

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3827**

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**AN ACT**

To preserve certain immigration benefits for victims  
of Hurricane Katrina, and for other purposes.



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## AN ACT

To preserve certain immigration benefits for victims of  
Hurricane Katrina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Immigration Relief for  
3 Hurricane Katrina Victims Act of 2005”.

4 **SEC. 2. SPECIAL IMMIGRANT STATUS.**

5 (a) **IN GENERAL.**—For purposes of the Immigration  
6 and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary  
7 of Homeland Security may provide an alien described in  
8 subsection (b) with the status of a special immigrant  
9 under section 101(a)(27) of such Act (8 U.S.C.  
10 1101(a)(27)), if the alien—

11 (1) files with the Secretary of Homeland Secu-  
12 rity a petition under section 204 of such Act (8  
13 U.S.C. 1154) for classification under section  
14 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

15 (2) is otherwise eligible to receive an immigrant  
16 visa and is otherwise admissible to the United States  
17 for permanent residence, except in determining such  
18 admissibility, the grounds for inadmissibility speci-  
19 fied in section 212(a)(4) of such Act (8 U.S.C.  
20 1182(a)(4)) shall not apply.

21 (b) **ALIENS DESCRIBED.**—

22 (1) **PRINCIPAL ALIENS.**—An alien is described  
23 in this subsection if—

24 (A) the alien was the beneficiary of—

1 (i) a petition that was filed with the  
2 Secretary of Homeland Security on or be-  
3 fore August 29, 2005—

4 (I) under section 204 of the Im-  
5 migration and Nationality Act (8  
6 U.S.C. 1154) to classify the alien as  
7 a family-sponsored immigrant under  
8 section 203(a) of such Act (8 U.S.C.  
9 1153(a)) or as an employment-based  
10 immigrant under section 203(b) of  
11 such Act (8 U.S.C. 1153(b)); or

12 (II) under section 214(d) (8  
13 U.S.C. 1184(d)) of such Act to au-  
14 thorize the issuance of a non-  
15 immigrant visa to the alien under sec-  
16 tion 101(a)(15)(K) of such Act (8  
17 U.S.C. 1101(a)(15)(K)); or

18 (ii) an application for labor certifi-  
19 cation under section 212(a)(5)(A) of such  
20 Act (8 U.S.C. 1182(a)(5)(A)) that was  
21 filed under regulations of the Secretary of  
22 Labor on or before such date; and

23 (B) such petition or application was re-  
24 voked or terminated (or otherwise rendered  
25 null), either before or after its approval, due to

1 a specified hurricane disaster that had as a con-  
2 sequence—

3 (i) the death or disability of the peti-  
4 tioner, applicant, or alien beneficiary; or

5 (ii) loss of employment due to physical  
6 damage to, or destruction of, the business  
7 of the petitioner or applicant.

8 (2) SPOUSES AND CHILDREN.—

9 (A) IN GENERAL.—An alien is described in  
10 this subsection if—

11 (i) the alien was, on August 29, 2005,  
12 the spouse or child of a principal alien de-  
13 scribed in paragraph (1); and

14 (ii) the alien—

15 (I) is accompanying such prin-  
16 cipal alien; or

17 (II) is following to join such prin-  
18 cipal alien not later than August 29,  
19 2007.

20 (B) CONSTRUCTION.—For purposes of  
21 construing the terms “accompanying” and “fol-  
22 lowing to join” in subparagraph (A)(ii), any  
23 death of a principal alien that is described in  
24 paragraph (1)(B)(i) shall be disregarded.

1           (3) GRANDPARENTS OF ORPHANS.—An alien is  
2       described in this subsection if the alien is a grand-  
3       parent of a child, both of whose parents died as a  
4       consequence of a specified hurricane disaster, if ei-  
5       ther of such deceased parents was, on August 29,  
6       2005 a citizen or national of the United States or  
7       an alien lawfully admitted for permanent residence  
8       in the United States.

9           (c) PRIORITY DATE.—Immigrant visas made avail-  
10      able under this section shall be issued to aliens in the  
11      order in which a petition on behalf of each such alien is  
12      filed with the Secretary of Homeland Security under sub-  
13      section (a)(1), except that if an alien was assigned a pri-  
14      ority date with respect to a petition described in sub-  
15      section (b)(1)(A)(i), the alien may maintain that priority  
16      date.

