

Union Calendar No. 586

110TH CONGRESS
2D SESSION

H. R. 6034

[Report No. 110-911]

To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2008

Mr. MCGOVERN (for himself, Mr. MARKEY, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MORAN of Virginia, Mr. SIRES, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. FATTAH, Mr. REYES, Mr. GENE GREEN of Texas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 3, 2008

Additional sponsors: Mr. WELLER of Illinois, Mr. CARSON, Mr. WU, Ms. SOLIS, Mr. HONDA, Mr. STARK, Mr. PASTOR, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. SHAYS, Mr. BILBRAY, Mr. KELLER of Florida, Mr. WALDEN of Oregon, and Mr. GARRETT of New Jersey

OCTOBER 3, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children.

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. RELIEF FOR SURVIVING SPOUSES.**

4 (a) **IN GENERAL.**—The second sentence of section
5 201(b)(2)(A)(i) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or
7 if, married for less than two years at the time of the citi-
8 zen’s death, an alien who proves by a preponderance of
9 the evidence that the marriage was entered into in good
10 faith and not solely for the purpose of obtaining an immi-
11 gration benefit)” after “for at least two years at the time
12 of the citizen’s death”.

13 (b) **APPLICABILITY.**—

14 (1) **IN GENERAL.**—The amendment made by
15 subsection (a) shall apply to all applications and pe-
16 titions relating to immediate relative status under
17 section 201(b)(2)(A)(i) of the Immigration and Na-
18 tionality Act pending on or after the date of the en-
19 actment of this Act.

20 (2) **OTHER SPOUSES.**—In the case of an alien
21 who would be considered, by reason of the amend-
22 ment made by subsection (a), to remain an imme-
23 diate relative after the date of their citizen spouse’s
24 death if the alien had filed a petition under section
25 204(a)(1)(A)(ii) of such Act within 2 years after

1 such date, but who did not file within such period,
2 the alien shall have 2 years after the date of the en-
3 actment of this Act to file such petition notwith-
4 standing any other provision of law.

5 **SECTION 1. RELIEF FOR SURVIVING SPOUSES.**

6 (a) *IN GENERAL.*—*The second sentence of section*
7 *201(b)(2)(A)(i) of the Immigration and Nationality Act (8*
8 *U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or, if*
9 *married for less than 2 years at the time of the citizen’s*
10 *death, an alien who proves by a preponderance of the evi-*
11 *dence that the marriage was entered into in good faith and*
12 *not solely for the purpose of obtaining an immigration ben-*
13 *efit)” after “for at least 2 years at the time of the citizen’s*
14 *death”.*

15 (b) *APPLICABILITY.*—

16 (1) *IN GENERAL.*—*The amendment made by sub-*
17 *section (a) shall apply to all applications and peti-*
18 *tions relating to immediate relative status under sec-*
19 *tion 201(b)(2)(A)(i) of the Immigration and Nation-*
20 *ality Act pending on or after the date of the enact-*
21 *ment of this Act.*

22 (2) *TRANSITION CASES.*—

23 (A) *IN GENERAL.*—*In the case of an alien*
24 *described in subparagraph (B) who seeks imme-*
25 *diante relative status pursuant to the amendment*

1 *made by subsection (a), the alien shall have until*
2 *the date that is 2 years after the date of the en-*
3 *actment of this Act to file a petition under sec-*
4 *tion 204(a)(1)(A)(ii) of the Immigration and*
5 *Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)),*
6 *notwithstanding any other provision of law.*

7 *(B) ALIENS DESCRIBED.—An alien is de-*
8 *scribed in this subparagraph if—*

9 *(i) the alien’s United States citizen*
10 *spouse died before the date of the enactment*
11 *of this Act;*

12 *(ii) the alien and the citizen spouse*
13 *were married for less than 2 years at the*
14 *time of the citizen spouse’s death; and*

15 *(iii) the alien has not remarried.*

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