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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. _____

To provide for comprehensive immigration reform, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GUTIERREZ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for comprehensive immigration reform, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Security Through Regularized Immigration and a Vi-
6 brant Economy Act of 2007” or as the “STRIVE Act of
7 2007”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this Act is as follows:

1 graph (1), by inserting “and except as provided under sub-
2 section (i),” after “Act”.

3 **SEC. 516. RELIEF FOR MINOR CHILDREN AND WIDOWS.**

4 (a) IN GENERAL.—Section 201(b)(2) (8 U.S.C.
5 1151(b)(2)) is amended to read as follows:

6 “(2)(A)(i) Aliens admitted under section 211(a)
7 on the basis of a prior issuance of a visa under sec-
8 tion 203(a) to their accompanying parent who is an
9 immediate relative.

10 “(ii) In this subparagraph, the term ‘immediate
11 relative’ means a child, spouse, or parent of a citizen
12 of the United States (and each child of such child,
13 spouse, or parent who is accompanying or following
14 to join the child, spouse, or parent), except that, in
15 the case of parents, such citizens shall be at least 21
16 years of age.

17 “(iii) An alien who was the spouse of a citizen
18 of the United States for not less than 2 years at the
19 time of the citizen’s death or, if married for less
20 than 2 years at the time of the citizen’s death,
21 proves by a preponderance of the evidence that the
22 marriage was entered into in good faith and not
23 solely for the purpose of obtaining an immigration
24 benefit and was not legally separated from the cit-
25 izen at the time of the citizen’s death, and each child

1 of such alien, shall be considered, for purposes of
2 this subsection, to remain an immediate relative
3 after the date of the citizen's death if the spouse
4 files a petition under section 204(a)(1)(A)(ii) before
5 the earlier of—

6 “(I) 2 years after such date; or

7 “(II) the date on which the spouse remar-
8 ries.

9 “(iv) In this clause, an alien who has filed a pe-
10 tition under clause (iii) or (iv) of section
11 204(a)(1)(A) remains an immediate relative if the
12 United States citizen spouse or parent loses United
13 States citizenship on account of the abuse.

14 “(B) Aliens born to an alien lawfully admitted
15 for permanent residence during a temporary visit
16 abroad.”.

17 (b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C.
18 1154(a)(1)(A)(ii)) is amended by striking “in the second
19 sentence of section 201(b)(2)(A)(i) also” and inserting “in
20 section 201(b)(2)(A)(iii) or an alien child or alien parent
21 described in the 201(b)(2)(A)(iv)”.

22 (c) RETENTION OF IMMEDIATE RELATIVE STA-
23 TUS.—

24 (1) IN GENERAL.—In applying clause (iii) of
25 section 201(b)(2)(A) of the Immigration and Na-

1 tionality Act, as added by subsection (a), to an alien
2 whose citizen relative died before the date of the en-
3 actment of this Act, the alien relative, notwith-
4 standing the deadlines specified in such clause, may
5 file the classification petition under section
6 204(a)(1)(A)(ii) of such Act not later than 2 years
7 after the date of the enactment of this Act.

8 (2) ELIGIBILITY FOR PAROLE.—If an alien was
9 excluded, deported, removed or departed voluntarily
10 before the date of the enactment of this Act based
11 solely upon the alien’s lack of classification as an
12 immediate relative (as defined by 201(b)(2)(A)(ii) of
13 the Immigration and Nationality Act) due to the
14 citizen’s death—

15 (A) such alien shall be eligible for parole
16 into the United States pursuant to the Attorney
17 General’s discretionary authority under section
18 212(d)(5) of such Act; and

19 (B) such alien’s application for adjustment
20 of status shall be considered notwithstanding
21 section 212(a)(9) of such Act.

22 (d) ADJUSTMENT OF STATUS.—

23 (1) IN GENERAL.—Section 245 (8 U.S.C.
24 1255), as amended by sections 407 and 511, is fur-
25 ther amended by adding at the end the following:

1 “(o) APPLICATION FOR ADJUSTMENT OF STATUS BY
2 SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

3 “(1) IN GENERAL.—Any alien described in
4 paragraph (2) who applies for adjustment of status
5 before the death of the qualifying relative, may have
6 such application adjudicated as if such death had
7 not occurred.