17          (d) NUMERICAL LIMITATIONS.—For purposes of the  
18      application of sections 201 through 203 of the Immigra-  
19      tion and Nationality Act (8 U.S.C. 1151–1153) in any fis-  
20      cal year, aliens eligible to be provided status under this  
21      section shall be treated as special immigrants described  
22      in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27))  
23      who are not described in subparagraph (A), (B), (C), or  
24      (K) of such section.

1 **SEC. 3. EXTENSION OF FILING OR REENTRY DEADLINES.**

2 (a) AUTOMATIC EXTENSION OF NONIMMIGRANT STA-  
3 TUS.—

4 (1) IN GENERAL.—Notwithstanding section 214  
5 of the Immigration and Nationality Act (8 U.S.C.  
6 1184), in the case of an alien described in paragraph  
7 (2) who was lawfully present in the United States as  
8 a nonimmigrant on August 29, 2005, the alien may  
9 remain lawfully in the United States in the same  
10 nonimmigrant status until the later of—

11 (A) the date such lawful nonimmigrant  
12 status otherwise would have terminated if this  
13 subsection had not been enacted; or

14 (B) 1 year after the death or onset of dis-  
15 ability described in paragraph (2).

16 (2) ALIENS DESCRIBED.—

17 (A) PRINCIPAL ALIENS.—An alien is de-  
18 scribed in this paragraph if the alien was dis-  
19 abled as a consequence of a specified hurricane  
20 disaster.

21 (B) SPOUSES AND CHILDREN.—An alien is  
22 described in this paragraph if the alien was, on  
23 August 29, 2005, the spouse or child of—

24 (i) a principal alien described in sub-  
25 paragraph (A); or

1 (ii) an alien who died as a con-  
2 sequence of a specified hurricane disaster.

3 (3) AUTHORIZED EMPLOYMENT.—During the  
4 period in which a principal alien or alien spouse is  
5 in lawful nonimmigrant status under paragraph (1),  
6 the alien shall be provided an “employment author-  
7 ized” endorsement or other appropriate document  
8 signifying authorization of employment not later  
9 than 30 days after the alien requests such authoriza-  
10 tion.

11 (b) NEW DEADLINES FOR EXTENSION OR CHANGE  
12 OF NONIMMIGRANT STATUS.—

13 (1) FILING DELAYS.—In the case of an alien  
14 who was lawfully present in the United States as a  
15 nonimmigrant on August 29, 2005, if the alien was  
16 prevented from filing a timely application for an ex-  
17 tension or change of nonimmigrant status due to a  
18 circumstance described in paragraph (3)(A) that is  
19 a consequence of a specified hurricane disaster, the  
20 alien’s application shall be considered timely filed if  
21 it is filed not later than 180 days after it otherwise  
22 would have been due.

23 (2) DEPARTURE DELAYS.—In the case of an  
24 alien who was lawfully present in the United States  
25 as a nonimmigrant on August 29, 2005, if the alien

1 was prevented from timely departing the United  
2 States due to a circumstance described in paragraph  
3 (3)(B) that is a consequence of a specified hurricane  
4 disaster, the alien shall not be considered to have  
5 been unlawfully present in the United States during  
6 the period beginning on August 30, 2005, and end-  
7 ing on the date of the alien's departure, if such de-  
8 parture occurs on or before December 31, 2005.

9 (3) CIRCUMSTANCES PREVENTING TIMELY AC-  
10 TION.—

11 (A) FILING DELAYS.—For purposes of  
12 paragraph (1), circumstances preventing an  
13 alien from filing a timely application are—

14 (i) injury;

15 (ii) office closures;

16 (iii) mail or courier service cessations  
17 or delays; and

18 (iv) other closures, cessations, or  
19 delays affecting case processing or travel  
20 necessary to satisfy legal requirements.

21 (B) DEPARTURE DELAYS.—For purposes  
22 of paragraph (2), circumstances preventing an  
23 alien from timely departing the United States  
24 are—

25 (i) injury;

- 1 (ii) office closures;
- 2 (iii) airline flight cessations or delays;
- 3 and
- 4 (iv) other closures, cessations, or
- 5 delays affecting case processing or travel
- 6 necessary to satisfy legal requirements.

