS FOR FAILURE TO DEPART**  
10 **VOLUNTARILY.**

11       (a) IN GENERAL.—Section 240B(d) of the Immigra-  
12 tion and Nationality Act (8 U.S.C. 1229c(d)) is amend-  
13 ed—

14             (1) by striking “If” and inserting “(1) Subject  
15 to paragraph (2), if”; and

16             (2) by adding at the end the following new  
17 paragraph:

18       “(2) The ineligibility for relief under paragraph (1)  
19 shall not apply to an alien who is a VAWA petitioner, who  
20 is seeking status as a nonimmigrant under subparagraph  
21 (T) or (U) of section 101(a)(15), or who is an applicant  
22 for relief under section 240A(b)(2) or under section  
23 244(a)(3) (as in effect on March 31, 1997).”.

24       (b) EFFECTIVE DATE.—The amendments made by  
25 subsection (a) shall apply as if included in the enactment

1 of the Immigration Reform and Immigrant Responsibility  
2 Act of 1996 (division C of Public Law 104–208) and shall  
3 apply to failures to depart voluntarily occurring before, on,  
4 or after the date of the enactment of this Act.

5 **SEC. 120. CLARIFICATION OF ACCESS TO NATURALIZATION**  
6 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

7 (a) **IN GENERAL.**—Section 319(a) of the Immigra-  
8 tion and Nationality Act (8 U.S.C. 1430(a)) is amended  
9 by inserting after “extreme cruelty by a United States cit-  
10 izen spouse or parent” the following: “, regardless of  
11 whether the lawful permanent resident status was ob-  
12 tained on the basis of such battery or cruelty”.

13 (b) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall take effect on the date of the enact-  
15 ment of this Act and shall apply to applications for natu-  
16 ralization filed before, on, or after the date of the enact-  
17 ment of this Act.

18 **SEC. 121. CONSOLIDATING ADJUDICATION OF VAWA CASES**  
19 **IN VAWA UNIT.**

20 (a) **IN GENERAL.**—Subtitle F of title IV of the  
21 Homeland Security Act of 2002 (Public Law 107–296)  
22 is amended by adding at the end the following new section:

1 **“SEC. 479. CONSOLIDATED ADJUDICATION OF VAWA CASES**  
2 **IN VAWA UNIT.**

3 “(a) **SOLE JURISDICTION.**—The Secretary of Home-  
4 land Security shall designate the VAWA unit as the ad-  
5 ministrative unit within the Department of Homeland Se-  
6 curity with sole jurisdiction over the adjudication of the  
7 following:

8 “(1) Applications and petitions of VAWA peti-  
9 tioners described in section 101(a)(51) of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1101(a)(51)).

11 “(2) Applications for nonimmigrant status  
12 under subparagraph (T) or (U) of section  
13 101(a)(15) of the Immigration and Nationality Act  
14 (8 U.S.C. 1101(a)(15)).

15 “(3) Applications seeking relief under para-  
16 graph (2) or (4) of section 240A(b) of the Immigra-  
17 tion and Nationality Act (8 U.S.C. 122b(b)).

18 “(4) Applications for adjustment of status by  
19 VAWA petitioners who are described in subpara-  
20 graph (A) or (B) of section 101(a)(51) of such Act.

21 “(5) Applications for employment authorization  
22 under section 214(c)(11).

23 “(b) **ADDITIONAL JURISDICTION.**—The VAWA unit  
24 may have jurisdiction over such other matters as the Sec-  
25 retary may specify.

1       “(c) VAWA UNIT DEFINED.—For purposes of this  
2 section, the term ‘VAWA unit’ means the administrative  
3 unit within the Department of Homeland Security that  
4 has responsibility as of May 1, 2005, for petitions under  
5 subparagraphs (A)(iii), (A)(iv), (B)(ii), and (B)(iii) of sec-  
6 tion 204(a)(1) of the Immigration and Nationality Act  
7 and for applications for nonimmigrant status under sub-  
8 paragraphs (T) and (U) of section 101(a)(15) of such  
9 Act.”.

10       (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of such Act is amended by inserting after  
12 the item relating to section 478 the following new item:  
“Sec. 479. Consolidated adjudication of VAWA cases in VAWA unit.”.

13       (c) EFFECTIVE DATE.—The amendment made by  
14 paragraph (1) shall apply to applications and petitions  
15 filed on or after the date that is 180 days after the date  
16 of the enactment of this Act and, to the extent feasible,  
17 to applications and petitions filed before such date.

18 **SEC. 122. PROHIBITION OF ADVERSE DETERMINATIONS OF**  
19 **ADMISSIBILITY OR DEPORTABILITY BASED**  
20 **ON PROTECTED INFORMATION.**

21       (a) APPLICATION TO ADDITIONAL DEPARTMENTS  
22 AND OTHER BATTERED ALIENS.—Section 384 of the Ille-  
23 gal Immigration Reform and Immigrant Responsibility  
24 Act of 1996 (division C of Public Law 104–208; 8 U.S.C.  
25 1367) is amended—

1           (1) in subsection (a), as amended by section  
2 1513(d) of VAWA–2000—

3           (A) in the matter before paragraph (1), by  
4 striking “(including any bureau or agency of  
5 such Department)” and inserting “, or the Sec-  
6 retary of Homeland Security, the Secretary of  
7 State, the Secretary of Health and Human  
8 Services, or the Secretary of Labor or any other  
9 official or employee of the Department of  
10 Homeland Security, the Department of State,  
11 the Department of Health and Human Services,  
12 or the Department of Labor (including any bu-  
13 reau or agency of any such Department)”;

