

106TH CONGRESS
1ST SESSION

H. R. 3083

To amend the Immigration and Nationality Act to provide protection for battered immigrant women, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1999

Ms. SCHAKOWSKY (for herself, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Mr. CAPUANO, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. BERMAN, Mr. WAXMAN, Mr. SANDERS, Mr. WEINER, Mr. HINCHEY, Mr. FROST, Mr. FARR of California, Mr. STUPAK, Mr. LEACH, Ms. BERKLEY, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mrs. MALONEY of New York, Ms. NORTON, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Ms. MILLENDER-McDONALD, Mrs. CAPPS, Ms. LEE, Mr. TOWNS, Ms. BROWN of Florida, Mrs. LOWEY, Mr. GREEN of Texas, Mr. McNULTY, Mr. GEORGE MILLER of California, Mr. CROWLEY, Ms. MCKINNEY, Mr. CONYERS, Mrs. MEEK of Florida, Mr. KIND, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Banking and Financial Services, Education and the Workforce, Agriculture, and Armed Services, 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 battered immigrant women, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Battered Immigrant Women Protection Act of 1999”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Restoring immigration protections under the Violence Against Women Act of 1994 (VAWA).
- Sec. 4. Remedying problems with implementation of the immigration provisions of VAWA.
- Sec. 5. Waivers and exceptions to inadmissibility for otherwise qualified battered immigrants.
- Sec. 6. Calculation of physical presence in VAWA cancellation of removal and suspension of deportation.
- Sec. 7. Improved access to VAWA immigration protections for battered immigrant women.
- Sec. 8. Improved access to VAWA cancellation of removal.
- Sec. 9. Good moral character determinations.
- Sec. 10. Economic Security Act for Battered Immigrant Women.
- Sec. 11. Access to legal representation and services for battered immigrants.
- Sec. 12. Violence Against Women Act training for INS officers, immigration judges, and civil and criminal court justice system personnel.
- Sec. 13. Protection for certain victims of crimes against women.
- Sec. 14. Access to Cuban adjustment for battered immigrant spouses and children.
- Sec. 15. Access to the Nicaraguan and Central American Relief Act for battered spouses and children.
- Sec. 16. Access to the Haitian Refugee Immigration Fairness Act of 1998 for battered spouses and children.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the goal of the immigration protections for
9 battered immigrants included in the Violence
10 Against Women Act of 1994 was to remove immi-
11 gration laws as a barrier that kept battered immi-
12 grant women and children locked in abusive relation-
13 ships;

1 (2) providing battered immigrant women and
2 children who were experiencing domestic violence at
3 home with protection against deportation allows
4 them to obtain protection orders against their abus-
5 ers and frees them to cooperate with law enforce-
6 ment and prosecutors in criminal cases brought
7 against their abusers and the abusers of their chil-
8 dren; and

9 (3) there are several groups of battered immi-
10 grant women and children who do not have access
11 to the immigration protections of the Violence
12 Against Women Act of 1994 which means that their
13 abusers are virtually immune from prosecution be-
14 cause their victims can be deported and the Immi-
15 gration and Naturalization Service cannot offer
16 them protection no matter how compelling their case
17 under existing law.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to promote criminal prosecutions of all per-
20 sons who commit acts of battery or extreme cruelty
21 against immigrant women and children;

22 (2) to offer protection against domestic violence
23 occurring in family and intimate relationships that
24 are covered in State and tribal protection orders, do-
25 mestic violence, and family law statutes; and

1 (3) to correct erosions of the Violence Against
 2 Women Act of 1994 immigration protections that
 3 occurred as a result of the Illegal Immigration Re-
 4 form and Immigrant Responsibility Act of 1996 and
 5 the Balanced Budget Act of 1997.