7 (c) DIVERSITY IMMIGRANTS.—

8 (1) WAIVER OF FISCAL YEAR LIMITATION.—

9 Notwithstanding section 203(e)(2) of the Immigra-  
10 tion and Nationality Act (8 U.S.C. 1153(e)(2)), an  
11 immigrant visa number issued to an alien under sec-  
12 tion 203(c) of such Act for fiscal year 2005 may be  
13 used by the alien during the period beginning on Oc-  
14 tober 1, 2005, and ending on April 1, 2006, if the  
15 alien establishes that the alien was prevented from  
16 using it during fiscal year 2005 due to a cir-  
17 cumstance described in paragraph (4) that is a con-  
18 sequence of a specified hurricane disaster.

19 (2) WORLDWIDE LEVEL.—In the case of an  
20 alien entering the United States as a lawful perma-  
21 nent resident, or adjusting to that status, under  
22 paragraph (1) or (3), the alien shall be counted as  
23 a diversity immigrant for fiscal year 2005 for pur-  
24 poses of section 201(e) of the Immigration and Na-  
25 tionality Act (8 U.S.C. 1151(e)), unless the world-

1 wide level under such section for such year has been  
2 exceeded, in which case the alien shall be counted as  
3 a diversity immigrant for fiscal year 2006.

4 (3) TREATMENT OF FAMILY MEMBERS OF CER-  
5 TAIN ALIENS.—In the case of a principal alien  
6 issued an immigrant visa number under section  
7 203(c) of the Immigration and Nationality Act (8  
8 U.S.C. 1153(c)) for fiscal year 2005, if such prin-  
9 cipal alien died as a consequence of a specified hur-  
10 ricane disaster, the aliens who were, on August 29,  
11 2005, the spouse and children of such principal alien  
12 shall, until June 30, 2006, if not otherwise entitled  
13 to an immigrant status and the immediate issuance  
14 of a visa under subsection (a), (b), or (c) of section  
15 203 of such Act, be entitled to the same status, and  
16 the same order of consideration, that would have  
17 been provided to such alien spouse or child under  
18 section 203(d) of such Act as if the principal alien  
19 were not deceased and as if the spouse or child's  
20 visa application had been adjudicated by September  
21 30, 2005.

22 (4) CIRCUMSTANCES PREVENTING TIMELY AC-  
23 TION.—For purposes of paragraph (1), cir-  
24 cumstances preventing an alien from using an immi-  
25 grant visa number during fiscal year 2005 are—

- 1 (A) office closures;
- 2 (B) mail or courier service cessations or  
3 delays;
- 4 (C) airline flight cessations or delays; and
- 5 (D) other closures, cessations, or delays af-  
6 fecting case processing or travel necessary to  
7 satisfy legal requirements.

8 (d) EXTENSION OF EXPIRATION OF IMMIGRANT  
9 VISAS.—

10 (1) IN GENERAL.—Notwithstanding the limita-  
11 tions under section 221(e) of the Immigration and  
12 Nationality Act (8 U.S.C. 1201(e)), in the case of  
13 any immigrant visa issued to an alien that expires  
14 or expired before February 26, 2006 if the alien was  
15 unable to effect entry into the United States due to  
16 a circumstance described in paragraph (2) that is a  
17 consequence of a specified hurricane disaster, then  
18 the period of validity of the visa is extended until  
19 February 26, 2006, unless a longer period of validity  
20 is otherwise provided under this Act.

21 (2) CIRCUMSTANCES PREVENTING ENTRY.—For  
22 purposes of paragraph (1), circumstances preventing  
23 an alien from effecting entry into the United States  
24 are—

1 (A) destruction of, or damage rendering  
2 uninhabitable, the intended residence of the  
3 alien;

4 (B) a legal prohibition on inhabiting or ac-  
5 cessing the intended residence of the alien;

6 (C) office closures;

7 (D) airline flight cessations or delays; and

8 (E) other closures, cessations, or delays af-  
9 fecting case processing or travel necessary to  
10 satisfy legal requirements.