14           (B) in paragraph (1)—

15           (i) in the matter before subparagraph  
16 (A), by striking “furnished solely by” and  
17 inserting “furnished by or derived from in-  
18 formation provided solely by”;

19           (ii) by striking “or” at the end of sub-  
20 paragraph (D);

21           (iii) by adding “or” at the end of sub-  
22 paragraph (E);

23           (iv) by inserting after subparagraph  
24 (E) the following new subparagraph:

1           “(F) in the case of an alien applying for  
2 continued presence as a victim of trafficking  
3 under section 107(b)(1)(E)(i)(II)(bb) of the  
4 Trafficking Protection Act of 2000 or status  
5 under section 101(a)(15)(T) of the Immigration  
6 and Nationality Act, the trafficker or perpe-  
7 trator,”; and

8                         (v) by striking “or” at the end;

9           (C) in paragraph (2)—

10                       (i) by striking “of the Department,”  
11 and inserting “of any such Department,”;

12                       (ii) by striking “under clause (iii) or  
13 (iv) of section 204(a)(1)(A), clause (ii) or  
14 (iii) of section 204(a)(1)(B)” and inserting  
15 “as a VAWA petitioner (as defined in sec-  
16 tion 101(a)(51) of the Immigration and  
17 Nationality Act), or under”;

18                       (iii) by striking “or section  
19 240A(a)(3) of such Act as an alien (or the  
20 part of a child) who has been battered or  
21 subjected to extreme cruelty.” and insert-  
22 ing the following: “, section 101(a)(15)(T),  
23 or section 240A(b)(2) of such Act, or sec-  
24 tion 244(a)(3) of such Act (as in effect on  
25 March 31, 1997), or for continued pres-

1           ence as a victim of trafficking under sec-  
2           tion 107(b)(1)(E)(i)(II)(bb) of the Traf-  
3           ficking Protection Act of 2000, or any de-  
4           rivative of the alien;” and

5                   (iv) by striking the period at the end  
6           and inserting a semicolon; and

7           (D) by inserting after paragraph (2) the  
8           following:

9           “(3) undertake any part of an enforcement ac-  
10          tion—

11                   “(A) at a domestic violence shelter, a vic-  
12           tims services organization or program (as de-  
13           scribed in section 2003(8) of the Omnibus  
14           Crime Control and Safe Streets Act of 1968),  
15           a rape crisis center, a family justice center, or  
16           a supervised visitation center; or

17                   “(B) against an alien at a courthouse (or  
18           in connection with the appearance of the alien  
19           at a courthouse) if the alien is appearing in  
20           connection with a protection order case, child  
21           custody case, or other civil or criminal case re-  
22           lating to domestic violence, sexual assault, traf-  
23           ficking, or stalking in which the alien has been  
24           battered or subject to extreme cruelty or if the  
25           alien is described in subparagraph (T) or (U) of

1 section 101(a)(15) of the Immigration and Na-  
2 tionality Act; or

3 “(4) in the case of an alien described in section  
4 101(a)(27)(J) of the Immigration and Nationality  
5 Act who has been abused, neglected, or abandoned,  
6 contact the alleged abuser (or family member of the  
7 alleged abuser) at any stage of applying for special  
8 immigrant juvenile status, including after a request  
9 for the consent of the Secretary of Homeland Secu-  
10 rity under clause (iii)(I) of such section.”; and

11 (2) in subsection (b)—

12 (A) in paragraphs (1), by striking “may  
13 provide, in the Attorney General’s discretion”  
14 and inserting “, Secretary of Homeland Secu-  
15 rity, Secretary of State, Secretary of Health  
16 and Human Services, and Secretary of Labor  
17 may provide”;

18 (B) in paragraph (2), by striking “may  
19 provide in the discretion of the Attorney Gen-  
20 eral” and inserting “, Secretary of Homeland  
21 Security, Secretary of State, Secretary of  
22 Health and Human Services, and the Secretary  
23 of Labor may provide”; and

24 (C) in paragraph (5), by striking “is au-  
25 thorized to disclose” and inserting “, Secretary

1 of Homeland Security, Secretary of State, Sec-  
2 retary of Health and Human Services, and Sec-  
3 retary of Labor, or Attorney General may dis-  
4 close”.

5 (b) **EFFECTIVE DATE.**—The amendments made by  
6 subsection (a) shall take effect on the date of the enact-  
7 ment of this Act and shall apply to violations or dislo-  
8 sures made on or after such date.

9 **Subtitle C—Miscellaneous**  
10 **Provisions**

11 **SEC. 131. REMOVING 2 YEAR CUSTODY AND RESIDENCY RE-**  
12 **QUIREMENT FOR BATTERED ADOPTED CHIL-**  
13 **DREN.**

14 (a) **IN GENERAL.**—Section 101(b)(1)(E)(i) of the  
15 Immigration and Nationality Act (8 U.S.C.  
16 1101(b)(1)(E)(i)) is amended by inserting after “at least  
17 two years” the following: “or if the child has been battered  
18 or subject to extreme cruelty by the adopting parent or  
19 by a family member of the adopting parent residing in  
20 the same household”.

21 (b) **CONFORMING NATURALIZATION AMENDMENT.**—  
22 Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is  
23 amended by inserting before the period at the end the fol-  
24 lowing: “or the child is residing in the United States pur-  
25 suant to a lawful admission for permanent residence and

1 has been battered or subject to extreme cruelty by the cit-  
2 izen parent or by a family member of the citizen parent  
3 residing in the same household ”

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on the date of the enactment  
6 of this Act and shall apply to applications pending or filed  
7 on or after such date.