6 **SEC. 3. RESTORING IMMIGRATION PROTECTIONS UNDER**
 7 **THE VIOLENCE AGAINST WOMEN ACT OF 1994**
 8 **(VAWA).**

9 (a) REMOVING BARRIERS TO ADJUSTMENT OF STA-
 10 TUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

11 (1) IMMIGRATION AMENDMENTS.—Section 245
 12 of the Immigration and Nationality Act (8 U.S.C.
 13 1255) is amended—

14 (A) in subsection (a), by inserting “or the
 15 status of any other alien having an approved
 16 petition for classification under subparagraph
 17 (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii),
 18 or (B)(iv) of section 204(a)(1) or” after “into
 19 the United States”; and

20 (B) in subsection (c), by striking “Sub-
 21 section (a) shall not be applicable to” and in-
 22 serting the following: “Other than an alien who
 23 has an approved petition for classification under
 24 subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi),

1 (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1),
2 subsection (a) shall not be applicable to”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply to applications for ad-
5 justment of status pending on, or made on or after,
6 January 14, 1998.

7 (b) REMOVING BARRIERS TO CANCELLATION OF RE-
8 MOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS
9 OF DOMESTIC VIOLENCE.—

10 (1) NOT TREATING SERVICE OF NOTICE AS
11 TERMINATING CONTINUOUS PERIOD.—

12 (A) IN GENERAL.—Section 240A(d)(1) of
13 such Act (8 U.S.C. 1229b(d)(1)) is amended by
14 striking “when the alien is served a notice to
15 appear under section 239(a) or” and inserting
16 “(A) except in the case of an alien who applies
17 for cancellation of removal under subsection
18 (b)(2), when the alien is served a notice to ap-
19 pear under section 239(a) or (B)”.

20 (B) EFFECTIVE DATE.—The amendment
21 made by subparagraph (A) shall take effect as
22 if included in the enactment of section 304 of
23 the Illegal Immigration Reform and Immigrant
24 Responsibility Act of 1996 (division C of Public
25 Law 104–208, 110 Stat. 587).

1 (2) EXEMPTION FROM ANNUAL LIMITATION ON
2 CANCELLATION OF REMOVAL FOR BATTERED
3 SPOUSE OR CHILD.—

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

8 “(C) Aliens in removal proceedings who
9 applied for cancellation of removal under sub-
10 section (b)(2).”.

11 (B) EFFECTIVE DATE.—The amendment
12 made by subparagraph (A) shall take effect as
13 if included in the enactment of section 304 of
14 the Illegal Immigration Reform and Immigrant
15 Responsibility Act of 1996 (division C of Public
16 Law 104–208, 110 Stat. 587).

17 (3) MODIFICATION OF CERTAIN TRANSITION
18 RULES FOR BATTERED SPOUSE OR CHILD.—

19 (A) IN GENERAL.—Subparagraph (C) of
20 section 309(c)(5) of the Illegal Immigration Re-
21 form and Immigrant Responsibility Act of 1996
22 (8 U.S.C. 1101 note), as amended by section
23 203(a) of Public Law 105–100, is amended—

(i) in the heading by inserting “AND
FOR BATTERED SPOUSES AND CHILDREN”
after “FROM DEPORTATION”; and

(ii) in clause (i)—

(I) by striking, “or” at the end
of subclause (IV);

(II) by striking the period at the
end of subclause (V) and inserting “;
or”; and

(III) by adding at the end the
following new subclause:

“(VI) is an alien who was issued
an order to show cause or was in de-
portation proceedings before April 1,
1997, and who applied for suspension
of deportation under section 244(a)(3)
of the Immigration and Nationality
Act (as in effect before the date of the
enactment of this Act).”.

(B) EFFECTIVE DATE.—The amendments
made by subparagraph (A) shall take effect as
if included in the enactment of section 309 of
the Illegal Immigration Reform and Immigrant
Responsibility Act of 1996 (8 U.S.C. 1101
note).