11 (e) GRANTS OF PAROLE EXTENDED.—

12 (1) IN GENERAL.—In the case of any parole  
13 granted by the Secretary of Homeland Security  
14 under section 212(d)(5) of the Immigration and Na-  
15 tionality Act (8 U.S.C. 1182(d)(5)) that expires on  
16 a date on or after August 26, 2005, if the alien ben-  
17 eficiary of the parole was unable to return to the  
18 United States prior to the expiration date due to a  
19 circumstance described in paragraph (2) that is a  
20 consequence of a specified hurricane disaster, the  
21 parole is deemed extended for an additional 90 days.

22 (2) CIRCUMSTANCES PREVENTING RETURN.—  
23 For purposes of paragraph (1), circumstances pre-  
24 venting an alien from timely returning to the United  
25 States are—

- 1 (A) office closures;
- 2 (B) airline flight cessations or delays; and
- 3 (C) other closures, cessations, or delays af-
- 4 fecting case processing or travel necessary to
- 5 satisfy legal requirements.

6 (f) VOLUNTARY DEPARTURE.—Notwithstanding sec-

7 tion 240B of the Immigration and Nationality Act (8

8 U.S.C. 1229c), if a period for voluntary departure of an

9 alien under such section expired during the period begin-

10 ning on August 26, 2005, and ending on October 26,

11 2005, and the alien was unable voluntarily to depart as

12 a consequence of a specified hurricane disaster, such vol-

13 untary departure period is deemed extended for an addi-

14 tional 60 days.

15 **SEC. 4. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**

16 **SPOUSES AND CHILDREN.**

17 (a) TREATMENT AS IMMEDIATE RELATIVES.—

18 (1) SPOUSES.—Notwithstanding the second

19 sentence of section 201(b)(2)(A)(i) of the Immigra-

20 tion and Nationality Act (8 U.S.C.

21 1151(b)(2)(A)(i)), in the case of an alien who was

22 the spouse of a citizen of the United States at the

23 time of the citizen's death and was not legally sepa-

24 rated from the citizen at the time of the citizen's

25 death, if the citizen died as a consequence of a speci-

1       fied hurricane disaster, the alien (and each child of  
2       the alien) shall be considered, for purposes of section  
3       201(b) of such Act, to be an immediate relative after  
4       the date of the citizen's death, but only if the alien  
5       files a petition under section 204(a)(1)(A)(ii) of such  
6       Act within 2 years after such date and only until the  
7       date the alien remarries. For purposes of such sec-  
8       tion 204(a)(1)(A)(ii), an alien granted relief under  
9       the preceding sentence shall be considered an alien  
10      spouse described in the second sentence of section  
11      201(b)(2)(A)(i) of such Act.

12               (2) CHILDREN.—

13                   (A) IN GENERAL.—In the case of an alien  
14                   who was the child of a citizen of the United  
15                   States at the time of the citizen's death, if the  
16                   citizen died as a consequence of a specified hur-  
17                   ricane disaster, the alien shall be considered,  
18                   for purposes of section 201(b) of the Immigra-  
19                   tion and Nationality Act (8 U.S.C. 1151(b)), to  
20                   remain an immediate relative after the date of  
21                   the citizen's death (regardless of changes in age  
22                   or marital status thereafter), but only if the  
23                   alien (or a parent or guardian of the alien) files  
24                   a petition under subparagraph (B) within 2  
25                   years after such date.

1           (B) PETITIONS.—An alien (or parent or  
2           guardian) described in subparagraph (A) may  
3           file a petition with the Secretary of Homeland  
4           Security for classification of the alien under  
5           section 201(b)(2)(A)(i) of the Immigration and  
6           Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).  
7           For purposes of such Act, such a petition shall  
8           be considered a petition filed under section  
9           204(a)(1)(A) of such Act (8 U.S.C.  
10          1154(a)(1)(A)).

11          (3) UNCONDITIONAL STATUS.—An alien who  
12          obtains the status of an alien lawfully admitted for  
13          permanent residence pursuant to this subsection  
14          shall not be considered to have obtained such status  
15          on a conditional basis, and shall not be subject to  
16          section 216 of the Immigration and Nationality Act  
17          (8 U.S.C. 1186a).