8 **SEC. 132. WAIVER OF CERTAIN GROUNDS OF INADMIS-**  
9 **SIBILITY FOR VAWA PETITIONERS.**

10 (a) WAIVER OF UNLAWFUL PRESENCE.—Paragraph  
11 (9)(B)(iii)(IV) of section 212(a) of the Immigration and  
12 Nationality Act (8 U.S.C. 1182(a)) is amended by striking  
13 “who would be described in paragraph (6)(A)(ii)” and all  
14 that follows and by inserting “who demonstrates that the  
15 alien is described in subclauses (I) and (II) of paragraph  
16 (6)(A)(ii).”.

17 (b) WAIVER OF FALSE CLAIM OF U.S. CITIZEN-  
18 SHIP.—

19 (1) IN GENERAL.—Section 212(i)(1) of such  
20 Act (8 U.S.C. 1182(i)(1)) is amended by inserting  
21 “(and, in the case of a VAWA petitioner who dem-  
22 onstrates a connection between the false claim of  
23 United States citizenship and the petitioner being  
24 subjected to extreme cruelty or physical or mental  
25 abuse, clause (ii))” after “clause (i)”.

1           (2) CONFORMING REFERENCE.—Section  
2           212(a)(6)(C)(iii) of such Act (8 U.S.C.  
3           1182(a)(6)(C)(iii)) is amended by striking “clause  
4           (i)” and inserting “clauses (i) and (ii)”.

5           (c) EXEMPTION FROM PUBLIC CHARGE GROUND.—

6           (1) IN GENERAL.—Section 212(a)(4) of such  
7           Act (8 U.S.C. 1182(a)(4)) is amended by adding at  
8           the end the following new subparagraph:

9                   “(E) SPECIAL RULE FOR BATTERED  
10                   ALIENS.—Subparagraphs (A) through (C) shall  
11                   not apply to an alien who is a VAWA petitioner  
12                   or is a qualified alien described in section  
13                   431(c) of the Personal Responsibility and Work  
14                   Opportunity Reconciliation Act of 1996.”.

15           (2) CONFORMING AMENDMENT.—Section  
16           212(a)(4)(C)(i) of such Act (8 U.S.C.  
17           1182(a)(4)(C)(i)) is amended to read as follows:

18                   “(i) the alien is described in subpara-  
19                   graph (E); or”.

20           (d) EFFECTIVE DATE.—Except as provided in this  
21           section, the amendments made by this section shall take  
22           effect on the date of the enactment of this Act and shall  
23           apply regardless of whether the conviction was entered,  
24           crime, or disqualifying event occurred before, on, or after  
25           such date.

1 **SEC. 133. TREATMENT OF GOOD MORAL CHARACTER.**

2 (a) IN GENERAL.—Section 101(a)(43) of the Immi-  
3 gration and Nationality Act (8 U.S.C. 1101(a)(43)) is  
4 amended——

5 (1) in subparagraphs (F) and (G), by striking  
6 “at least one year” and inserting “is more than one  
7 year”;

8 (2) in subparagraph (J), by striking “one year  
9 imprisonment or more” by inserting “imprisonment  
10 of more than one year”;

11 (3) in subparagraph (P), by striking “at least  
12 12 months” and inserting “more than one year”;  
13 and

14 (4) in subparagraphs (R) and (S), by striking  
15 “at least one year” and inserting “more than one  
16 year”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 subsection (a) shall take effect on the date of the enact-  
19 ment of this Act and shall apply to all convictions entered  
20 (and criminal acts occurring) before, on, or after the date  
21 of the enactment of this Act.

22 **SEC. 134. EMPLOYMENT AUTHORIZATION FOR BATTERED**  
23 **SPOUSES OF H-1B VISA HOLDERS.**

24 (a) IN GENERAL.—Section 214(c) of the Immigration  
25 and Nationality Act (8 U.S.C. 1184(c)), as amended by  
26 sections 403(a) and 404(a) of the REAL ID Act of 2005

1 (Division B of Public Law 109–13), is amended by adding  
2 at the end the following new paragraph:

3 “(15) In the case of an alien spouse admitted under  
4 section 101(a)(15)(H) who is accompanying or following  
5 to join a principal alien admitted under section  
6 101(a)(15)(H)(i)(B), the Secretary of Homeland Security  
7 shall authorize the alien spouse to engage in employment  
8 in the United States and provide the spouse with an ‘em-  
9 ployment authorized’ endorsement or other appropriate  
10 work permit if the alien spouse demonstrates that during  
11 the marriage the alien spouse or a child of the alien spouse  
12 has been battered or has been the subject to extreme cru-  
13 elty perpetrated by the spouse of the alien spouse.”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall take effect on the date of the enact-  
16 ment of this Act and shall apply to aliens who obtained  
17 the status of an alien spouse admitted under section  
18 101(a)(15)(H) of the Immigration and Nationality Act be-  
19 fore, on, or after such date.

20 **SEC. 135. GROUNDS FOR HARDSHIP WAIVER FOR CONDI-**  
21 **TIONAL PERMANENT RESIDENCE FOR IN-**  
22 **TENDED SPOUSES.**

23 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-  
24 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-  
25 ed—

1 (1) by striking “or” at the end of subparagraph  
2 (B);

3 (2) by striking the period at the end of sub-  
4 paragraph (C) and inserting “, or”; and

5 (3) by inserting after subparagraph (C) the fol-  
6 lowing new subparagraph:

7 “(D) the alien meets the requirements  
8 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and  
9 following the marriage ceremony has been bat-  
10 tered by or was subject to extreme cruelty per-  
11 petrated by his or her intended spouse and was  
12 not at fault in failing to meet the requirements  
13 of paragraph (1).”.

14 (b) **EFFECTIVE DATE.**—The amendments made by  
15 subsection (a) shall apply as if included in the enactment  
16 of VAWA–2000.