1 (c) ELIMINATING TIME LIMITATIONS ON MOTIONS
2 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
3 FOR VICTIMS OF DOMESTIC VIOLENCE.—

4 (1) REMOVAL PROCEEDINGS.—

5 (A) IN GENERAL.—Section 240(c)(6)(C) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1229a(c)(6)(C)) is amended by adding at the
8 end the following:

9 “(iv) SPECIAL RULE FOR BATTERED
10 SPOUSES AND CHILDREN.—There is no
11 time limit on the filing of a motion to re-
12 open, and the deadline specified in sub-
13 section (b)(5)(C) for filing such a motion
14 does not apply—

15 “(I) if the basis for the motion is
16 to apply for relief under clause (iii),
17 (iv), (v), or (vi) of section
18 204(a)(1)(A), clause (ii), (iii), or (iv)
19 of section 204(a)(1)(B), or section
20 240A(b)(2); and

21 “(II) if the motion is accom-
22 panied by a cancellation of removal
23 application to be filed with the Attor-
24 ney General or by a copy of the self-
25 petition that has been or will be filed

1 with the Immigration and Naturaliza-
2 tion Service upon the granting of the
3 motion to reopen.”.

4 (B) EFFECTIVE DATE.—The amendment
5 made by subparagraph (A) shall take effect as
6 if included in the enactment of section 304 of
7 the Illegal Immigration Reform and Immigrant
8 Responsibility Act of 1996.

9 (2) DEPORTATION PROCEEDINGS.—

10 (A) IN GENERAL.—Notwithstanding any
11 limitation imposed by law on motions to reopen
12 or rescind deportation proceedings under the
13 Immigration and Nationality Act (as in effect
14 before the title III–A effective date in section
15 309 of the Illegal Immigration Reform and Im-
16 migrant Responsibility Act of 1996 (8 U.S.C.
17 1101 note)), there is no time limit on the filing
18 of a motion to reopen such proceedings, and the
19 deadline specified in section 242B(c)(3) of the
20 Immigration and Nationality Act (as so in ef-
21 fect) (8 U.S.C. 1252b(c)(3)) does not apply—

22 (i) if the basis of the motion is to
23 apply for relief under clause (iii), (iv), (v),
24 or (vi) of section 204(a)(1)(A) of the Im-
25 migration and Nationality Act (8 U.S.C.

1 1154(a)(1)(A)), clause (ii), (iii), or (iv) of
2 section 204(a)(1)(B) of such Act (8 U.S.C.
3 1154(a)(1)(B)), or section 244(a)(3) of
4 such Act (as so in effect) (8 U.S.C.
5 1254(a)(3)); and

6 (ii) if the motion is accompanied by a
7 suspension of deportation application to be
8 filed with the Attorney General or by a
9 copy of the self-petition that will be filed
10 with the Immigration and Naturalization
11 Service upon the granting of the motion to
12 reopen.

13 (B) APPLICABILITY.—Subparagraph (A)
14 shall apply to motions filed by aliens who—

15 (i) are, or were, in deportation pro-
16 ceedings under the Immigration and Na-
17 tionality Act (as in effect before the title
18 III–A effective date in section 309 of the
19 Illegal Immigration Reform and Immigrant
20 Responsibility Act of 1996 (8 U.S.C. 1101
21 note)); and

22 (ii) have become eligible to apply for
23 relief under clause (iii), (iv), (v), or (vi) of
24 section 204(a)(1)(A) of the Immigration
25 and Nationality Act (8 U.S.C.

1154(a)(1)(A)), clause (ii), (iii), or (iv) of
 section 204(a)(1)(B) of such Act (8 U.S.C.
 1154(a)(1)(B)), or section 244(a)(3) of
 such Act (as in effect before the title III–
 A effective date in section 309 of the Ille-
 gal Immigration Reform and Immigrant
 Responsibility Act of 1996 (8 U.S.C. 1101
 note)) as a result of the amendments made
 by—

(I) subtitle G of title IV of the
 Violent Crime Control and Law En-
 forcement Act of 1994 (Public Law
 103–322; 108 Stat. 1953 et seq.); or

(II) this Act.