18          (b) SPOUSES, CHILDREN, UNMARRIED SONS AND  
19          DAUGHTERS OF LAWFUL PERMANENT RESIDENT  
20          ALIENS.—

21               (1) IN GENERAL.—Any spouse, child, or unmar-  
22               ried son or daughter of an alien described in para-  
23               graph (3) who is included in a petition for classifica-  
24               tion as a family-sponsored immigrant under section  
25               203(a)(2) of the Immigration and Nationality Act (8

1 U.S.C. 1153(a)(2)) that was filed by such alien be-  
2 fore August 29, 2005, shall be considered (if the  
3 spouse, child, son, or daughter has not been admit-  
4 ted or approved for lawful permanent residence by  
5 such date) a valid petitioner for preference status  
6 under such section with the same priority date as  
7 that assigned prior to the death described in para-  
8 graph (3)(A). No new petition shall be required to  
9 be filed. Such spouse, child, son, or daughter may be  
10 eligible for deferred action and work authorization.

11 (2) SELF-PETITIONS.—Any spouse, child, or  
12 unmarried son or daughter of an alien described in  
13 paragraph (3) who is not a beneficiary of a petition  
14 for classification as a family-sponsored immigrant  
15 under section 203(a)(2) of the Immigration and Na-  
16 tionality Act may file a petition for such classifica-  
17 tion with the Secretary of Homeland Security, if the  
18 spouse, child, son, or daughter was present in the  
19 United States on August 29, 2005. Such spouse,  
20 child, son, or daughter may be eligible for deferred  
21 action and work authorization.

22 (3) ALIENS DESCRIBED.—An alien is described  
23 in this paragraph if the alien—

24 (A) died as a consequence of a specified  
25 hurricane disaster; and

1           (B) on the day of such death, was lawfully  
2           admitted for permanent residence in the United  
3           States.

4           (4) UNCONDITIONAL STATUS.—An alien who  
5           obtains the status of an alien lawfully admitted for  
6           permanent residence pursuant to this subsection  
7           shall not be considered to have obtained such status  
8           on a conditional basis, and shall not be subject to  
9           section 216 of the Immigration and Nationality Act  
10          (8 U.S.C. 1186a).

11          (c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY  
12 SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-  
13 BASED IMMIGRANTS.—

14           (1) IN GENERAL.—Any alien who was, on Au-  
15           gust 29, 2005, the spouse or child of an alien de-  
16           scribed in paragraph (2), and who applied for ad-  
17           justment of status prior to the death described in  
18           paragraph (2)(A), may have such application adju-  
19           dicated as if such death had not occurred.

20           (2) ALIENS DESCRIBED.—An alien is described  
21           in this paragraph if the alien—

22                   (A) died as a consequence of a specified  
23                   hurricane disaster; and

24                   (B) on the day before such death, was—

1 (i) an alien lawfully admitted for per-  
2 manent residence in the United States by  
3 reason of having been allotted a visa under  
4 section 203(b) of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1153(b)); or

6 (ii) an applicant for adjustment of  
7 status to that of an alien described in  
8 clause (i), and admissible to the United  
9 States for permanent residence.

10 (d) APPLICATIONS FOR ASYLUM OR ADMISSION AS  
11 REFUGEE BY SURVIVING SPOUSES AND CHILDREN OF  
12 ASYLEES AND REFUGEES.—

13 (1) ASYLUM.—

14 (A) IN GENERAL.—Any alien who was, on  
15 August 29, 2005, the spouse or child of an indi-  
16 vidual described in subparagraph (B), may have  
17 the alien's eligibility to be granted asylum de-  
18 termined under section 208(b)(3) of the Immi-  
19 gration and Nationality Act (8 U.S.C.  
20 1158(b)(3)) as if such individual had not died.

21 (B) PRINCIPALS DESCRIBED.—An indi-  
22 vidual is described in this subparagraph if the  
23 individual—

24 (i) died as a consequence of a speci-  
25 fied hurricane disaster; and

1                   (ii) before such death, was granted  
2                   asylum under section 208 of such Act (8  
3                   U.S.C. 1158).

4           (2) ADMISSION AS A REFUGEE.—

5                   (A) IN GENERAL.—Any alien who was, on  
6                   August 29, 2005, the spouse or child of an indi-  
7                   vidual described in subparagraph (B), may have  
8                   the alien’s eligibility to be admitted to the  
9                   United States as a refugee determined under  
10                   section 207(c)(2) of the Immigration and Na-  
11                   tionality Act (8 U.S.C. 1157(c)(2)) as if such  
12                   individual had not died.