17 **SEC. 136. CANCELLATION OF REMOVAL.**

18 (a) **CLARIFYING APPLICATION OF DOMESTIC VIO-**  
19 **LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-**  
20 **MOVAL.**—

21 (1) **IN GENERAL.**—Section 240A(b) of the Im-  
22 migration and Nationality Act (8 U.S.C. 1229b(b))  
23 is amended—

24 (A) in paragraph (1)(C), by striking “(ex-  
25 cept in a case described in section 237(a)(7)

1 where the Attorney General exercises discretion  
2 to grant a waiver)” and inserting “, subject to  
3 paragraph (5)”;

4 (B) in paragraph (2)(A), by amending  
5 clause (iv) to read as follows:

6 “(iv) subject to paragraph (5), the  
7 alien is not inadmissible under section  
8 212(a)(2) or removable under section  
9 237(a)(2) or 237(a)(3); and ”; and

10 (C) by adding at the end the following new  
11 paragraph:

12 “(5) APPLICATION OF DOMESTIC VIOLENCE  
13 WAIVER AUTHORITY.—Paragraphs (1)(C) and  
14 (2)(A)(iv) shall not apply with respect to an offense  
15 described in clause (i) or (ii) of section 237(a)(2)(E)  
16 in the case described in section 237(a)(7)(A).”.

17 (2) EFFECTIVE DATE.—The amendments made  
18 by paragraph (1) shall apply as if included in the  
19 enactment of section 1504(a) of VAWA–2000.

20 (b) CLARIFYING NONAPPLICATION OF CANCELLA-  
21 TION CAP.—

22 (1) IN GENERAL.—Section 240A(e)(3) of the  
23 Immigration and Nationality Act (8 U.S.C.  
24 1229b(e)(3)) is amended by adding at the end the  
25 following new subparagraph:

1           “(C) Aliens with respect to their cancella-  
2           tion of removal under subsection (b)(2).”.

3           (2) EFFECTIVE DATE.—The amendment made  
4           by paragraph (1) shall apply to cancellations of re-  
5           moval occurring on or after October 1, 2004.

6 **SEC. 137. MOTIONS TO REOPEN.**

7           (a) REMOVAL PROCEEDINGS.—

8           (1) IN GENERAL.—Section 240(c)(7) of the Im-  
9           migration and Nationality Act (8 U.S.C.  
10           1230(c)(7)), as redesignated by section 101(d)(1) of  
11           the REAL ID Act of 2005 (Division B of Public  
12           Law 109–13), is amended—

13                   (A) in subparagraph (A), by inserting “,  
14                   except that this limitation shall not apply so as  
15                   to prevent the filing of one motion to reopen de-  
16                   scribed in clause (iv)” before the period at the  
17                   end;

18                   (B) in subparagraph (C)(iv), in the matter  
19                   before subclause (I), by striking “The deadline  
20                   specified in subsection (b)(5)(C) for filing a mo-  
21                   tion to reopen does not apply” and inserting  
22                   “Any limitation under this section on the dead-  
23                   lines for filing such motions shall not apply”;  
24                   and

1 (C) in subparagraph (C)(iv), by adding  
2 after and below subclause (III) the following  
3 new sentence:

4 “The filing of a motion to reopen under  
5 this clause shall stay the removal of the  
6 alien pending final disposition of the mo-  
7 tion including exhaustion of all appeals.”.

8 (2) EFFECTIVE DATE.—The amendments made  
9 by paragraph (1) shall take effect on the date of the  
10 enactment of this Act.

11 (b) DEPORTATION PROCEEDINGS.—

12 (1) IN GENERAL.—Section 1506(c)(2)(A) of  
13 VAWA–2000 is amended—

14 (A) in the matter before clause (i), by  
15 striking “Notwithstanding any limitation im-  
16 posed by law on motions” inserting “Notwith-  
17 standing any limitation on the number of mo-  
18 tions, or the deadlines for filing motions (in-  
19 cluding the deadline specified in section  
20 242B(c)(3) of the Immigration and Nationality  
21 Act before the title III–A effective date),”;

22 (B) in the matter before clause (i), by  
23 striking “there is no time limit on the filing of  
24 a motion” and all that follows through “does  
25 not apply” and inserting “such limitations shall

1 not apply to the filing of a single motion under  
2 this subparagraph to reopen such proceedings”;  
3 and

4 (C) by adding at the end the following:

5 “The filing of a motion under this subpara-  
6 graph shall stay the removal of the alien pend-  
7 ing a final disposition of the motion including  
8 the exhaustion of all appeals.”.

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) shall take effect on the date of the  
11 enactment of this Act .

12 **SEC. 138. REMOVAL PROCEEDINGS.**

13 (a) EXCEPTION TO REINSTATEMENT OF REMOVAL.—

14 (1) IN GENERAL.—Section 241(a)(5) of the Im-  
15 migration and Nationality Act (8 U.S.C. 1251(a)(5))  
16 is amended by adding at the end the following: “The  
17 provisions of this paragraph shall not apply to an  
18 alien who, before reinstatement of the removal order,  
19 sought relief as a VAWA petitioner, applied for sta-  
20 tus as a nonimmigrant under subparagraph (T) or  
21 (U) of section 101(a)(15), or applied for relief under  
22 section 240A(b)(2) or section 244(a)(3) (as in effect  
23 on March 31, 1997).”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall take effect on the date of the  
3           enactment of this Act.

4           (b) TREATMENT OF BATTERY OR EXTREME CRU-  
5           ELTY AS EXCEPTIONAL CIRCUMSTANCES.—

6           (1) IN GENERAL.—Section 240(e)(1) of such  
7           Act (8 U.S.C. 1230(e)(1)) is amended by inserting  
8           “battery or extreme cruelty of the alien or any child  
9           or parent of the alien or” after “exceptional cir-  
10          cumstances (such as”.