**SEC. 4. REMEDYING PROBLEMS WITH IMPLEMENTATION
 OF THE IMMIGRATION PROVISIONS OF VAWA.**

(a) EFFECT OF CHANGES IN ABUSERS’ CITIZENSHIP
 STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A)
 of the Immigration and Nationality Act (8 U.S.C.
 1154(a)(1)(A)), as amended by paragraphs (4), (5),
 and (6) of section 7(c), is amended by adding after
 clause (vii) the following new clause:

“(viii) For the purposes of any petition filed under
 clause (iii), (iv), (v), or (vi), denaturalization, loss or re-

1 nunciation of citizenship, death of the abuser, or changes
2 to the abuser’s citizenship status after filing of the petition
3 shall not adversely affect the approval of the petition and,
4 for approved petitions, shall not preclude the classification
5 of the eligible self-petitioning spouse, child, or son or
6 daughter as an immediate relative or affect the alien’s
7 ability to adjust status under subsections (a) and (c) of
8 section 245 or obtain status as a lawful permanent resi-
9 dent based on the approved self-petition under such
10 clauses.”.

11 (2) LOSS OF STATUS.—Section 204(a)(1)(B) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1154(a)(1)(B)), as amended by paragraphs (4) and
14 (5) of section 7(d), is amended by adding after
15 clause (v) the following new clause:

16 “(vi)(I) For the purposes of petitions filed or ap-
17 proved under clause (ii), (iii), or (iv), loss of lawful perma-
18 nent resident status by a spouse or parent or death of
19 a spouse or parent who was a lawful permanent resident
20 after the filing of a petition under that clause shall not
21 adversely affect approval of the petition, and, for an ap-
22 proved petition, shall not affect the alien’s ability to adjust
23 status under sections 245(a) and 245(c) or obtain status
24 as a lawful permanent resident based on the approved self-
25 petition under such clause (ii), (iii), or (iv).

1 “(II) Upon the lawful permanent resident spouse or
2 parent becoming a United States citizen through natu-
3 ralization, acquisition of citizenship, or other means, any
4 petition filed with the Immigration and Naturalization
5 Service and pending or approved under clause (ii), (iii),
6 or (iv) on behalf of an alien who has been battered or sub-
7 jected to extreme cruelty shall be deemed reclassified as
8 a petition filed under subparagraph (A) even if the acqui-
9 sition of citizenship occurs after divorce or termination of
10 parental rights.”.

11 (3) DEFINITION OF IMMEDIATE RELATIVE.—

12 Section 201(b)(2)(A)(i) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended
14 by adding at the end the following new sentence:

15 “For purposes of this clause, an alien who has filed
16 a petition under clause (iii), (iv), (v), or (vi) of sec-
17 tion 204(a)(1)(A) remains an immediate relative in
18 the event that the United States citizen spouse, par-
19 ent, son, or daughter loses United States citizenship
20 or dies after the filing of the petition.”.

21 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN
22 WHO ENTERED THE UNITED STATES ON FIANCÉ VISAS
23 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-
24 MENT.—Section 245(d) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1255(d)) is amended by adding at the

1 end the following: “This subsection shall not apply to
2 aliens who seek adjustment of status on the basis of an
3 approved self-petition for classification under clause (iii),
4 (iv), (v), or (vi) of section 204(a)(1)(A) or classification
5 under clause (ii), (iii), or (iv) of section 204(a)(1)(B).”.