13                   (B) PRINCIPALS DESCRIBED.—An indi-  
14                   vidual is described in this subparagraph if the  
15                   individual—

16                   (i) died as a consequence of a speci-  
17                   fied hurricane disaster; and

18                   (ii) before such death, was admitted  
19                   to the United States as a refugee under  
20                   section 207 of such Act (8 U.S.C. 1157).

21           (e) WAIVER OF PUBLIC CHARGE GROUNDS.—In de-  
22           termining the admissibility of any alien accorded an immi-  
23           gration benefit under this section, the grounds for inad-  
24           missibility specified in section 212(a)(4) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1182(a)(4)) shall not  
2 apply.

3 **SEC. 5. NATURALIZATION.**

4 (a) IN GENERAL.—With respect to an applicant for  
5 naturalization who resided, on August 29, 2005, within  
6 a portion of a district of U.S. Citizenship and Immigration  
7 Services that was declared by the President to be affected  
8 by a specified hurricane disaster, the Secretary of Home-  
9 land Security may administer the provisions of title III  
10 of the Immigration and Nationality Act (8 U.S.C. 1401  
11 et seq.) without regard to any provision of such title other-  
12 wise requiring residence to be maintained, or any other  
13 action to be taken, in any specific State or district of U.S.  
14 Citizenship and Immigration Services.

15 (b) COURT AUTHORITY TO ADMINISTER OATHS.—  
16 Notwithstanding section 310(b)(1) of the Immigration  
17 and Nationality Act (8 U.S.C. 1421(b)(1)), with respect  
18 to an applicant for naturalization described in subsection  
19 (a), an eligible court (as defined in section 310(b)(5) of  
20 such Act (8 U.S.C. 1421(b)(5))) may administer the oath  
21 of allegiance under section 337(a) of such Act (8 U.S.C.  
22 1448(a)) to the applicant regardless of whether the appli-  
23 cant is permanently residing within the jurisdiction of the  
24 court.

1 **SEC. 6. FOREIGN STUDENTS AND EXCHANGE PROGRAM**  
2 **PARTICIPANTS.**

3 (a) IN GENERAL.—In the case of an nonimmigrant  
4 alien described in subsection (b), the alien’s nonimmigrant  
5 status shall be considered to have been maintained during  
6 the period beginning on August 29, 2005, and ending on  
7 February 1, 2006, if, on February 1, 2006, the alien is  
8 enrolled in a course of study, or participating in a des-  
9 ignated exchange visitor program, sufficient to satisfy the  
10 terms and conditions of the alien’s nonimmigrant status  
11 on August 29, 2005.

12 (b) ALIENS DESCRIBED.—An alien is described in  
13 this subsection if the alien—

14 (1) was, on August 29, 2005, lawfully present  
15 in the United States in the status of a non-  
16 immigrant described in subparagraph (F), (J), or  
17 (M) of section 101(a)(15) of the Immigration and  
18 Nationality Act (8 U.S. C. 1101(a)(15)); and

19 (2) fails to satisfy a term or condition of such  
20 status as a consequence of a specified hurricane dis-  
21 aster.

22 **SEC. 7. NOTICES OF CHANGE OF ADDRESS.**

23 (a) IN GENERAL.—In the case of any notice of  
24 change of address otherwise required to be submitted to  
25 the Secretary of Homeland Security by an alien described  
26 in subsection (b)—

1           (1) if the notice relates to a change of address  
2           occurring during the period beginning on August 29,  
3           2005, and ending on November 15, 2005, the alien  
4           shall have until December 1, 2005, to submit such  
5           notice; and

6           (2) if the notice relates to a change of address  
7           occurring during the period beginning on November  
8           16, 2005, and ending on February 16, 2006, the  
9           alien shall have until February 28, 2006, to submit  
10          such notice.

11          (b) **ALIENS DESCRIBED.**—An alien is described in  
12          this subsection if the alien—

13               (1) resided, on August 29, 2005, within a dis-  
14               trict of U.S. Citizenship and Immigration Services  
15               that was declared by the President to be affected by  
16               a specified hurricane disaster; and

17               (2) is required, under section 265 of the Immi-  
18               gration and Nationality Act (8 U.S.C. 1305) or any  
19               other provision of law, to notify the Secretary of  
20               Homeland Security in writing of a change of ad-  
21               dress.