11          (2) EFFECTIVE DATE.—The amendment made  
12          by paragraph (1) shall take effect on the date of the  
13          enactment of this Act and shall apply to a failure to  
14          appear that occurs before, on, or after such date.

15   **SEC. 139. CONFORMING RELIEF IN SUSPENSION OF DEPOR-**  
16                           **TATION PARALLEL TO THE RELIEF AVAIL-**  
17                           **ABLE IN VAWA-2000 CANCELLATION FOR**  
18                           **BIGAMY.**

19          Section 244(a)(3) of the Immigration and Nationality  
20          Act (as in effect before the title III–A effective date in  
21          section 309 of the Illegal Immigration Reform and Immi-  
22          grant Responsibility Act of 1996) shall be applied as if  
23          “or by a United States citizen or lawful permanent resi-  
24          dent whom the alien intended to marry, but whose mar-  
25          riage is not legitimate because of that United States citi-

1 zen’s or permanent resident’s bigamy” were inserted after  
2 “by a spouse or parent who is a United States citizen or  
3 lawful permanent resident”.

4 **SEC. 140. CORRECTION OF CROSS-REFERENCE TO CRED-**  
5 **IBLE EVIDENCE PROVISIONS.**

6 (a) CUBAN ADJUSTMENT PROVISION.—The last sen-  
7 tence of the first section of Public Law 89–732 (November  
8 2, 1966; 8 U.S.C. 1255 note), as amended by section  
9 1509(a) of VAWA–2000, is amended by striking  
10 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

11 (b) NACARA.—Section 202(d)(3) of the Nicaraguan  
12 Adjustment and Central American Relief Act (8 U.S.C.  
13 1255 note; Public Law 105–100), as amended by section  
14 1510(a)(2) of VAWA–2000, is amended by striking  
15 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

16 (c) IIRAIRA.—Section 309(c)(5)(C)(iii) of the Ille-  
17 gal Immigration and Reform and Immigrant Responsi-  
18 bility Act of 1996 (division C of Public Law 104–208; 8  
19 U.S.C. 1101 note), as amended by section 1510(b)(2) of  
20 VAWA–2000, is amended by striking “204(a)(1)(H)” and  
21 inserting “204(a)(1)(J)”.

22 (d) HRIFA.—Section 902(d)(1)(B)(iii) of the Hai-  
23 tian Refugee Immigration Fairness Act of 1998 (division  
24 A of section 101(h) of Public Law 105–277; 112 Stat.  
25 2681–538), as amended by section 1511(a) of VAWA–

1 2000, is amended by striking “204(a)(1)(H)” and insert-  
2 ing “204(a)(1)(J)”.

3 (e) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect as if included in the enact-  
5 ment of VAWA–2000.

6 **SEC. 141. TECHNICAL CORRECTIONS.**

7 (a) TECHNICAL CORRECTIONS TO REFERENCES IN  
8 APPLICATION OF SPECIAL PHYSICAL PRESENCE AND  
9 GOOD MORAL CHARACTER RULES.—

10 (1) PHYSICAL PRESENCE RULES.—Section  
11 240A(b)(2)(B) of the Immigration and Nationality  
12 Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

13 (A) in the first sentence, by striking  
14 “(A)(i)(II)” and inserting “(A)(ii)”; and

15 (B) in the fourth sentence, by striking  
16 “section 240A(b)(2)(B)” and inserting “this  
17 subparagraph, subparagraph (A)(ii),”.

18 (2) MORAL CHARACTER RULES.—Section  
19 240A(b)(2)(C) of such Act (8 U.S.C.  
20 1229b(b)(2)(C)) is amended by striking  
21 “(A)(i)(III)” and inserting “(A)(iii)”.

22 (3) EFFECTIVE DATE.—The amendments made  
23 by this subsection shall be effective as if included in  
24 the enactment of section 1504(a) of VAWA (114  
25 Stat. 1522).

1 (b) CORRECTION OF CROSS-REFERENCE ERROR IN  
2 APPLYING GOOD MORAL CHARACTER.—

3 (1) IN GENERAL.—Section 101(f)(3) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1101(f)(3))  
5 is amended by striking “(9)(A)” and inserting  
6 “(10)(A)”.

7 (2) EFFECTIVE DATE.—The amendment made  
8 by paragraph (1) shall be effective as if included in  
9 the enactment of the Illegal Immigration Reform  
10 and Immigrant Responsibility Act of 1996 (Public  
11 Law 104–208).

12 (c) PUNCTUATION CORRECTION.—Effective as if in-  
13 cluded in the enactment of section 5(c)(2) of VAWA–  
14 2000, section 237(a)(1)(H)(ii) of such Act (8 U.S.C.  
15 1227(a)(1)(H)(ii)) is amended by striking the period at  
16 the end and inserting “; or”.

17 (d) CORRECTION OF DESIGNATION AND INDENTA-  
18 TION.—The last sentence of section 212(a)(9)(C)(ii) of the  
19 Immigration and Nationality Act (8 U.S.C.  
20 1182(a)(9)(C)(ii)), as added by section 1505(a) of  
21 VAWA–2000, is amended—

22 (1) by striking “section 212(a)(9)(C)(i)” and  
23 inserting “clause (i)”;

24 (2) by redesignating paragraphs (1) and (2),  
25 and subparagraphs (A) through (D) of paragraph

1 (2), as subclauses (I) and (II), and items (aa)  
2 through (dd) of subclause (II), respectively; and

3 (3) by moving the margins of each of such  
4 paragraphs and subparagraphs 6 ems to the right.

