

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 2892

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1 On page 77, between lines 16 and 17, insert the fol-
2 lowing:

3 **SEC. 556. IMMIGRATION PROVISIONS.**

4 (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS
5 WORKER PROGRAM.—

6 (1) EXTENSION.—Section 101(a)(27)(C)(ii) of
7 the Immigration and Nationality Act (8 U.S.C. 1101
8 (a)(27)(C)(ii)), as amended by section 2(a) of the

1 Special Immigrant Nonminister Religious Worker
2 Program Act (Public Law 110–391), is amended by
3 striking “September 30, 2009” each place such term
4 appears and inserting “September 30, 2012”.

5 (2) STUDY AND PLAN.—Not later than the ear-
6 lier of 90 days after the date of the enactment of
7 this Act or March 30, 2010, the Director of United
8 States Citizenship and Immigration Services shall
9 submit a report to the Committee on the Judiciary
10 of the Senate and the Committee on the Judiciary
11 of the House of Representatives that includes—

12 (A) the results of a study conducted under
13 the supervision of the Director to evaluate the
14 Special Immigrant Nonminister Religious
15 Worker Program to identify the risks of fraud
16 and noncompliance by program participants;
17 and

18 (B) a detailed plan that describes the ac-
19 tions to be taken by the Department of Home-
20 land Security against noncompliant program
21 participants and future noncompliant program
22 participants.

23 (3) PROGRESS REPORT.—Not later than the
24 earlier of 90 days after the submission of the report
25 under subsection (b) or June 30, 2010, the Director

1 of United States Citizenship and Immigration Serv-
2 ices shall submit a report to the Committee on the
3 Judiciary of the Senate and the Committee on the
4 Judiciary of the House of Representatives that de-
5 scribes the progress made in reducing the number of
6 noncompliant participants of the Special Immigrant
7 Nonminister Religious Worker Program.

8 (b) CONRAD STATE 30 J-1 VISA WAIVER PRO-
9 GRAM.—Section 220(c) of the Immigration and Nation-
10 ality Technical Corrections Act of 1994 (8 U.S.C. 1182
11 note) is amended by striking “September 30, 2009” and
12 inserting “September 30, 2012”.

13 (c) RELIEF FOR SURVIVING SPOUSES.—

14 (1) IN GENERAL.—The second sentence of sec-
15 tion 201(b)(2)(A)(i) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by
17 striking “for at least 2 years at the time of the citi-
18 zen’s death”.

19 (2) APPLICABILITY.—

20 (A) IN GENERAL.—The amendment made
21 by paragraph (1) shall apply to all applications
22 and petitions relating to immediate relative sta-
23 tus under section 201(b)(2)(A)(i) of the Immi-
24 gration and Nationality Act (8 U.S.C.

1 1151(b)(2)(A)(i)) pending on or after the date
2 of the enactment of this Act.

3 (B) TRANSITION CASES.—

4 (i) IN GENERAL.—Notwithstanding
5 any other provision of law, an alien de-
6 scribed in clause (ii) who seeks immediate
7 relative status pursuant to the amendment
8 made by paragraph (1) shall file a petition
9 under section 204(a)(1)(A)(ii) of the Immi-
10 gration and Nationality Act (8 U.S.C.
11 1154(a)(1)(A)(ii)) not later than the date
12 that is 2 years after the date of the enact-
13 ment of this Act.

14 (ii) ALIENS DESCRIBED.—An alien is
15 described in this clause if—

16 (I) the alien’s United States citi-
17 zen spouse died before the date of the
18 enactment of this Act;

19 (II) the alien and the citizen
20 spouse were married for less than 2
21 years at the time of the citizen
22 spouse’s death; and

23 (III) the alien has not remarried.

24 (d) HUMANITARIAN CONSIDERATION FOR PENDING
25 PETITIONS AND APPLICATIONS.—

1 (1) AMENDMENT.—Section 204 of the Immi-
2 gration and Nationality Act (8 U.S.C. 1154) is
3 amended by adding at the end the following:

4 “(1) HUMANITARIAN CONSIDERATION FOR PENDING
5 PETITIONS AND APPLICATIONS.—

6 “(1) IN GENERAL.—An alien described in para-
7 graph (2) who was the beneficiary or derivative ben-
8 eficiary of a petition (as defined in section 204, 207,
9 or 208) filed on behalf of the alien or principal bene-
10 ficiary before the death of the qualifying relative and
11 who continues to reside in the United States shall
12 have such petition and any related or subsequent ap-
13 plications for adjustment of status to that of a per-
14 son admitted for lawful permanent residence adju-
15 dicated as if the death had not occurred, unless the
16 Secretary of Homeland Security determines, in the
17 unreviewable discretion of the Secretary, that ap-
18 proval would not be in the public interest.

19 “(2) ALIEN DESCRIBED.—An alien described in
20 this paragraph is an alien who, immediately prior to
21 the death of his or her qualifying relative, was—

22 “(A) an immediate relative (as described in
23 section 201(b)(2)(A)(i));

24 “(B) a family-sponsored immigrant (as de-
25 scribed in subsection (a) or (d) of section 203);

1 “(C) a derivative beneficiary of an employ-
2 ment-based immigrant under section 203(b) (as
3 described in section 203(d));

4 “(D) a spouse or child of a refugee (as de-
5 scribed in section 207(c)(2)); or

6 “(E) an asylee (as described in section
7 208(b)(3)).”.

8 (2) CONSTRUCTION.—Nothing in the amend-
9 ment made by paragraph (1) may be construed to
10 limit or waive any ground of removal, basis for de-
11 nial of petition or application, or other criteria for
12 adjudicating petitions or applications as otherwise
13 provided under the immigration laws of the United
14 States other than ineligibility based solely on the
15 lack of a qualifying family relationship as specifically
16 provided by such amendment.