8 “(2) ALIEN DESCRIBED.—An alien described in
9 this paragraph is an alien who—

10 “(A) is an immediate relative (as described
11 in section 201(b)(2)(A));

12 “(B) is a family-sponsored immigrant (as
13 described in subsection (a) or (d) of section
14 203);

15 “(C) is a derivative beneficiary of an em-
16 ployment-based immigrant under section 203(b)
17 (as described in section 203(d)); or

18 “(D) is a derivative beneficiary of a diver-
19 sity immigrant (as described in section
20 203(c)).”.

21 (2) TRANSITION PERIOD.—

22 (A) IN GENERAL.—Notwithstanding a de-
23 nial of an application for adjustment of status
24 for an alien whose qualifying relative died be-
25 fore the date of the enactment of this Act, such

1 application may be renewed by the alien
2 through a motion to reopen, without fee, if such
3 motion is filed not later than 2 years after such
4 date of enactment.

5 (B) ELIGIBILITY FOR PAROLE.—If an
6 alien was excluded, deported, removed or de-
7 parted voluntarily before the date of the enact-
8 ment of this Act—

9 (i) such alien shall be eligible for pa-
10 role into the United States pursuant to the
11 Attorney General’s discretionary authority
12 under section 212(d)(5) of the Immigra-
13 tion and Nationality Act; and

14 (ii) such alien’s application for adjust-
15 ment of status shall be considered notwith-
16 standing section 212(a)(9) of such Act.

17 (e) PROCESSING OF IMMIGRANT VISAS.—

18 (1) IN GENERAL.—Section 204(b) (8 U.S.C.
19 1154), as amended by section 204(b) of this Act, is
20 further amended—

21 (A) by striking “After an investigation”
22 and inserting the following:

23 “(1) IN GENERAL.—After an investigation”;

24 and

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

1 “(2) DEATH OF QUALIFYING RELATIVE.—

2 “(A) IN GENERAL.—Any alien described in
3 paragraph (2) whose qualifying relative died be-
4 fore the completion of immigrant visa proc-
5 essing may have an immigrant visa application
6 adjudicated as if such death had not occurred.
7 An immigrant visa issued before the death of
8 the qualifying relative shall remain valid after
9 such death.

10 “(B) ALIEN DESCRIBED.—An alien de-
11 scribed in this paragraph is an alien who—

12 “(i) is an immediate relative (as de-
13 scribed in section 201(b)(2)(A));

14 “(ii) is a family-sponsored immigrant
15 (as described in subsection (a) or (d) of
16 section 203);

17 “(iii) is a derivative beneficiary of an
18 employment-based immigrant under section
19 203(b) (as described in section 203(d)); or

20 “(iv) is a derivative beneficiary of a
21 diversity immigrant (as described in sec-
22 tion 203(c)).”.

23 (2) TRANSITION PERIOD.—

24 (A) IN GENERAL.—Notwithstanding a de-
25 nial or revocation of an application for an immi-

1 grant visa for an alien whose qualifying relative
2 died before the date of the enactment of this
3 Act, such application may be renewed by the
4 alien through a motion to reopen, without fee,
5 if such motion is filed not later than 2 years
6 after such date of enactment.

7 (B) INAPPLICABILITY OF BARS.—Notwith-
8 standing section 212(a)(9) of the Immigration
9 and Nationality Act (8 U.S.C. 1182(a)(9)), the
10 Secretary shall consider the application for an
11 immigrant visa submitted by an alien who was
12 excluded, deported, removed, or departed volun-
13 tarily before the date of the enactment of this
14 Act.

15 (f) NATURALIZATION.—Section 319(a) (8 U.S.C.
16 1429(a)) is amended by inserting “(or, if the spouse is
17 deceased, the spouse was a citizen of the United States)”
18 after “citizen of the United States”.

19 **SEC. 517. RELIEF FOR WIDOWS AND ORPHANS.**

20 (a) NEW SPECIAL IMMIGRANT CATEGORY.—

21 (1) CERTAIN CHILDREN AND WOMEN AT RISK
22 OF HARM.—Section 101(a)(27) (8 U.S.C.
23 1101(a)(27)) is amended—

24 (A) in subparagraph (L), by adding a
25 semicolon at the end;