5 (e) ADDITIONAL TECHNICAL CORRECTION.—Section  
6 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is  
7 amended by striking “(10(E))” and inserting “(10)(E))”.

## 8 **TITLE II—ADDITIONAL** 9 **PROTECTIONS**

### 10 **Subtitle A—Ensuring Crime Victim** 11 **Access to Legal Services**

#### 12 **SEC. 201. ENSURING CRIME VICTIM ACCESS TO LEGAL** 13 **SERVICES.**

14 (a) IN GENERAL.—Section 502 of the Departments  
15 of Commerce, Justice, and State, the Judiciary, and Re-  
16 lated Agencies Appropriations Act, 1998 (Public Law  
17 105–119; 111 Stat. 2510) is amended—

18 (1) by amending subparagraph (C) of sub-  
19 section (a) to read as follows:

20 “(C) subsection (a)(11) of such section  
21 504 shall not be construed to prohibit a recipi-  
22 ent from using Corporation funds and funds de-  
23 rived from a source other than the Corporation  
24 to provide legal assistance to—

1           “(i) an alien who has been battered or  
2           subjected to extreme cruelty or who has  
3           been a victim of sexual assault or a victim  
4           of trafficking in the United States;

5           “(ii) an alien whose child has been  
6           battered or subjected to extreme cruelty or  
7           has been a victim of sexual assault or a  
8           victim of trafficking in the United States,  
9           if the alien has not actively participated in  
10          the battery, extreme cruelty, sexual as-  
11          sault, or trafficking; or

12          “(iii) an alien who qualifies (or whose  
13          child qualifies) for status under section  
14          101(a)(15)(U) of the Immigration and Na-  
15          tionality Act (8 U.S.C. 1101(a)(15)(U)) .”;  
16          and

17          (2) by striking paragraph (2) of subsection (b)  
18          and inserting the following:

19          “(2) The term ‘victim of trafficking’ has the  
20          meaning given such term in section 103(14) of the  
21          Trafficking Victims Protection Act of 2000 (Public  
22          Law 106–286; 22 U.S.C. 7102(14)).”.

23          (b) EFFECTIVE DATE.—The amendments made by  
24          subsection (a) shall apply to expenditures made on or after  
25          the date of the enactment of this Act with respect to ap-

1 appropriations made for fiscal years beginning before, on,  
2 or after such date.

3 (c) CONSTRUCTION.—Nothing in the amendments  
4 made by subsection (a) shall be construed to restrict the  
5 legal assistance provided to victims of severe forms of traf-  
6 ficking and certain family members allowed under section  
7 107(b)(1) of the Trafficking Victims Protection Act of  
8 2000 (Public Law 106–286; 22 U.S.C. 7105(b)(1)).

9 **Subtitle B—Eligibility for Certain**  
10 **Public Benefits of Aliens Suf-**  
11 **fering From Domestic Abuse**

12 **SEC. 211. ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS OF**  
13 **ALIENS SUFFERING FROM DOMESTIC ABUSE.**

14 (a) EXEMPTION FROM SSI AND FOOD STAMPS  
15 BAN.—Section 402(a)(2) of the Personal Responsibility  
16 and Work Opportunity Reconciliation Act of 1996 (8  
17 U.S.C. 1612(a)(2)) is amended by adding at the end the  
18 following new subparagraph:

19 “(M) BATTERED AND CRIME VICTIM  
20 ALIENS.—With respect to eligibility for benefits  
21 for a specified Federal program (as defined in  
22 paragraph (3)), paragraph (1) shall not apply  
23 to an alien who—

24 “(i) is described in section 431(c);

1           “(ii) is described in section 431(b)  
2           and also is described in section 431(c),  
3           other than paragraphs (1)(B), (2)(B), and  
4           (3)(B) of such section; or

5           “(iii) is described in a clause (i) or (ii)  
6           and was lawfully admitted as a permanent  
7           resident.”.

8           (b) EXEMPTION FROM TANF, SOCIAL SERVICES  
9           BLOCK GRANT, AND MEDICAID BAN.—Section 402(b)(2)  
10          of such Act (8 U.S.C. 1612(b)(2)) is amended by inserting  
11          after subparagraph (F) the following new subparagraph:

12                   “(G) BATTERED AND CRIME VICTIM  
13                   ALIENS.—An alien who—

14                           “(i) is described in section 431(c);

15                           “(ii) is described in section 431(b)  
16                           and also is described in section 431(c),  
17                           other than paragraphs (1)(B), (2)(B), and  
18                           (3)(B) of such section; or

19                           “(iii) is described in clause (i) or (ii)  
20                           and was lawfully admitted as a permanent  
21                           resident.”.

22           (c) EXEMPTION FROM 5-YEAR BAN FOR FEDERAL  
23           MEANS-TESTED PUBLIC BENEFITS.—Section 403(b) of  
24           such Act (8 U.S.C. 1613(b)) is amended by adding at the  
25           end the following new paragraph:

1           “(3) BATTERED AND CRIME VICTIM ALIENS.—

2           An alien who—

3                   “(A) is described in section 431(c);

4                   “(B) is described in section 431(b) and  
5           also is described in section 431(c), other than  
6           paragraphs (1)(B), (2)(B), and (3)(B) of such  
7           section; or

8                   “(C) is described in subparagraph (A) or  
9           (B) and was lawfully admitted as a permanent  
10          resident.”.