22          **SEC. 8. TEMPORARY ADMINISTRATIVE RELIEF.**

23               The Secretary of Homeland Security, for humani-  
24               tarian purposes or to ensure family unity, may provide  
25               temporary administrative relief to any alien who—

1           (1) was lawfully present in the United States on  
2           August 29, 2005;

3           (2) was on such date the spouse, parent, or  
4           child of an individual who died or was disabled as  
5           a consequence of a specified hurricane disaster; and

6           (3) is not otherwise entitled to relief under any  
7           other provision of this Act.

8   **SEC. 9. EMPLOYMENT VERIFICATION DURING EFFECTIVE-**  
9                                   **NESS OF MAJOR DISASTER DECLARATION.**

10          (a) IN GENERAL.—Section 274A(b)(1) of the Immi-  
11          gration and Nationality Act (8 U.S.C. 1324a(b)(1)) is  
12          amended—

13                 (1) in subparagraph (A), by striking “The per-  
14                 son” and inserting “Subject to subparagraph (F),  
15                 the person”; and

16                 (2) by adding at the end the following:

17                         “(F) SPECIAL RULE DURING MAJOR DIS-  
18                         ASTER DECLARATION.—In a case in which the  
19                         President has declared a major disaster under  
20                         the Robert T. Stafford Disaster Relief and  
21                         Emergency Assistance Act (42 U.S.C. 5121 et  
22                         seq.), the Secretary of Homeland Security may  
23                         provide, in the Secretary’s sole and  
24                         unreviewable discretion and only during the pe-  
25                         riod in which such declaration is in effect, that

1 a person or other entity hiring, recruiting, or  
2 referring an individual for employment in the  
3 United States is not required to make the attes-  
4 tation or conduct the verification required  
5 under subparagraph (A) until, at the latest, 90  
6 days after the hiring, recruitment, or referral, if  
7 the individual hired, recruited or referred at-  
8 tests under penalty of perjury at the time of  
9 being hired, recruited, or referred that the indi-  
10 vidual does not possess the documents nec-  
11 essary to satisfy clause (i) or (ii) of subpara-  
12 graph (A) as a result of such disaster.”.

13 (b) CONFORMING AMENDMENT.—Section 274A(b)(2)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1324a(b)(2)) is amended by adding at the end the fol-  
16 lowing:

17 “Paragraph (1)(F) shall not be construed to affect  
18 the obligation under the preceding sentence.”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the date of the enactment  
21 of this Act and shall apply to hiring, recruitment, or refer-  
22 ral of an individual for employment in the United States  
23 occurring on or after August 29, 2005.

1 **SEC. 10. REPLACEMENT OF DOCUMENTS EVIDENCING**  
2 **IDENTITY AND EMPLOYMENT AUTHORIZA-**  
3 **TION FOR VICTIMS OF HURRICANE KATRINA.**

4 (a) IMMEDIATE ASSISTANCE.—

5 (1) DOCUMENT REPLACEMENT.—The Secretary  
6 of Homeland Security is authorized to provide imme-  
7 diate assistance in States in which persons displaced  
8 by a specified hurricane disaster are residing for the  
9 purpose of replacing for such persons documents  
10 that were—

11 (A) previously issued by the Secretary and  
12 described in subparagraph (B), (C), or (D) of  
13 section 274A(b)(1) of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1324a(b)(1)); and

15 (B) lost, stolen, or destroyed due to such  
16 disaster.

17 (2) SUBSTITUTE.—Where replacement of a doc-  
18 ument described in paragraph (1) is not feasible, the  
19 Secretary of Homeland Security may provide to a  
20 displaced person described in such paragraph a tem-  
21 porary substitute document.