11          (d) STATUS AS QUALIFIED ALIEN FOR VAWA PETI-  
12          TIONERS AND NONIMMIGRANT “U” AND “T” VISA APPLI-  
13          CANTS AND VISA HOLDERS.—Section 431(c) of such Act  
14          (8 U.S.C. 1641(b)) is amended—

15                 (1) in paragraph (1)(B)—

16                         (A) in clause (i), by striking “or a child”  
17                         and inserting “, child, or parent” and by strik-  
18                         ing “or (iv)” and inserting “(iv), or (vii)”;

19                         (B) in clause (ii), by striking “(as in effect  
20                         prior to April 1, 1997)”;

21                         (C) in clause (iii), by striking the period at  
22                         the end and inserting a comma;

23                         (D) in clause (iv), by striking the semi-  
24                         colon at the end and inserting a comma;

1 (E) in clause (v), by striking the semicolon  
2 at the end and inserting “, or”; and

3 (F) by adding at the end the following new  
4 clause:

5 “(vi) status as a VAWA petitioner (as  
6 defined in section 101(a)(51) of such Act),  
7 other than such a petitioner described in  
8 clause (i) or (ii);”;

9 (2) by striking “or” at the end of paragraph  
10 (2)(B);

11 (3) by striking the period at the end of para-  
12 graph (3)(B) and inserting “; or”; and

13 (4) by inserting after paragraph (3)(B) the fol-  
14 lowing new paragraph:

15 “(4) an alien who has applied for and not been  
16 denied status as a nonimmigrant under clause (i) or  
17 (ii) of subparagraph (T), or clause (i) or (ii) of sub-  
18 paragraph (U), of section 101(a)(15) of the Immi-  
19 gration and Nationality Act”.

20 (e) CONFORMING DEFINITION OF “FAMILY” USED  
21 IN LAWS GRANTING FEDERAL PUBLIC BENEFIT ACCESS  
22 FOR BATTERED ALIENS TO STATE FAMILY LAW.—

23 (1) IN GENERAL.—Section 431(e) of such Act  
24 (8 U.S.C. 1641(e)) is amended—

1 (A) in paragraph (1)(A), by striking “by a  
2 spouse or a parent, or by a member of the  
3 spouse or parent’s family residing in the same  
4 household as the alien and the spouse or parent  
5 consented to, or acquiesced in, such battery or  
6 cruelty” and inserting “by a spouse, parent,  
7 son, or daughter, or by any individual having a  
8 relationship with the alien covered by the civil  
9 or criminal domestic violence statutes of the  
10 State or Indian country where the alien resides,  
11 or the State or Indian country in which the  
12 alien, the alien’s child, or the alien child’s par-  
13 ents received a protection order, or by any indi-  
14 vidual against whom the alien could obtain a  
15 protection order,”;

16 (B) in paragraph (2)(A), by striking “by a  
17 spouse or parent of the alien (without the active  
18 participation of the alien in the battery or cru-  
19 elty), by a member of the spouse or parent’s  
20 family residing in the same household as the  
21 alien and the spouse or parent consented or ac-  
22 quiesced to such battery or cruelty,” and insert-  
23 ing “by a spouse, parent, son, or daughter of  
24 the alien (without the active participation of the  
25 alien in such battery) or by any individual hav-

1           ing a relationship with the alien covered by the  
2           civil or criminal domestic violence statutes of  
3           the State or Indian country where the alien re-  
4           sides, or the State or Indian country in which  
5           the alien, the alien’s child, or the alien child’s  
6           parents received a protection order, or by any  
7           individual against whom the alien could obtain  
8           a protection order,”; and

9           (C) in paragraph (3)(A), by striking “by a  
10          spouse or parent, or by a member of the spouse  
11          or parent’s family residing in the same house-  
12          hold as the alien and the spouse or parent con-  
13          sented or acquiesced to such battery or cru-  
14          elty,” and inserting “by a spouse, parent, son,  
15          or daughter, or by any individual having a rela-  
16          tionship with the alien covered by the civil or  
17          criminal domestic violence statutes of the State  
18          or Indian country where the alien resides, or  
19          the State or Indian country in which the alien,  
20          the alien’s child, or the alien child’s parents re-  
21          ceived a protection order, or by any individual  
22          against whom the alien could obtain a protec-  
23          tion order,”.

1           (2) FEDERAL ATTRIBUTION OF SPONSOR'S IN-  
2 COME AND RESOURCES.—Section 421(f)(1)(A) of  
3 such Act (8 U.S.C. 1631(f)(1)(A)) is amended—

4           (A) in clause (i), by striking “by a spouse  
5 or parent, or by a member of the spouse or par-  
6 ent’s family residing in the same household as  
7 the alien and the spouse or parent consented or  
8 acquiesced to such battery or cruelty,” and in-  
9 serting “by a spouse, parent, son, or daughter,  
10 or by any individual having a relationship with  
11 the alien covered by the civil or criminal domes-  
12 tic violence statutes of the State or Indian  
13 country where the alien resides, or the State or  
14 Indian country in which the alien, the alien’s  
15 child, or the alien child’s parents received a pro-  
16 tection order, or by any individual against  
17 whom the alien could obtain a protection  
18 order,”;

19           (B) in clause (ii), by striking “by a spouse  
20 or parent of the alien (without the active par-  
21 ticipation of the alien in the battery or cruelty),  
22 or by a member of the spouse or parent’s family  
23 residing in the same household as the alien and  
24 the spouse or parent consented or acquiesced to  
25 such battery or cruelty,” and inserting “by a

1 spouse, parent, son, or daughter of the alien  
2 (without the active participation of the alien in  
3 the battery or cruelty) or by any individual hav-  
4 ing a relationship with the alien covered by the  
5 civil or criminal domestic violence statutes of  
6 the State or Indian country where the alien re-  
7 sides, or the State or Indian country in which  
8 the alien, the alien’s child, or the alien child’s  
9 parents received a protection order, or by any  
10 individual against whom the alien could obtain  
11 a protection order.”;

12 (C) by striking “or” before “(iii) the  
13 alien”; and

14 (D) by inserting “, or (iv) the alien is de-  
15 scribed in section 431(c)(4)” before “and the  
16 battery or cruelty”.

17 (f) ELIMINATION OF SPONSOR LIABILITY AND RE-  
18 SPONSIBILITY OR REIMBURSEMENT WITH RESPECT TO  
19 BENEFITS PROVIDED TO BATTERED ALIENS.—Section  
20 423(d) of the Personal Responsibility and Work Oppor-  
21 tunity Reconciliation Act of 1996 is amended by adding  
22 after paragraph (11) the following new paragraph:

23 “(12) Benefits provided to an alien who—

24 “(A) is described in section 431(c); or

1           “(B) is described in section 431(b) and  
2           also is described in section 431(c), other than  
3           paragraphs (1)(B), (2)(B), and (3)(B) of such  
4           section.”.

5           (h)    CONFORMING    AMENDMENT    CONFIRMING  
6    HRAIRA’S GRANT OF PUBLIC AND ASSISTED HOUSING  
7    TO ALL QUALIFIED ALIENS, INCLUDING BATTERED IM-  
8    MIGRANTS.—Section 214 of the Housing and Community  
9    Development Act of 1980 (42 U.S.C. 1436a) is amend-  
10   ed—

11           (1) in subsection (a)—

12                 (A) in paragraph (6), by striking “or” at  
13           the end;

14                 (B) by redesignating paragraph (7) as  
15           paragraph (8); and

16                 (C) by inserting after paragraph (6) the  
17           following:

18                 “(7) a qualified alien described in section 431  
19           of the Personal Responsibility and Work Oppor-  
20           tunity Reconciliation Act of 1996 (8 U.S.C. 1641),  
21           or”; and

22           (2) in subsection (c)—

23                 (A) in paragraph (1)(A), by striking “(6)”  
24           and inserting “(7)”; and

1 (B) in paragraph (2)(A), in the matter  
2 preceding clause (i), by inserting “(other than  
3 a qualified alien described in 431 of the Per-  
4 sonal Responsibility and Work Opportunity  
5 Reconciliation Act of 1996 (8 U.S.C. 1641)”  
6 after “any alien”.

7 (i) IMPLEMENTATION.—Not later than 180 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Homeland Security, Secretary of Agriculture, the Sec-  
10 retary of Health and Human Services, and the Secretary  
11 of Housing and Urban Development shall promulgate reg-  
12 ulations for its officials to implement this section.

13 (j) EFFECTIVE DATE.—The amendments made by  
14 this section apply to applications for public benefits and  
15 public benefits provided on or after the date of the enact-  
16 ment of this Act.

## 17 **Subtitle C—Law Enforcement** 18 **Training Grants**

### 19 **SEC. 221. GRANTS FOR LAW ENFORCEMENT TRAINING PRO-** 20 **GRAMS TO IDENTIFY AND PROTECT VICTIMS** 21 **OF TRAFFICKING.**

22 (a) DEFINITIONS.—In this section:

23 (1) ACT OF TRAFFICKING.—The term “act of  
24 trafficking” means an act or practice described in  
25 paragraph (8) or (9) of section 103 of the Traf-

1       ficking Victims Protection Act of 2000 (22 U.S.C.  
2       7102).

3           (2) ELIGIBLE ENTITY.—The term “eligible enti-  
4       ty” means a State or a local government.

5           (3) STATE.—The term “State” means any  
6       State of the United States, the District of Columbia,  
7       the Commonwealth of Puerto Rico, Guam, the  
8       United States Virgin Islands, the Commonwealth of  
9       the Northern Mariana Islands, American Samoa,  
10      and any other territory or possession of the United  
11      States.

12          (4) VICTIM OF TRAFFICKING.—The term “vic-  
13      tim of trafficking” means an individual subjected to  
14      an act of trafficking.

15          (b) GRANTS AUTHORIZED.—The Attorney General  
16      may award grants to eligible entities to provide training  
17      to State and local law enforcement personnel to identify  
18      and protect victims of trafficking.

19          (c) USE OF FUNDS.—A grant awarded under this  
20      section shall be used for any one or more of the following:

21           (1) To train law enforcement personnel to iden-  
22      tify and protect victims of trafficking, including  
23      training such personnel to utilize Federal, State, or  
24      local resources to assist victims of trafficking.

1           (2) To train law enforcement or State or local  
2 prosecutors to identify, investigate, or prosecute acts  
3 of trafficking.

4           (3) To train law enforcement or State or local  
5 prosecutors to utilize laws that prohibit acts of traf-  
6 ficking.

7           (4) To assist in the development of State and  
8 local laws to prohibit acts of trafficking.

9           (d) RESTRICTIONS.—

10           (1) SUPPLEMENT NOT SUPPLANT.—A grant  
11 awarded under this section shall be used to supple-  
12 ment and not supplant other Federal, State, and  
13 local public funds available to carry out the training  
14 described in subsection (c).

15           (2) ADMINISTRATIVE EXPENSES.—An eligible  
16 entity that receives a grant under this section may  
17 use not more than 5 percent of the total amount of  
18 such grant for administrative expenses.

19           (3) NONEXCLUSIVITY.—Nothing in this section  
20 may be construed to restrict the ability of an eligible  
21 entity to apply for or obtain funding from any other  
22 source to carry out the training described in sub-  
23 section (c).

24           (e) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated \$10,000,000 for each

1 of fiscal years 2006 through 2010 to carry out this sec-  
2 tion.

○