22 (b) PROCEDURES FOR DOCUMENT REPLACEMENT.—

23 The Secretary of Homeland Security shall ensure that,  
24 when the Secretary replaces (or provides a temporary sub-  
25 stitute for) a document relating to an alien and described  
26 in subparagraph (B), (C), or (D) of section 274A(b)(1)

1 of the Immigration and Nationality Act (8 U.S.C.  
2 1324a(b)(1)) that was lost, stolen, or destroyed due to a  
3 specified hurricane disaster, the Secretary—

4 (1) authenticates information using biometric  
5 identifiers contained in records of the Department of  
6 Homeland Security; and

7 (2) annotates the records in U.S. Citizenship  
8 and Immigration Services information systems in  
9 such a way as to indicate that the replacement or  
10 substitute document was issued in the absence of an  
11 original due to such disaster.

12 (c) WAIVER OF FEES FOR DATABASE ACCESS.—

13 (1) U.S. CITIZENSHIP AND IMMIGRATION SERV-  
14 ICES.—The Director of U.S. Citizenship and Immi-  
15 gration Services is authorized to waive fees and costs  
16 associated with a request, made by a person or agen-  
17 cy described in paragraph (2), for use of the  
18 Verification Information System database associated  
19 with the Systematic Alien Verification for Entitle-  
20 ments Program in order to verify immigration status  
21 or employment eligibility with respect to a displaced  
22 person described in subsection (a)(1).

23 (2) REQUESTING PERSONS.—The persons de-  
24 scribed in this paragraph are as follows:

25 (A) Employers.

1 (B) State or local government agencies.

2 (C) The American National Red Cross.

3 (D) Organizations described in section  
4 501(c)(3) of the Internal Revenue Code of 1986  
5 and exempt from tax under section 501(a) of  
6 such Code whose mission is to assist displaced  
7 persons described in subsection (a)(1).

8 **SEC. 11. AGE-OUT PROTECTIONS.**

9 In administering Federal immigration laws, the Sec-  
10 retary of Homeland Security may grant any application  
11 or benefit notwithstanding the applicant or beneficiary (in-  
12 cluding a derivative beneficiary of a principal applicant or  
13 beneficiary) reaching an age that would render the appli-  
14 cant or beneficiary ineligible for the relief or benefit  
15 sought, if the failure to meet the age requirement is a con-  
16 sequence of a specified hurricane disaster.

17 **SEC. 12. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EM-**  
18 **PLOYMENT.**

19 (a) IN GENERAL.—The Secretary of Homeland Secu-  
20 rity shall establish appropriate standards for evidence  
21 demonstrating, for purposes of this Act, that any of the  
22 following occurred as a consequence of a specified hurri-  
23 cane disaster.

24 (1) Death.

25 (2) Disability.

1           (3) Loss of employment due to physical damage  
2           to, or destruction of, a business.

3           (b) DEATH CERTIFICATES.—The standards estab-  
4           lished under subsection (a) shall authorize the Secretary  
5           to make a determination of death in the absence of a death  
6           certificate, where appropriate.

7           (c) AFFIDAVIT OF SURVIVING SPOUSE.—For pur-  
8           poses of a benefit under section 2, or subsection (b) or  
9           (c) of section 4, that is conditioned on the beneficiary hav-  
10          ing been the spouse of an individual who died as a con-  
11          sequence of a specified hurricane disaster, the standards  
12          established under subsection (a) shall authorize the Sec-  
13          retary to make a determination of death based on the  
14          sworn affidavit of such surviving spouse, in the absence  
15          of evidence to the contrary.

16   **SEC. 13. WAIVER OF REGULATIONS.**

17          The Secretary of Homeland Security shall carry out  
18          this Act as expeditiously as possible. The Secretary of  
19          Homeland Security is not required to promulgate regula-  
20          tions prior to implementing this Act.

21   **SEC. 14. DEFINITIONS.**

22          (a) APPLICATION OF IMMIGRATION AND NATION-  
23          ALITY ACT PROVISIONS.—Except as otherwise specifically  
24          provided in this Act, the definitions used in the Immigra-  
25          tion and Nationality Act (excluding the definitions appli-

1 cable exclusively to title III of such Act) shall apply in  
2 the administration of this Act.

3 (b) SPECIFIED HURRICANE DISASTER.—For pur-  
4 poses of this Act, the term “specified hurricane disaster”  
5 means any major disaster resulting from Hurricane  
6 Katrina declared by the President under the Robert T.  
7 Stafford Disaster and Emergency Assistance Act (42  
8 U.S.C. 5121 et seq.).

Passed the House of Representatives September 21,  
2005.

Attest:

*Clerk.*