6 (c) REDUCING AN ABUSER’S CONTROL OVER A BAT-
7 TERED IMMIGRANT’S IMMIGRATION CASE.—Section 205
8 of the Immigration and Nationality Act (8 U.S.C. 1155)
9 is amended by adding at the end the following: “Whenever
10 a beneficiary of a petition filed under section 204 provides
11 the Attorney General with credible evidence of battery or
12 extreme cruelty as described in section 216(c)(4)(C),
13 204(a)(1)(A), or 204(a)(1)(B), the Attorney General shall
14 adjudicate the petition filed under section 204
15 notwithstanding—

16 “(1) the withdrawal by the petitioner of the pe-
17 tition;

18 “(2) the failure of the petitioner to appear at
19 the interview;

20 “(3) the failure of the petitioner to file an affi-
21 davit of support; or

22 “(4) a prior revocation or denial based on with-
23 drawal of, or failure to prosecute, the petition or any
24 other determination based on the petitioner’s actions

1 that could result or have resulted in the denial or
2 revocation of the petition (but for this section).”.

3 (d) REQUIRING PROSECUTOR COOPERATION WITH
4 BATTERED IMMIGRANT VAWA APPLICANTS.—Section
5 2101(c) of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (42 U.S.C. 3796hh(c)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (4);

9 (2) by striking the period at the end of para-
10 graph (4) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(5) certify that their laws, policies, and prac-
13 tices do not discourage or prohibit prosecutors and
14 law enforcement officers from granting access to in-
15 formation about the citizenship or lawful permanent
16 residency status of a domestic violence perpetrator
17 to the victim, the child, son, or daughter or their ad-
18 vocate so long as release of the information does not
19 jeopardize ongoing prosecution of the abuser.”.

20 (e) ALLOWING REMARRIAGE OF BATTERED IMMI-
21 GRANTS.—Section 204(h) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1154(h)) is amended by adding at the
23 end the following new sentence: “Remarriage of an alien
24 whose petition was approved under subsection
25 (a)(1)(B)(ii) or (a)(1)(A)(iii) or marriage of an alien de-

1 scribed in subsection (a)(1)(A)(iv), (a)(1)(A)(vi),
 2 (a)(1)(B)(iii), or (a)(1)(B)(iv) shall not be the basis for
 3 revocation under section 205.”.

4 **SEC. 5. WAIVERS AND EXCEPTIONS TO INADMISSIBILITY**
 5 **FOR OTHERWISE QUALIFIED BATTERED IM-**
 6 **MIGRANTS.**

7 (a) DISCRETIONARY WAIVERS FOR CERTAIN INAD-
 8 MISSIBILITY AND REMOVAL GROUNDS.—

9 (1) INADMISSIBILITY GROUNDS.—Section 212
 10 of the Immigration and Nationality Act (8 U.S.C.
 11 1182) is amended by adding at the end the fol-
 12 lowing:

13 “(r) DISCRETIONARY WAIVER AUTHORITY.—The At-
 14 torney General, in the Attorney General’s discretion, may
 15 waive any provision of this section (other than paragraphs
 16 (3), (10)(A), (10)(D), and (10)(E) of subsection (a)) for
 17 humanitarian purposes, to assure family unity, or when
 18 it is otherwise in the public interest if the alien dem-
 19 onstrates a connection between the crime or disqualifying
 20 act and battery or extreme cruelty for any alien who quali-
 21 fies for—

22 “(1) classification under clause (iii), (iv), (v), or
 23 (vi) of section 204(a)(1)(A) or classification under
 24 clause (ii), (iii), or (iv) of section 204(a)(1)(B); or

1 “(2) relief under section 240A(b)(2) or under
2 section 244(a)(3) (as in effect before the enactment
3 of the Illegal Immigration Reform and Immigrant
4 Responsibility Act of 1996).”.

5 (2) REMOVAL GROUNDS.—Section 237 of the
6 Immigration and Nationality Act (8 U.S.C. 1227) is
7 amended by adding at the end the following:

8 “(d) DISCRETIONARY WAIVER AUTHORITY.—The At-
9 torney General, in the discretion of the Attorney General,
10 may waive any provision of this section (other than sub-
11 sections (a)(2)(D)(i), (a)(4), or (a)(5)) for humanitarian
12 purposes, to assure family unity, or when it is otherwise
13 in the public interest in the case of an alien who dem-
14 onstrates a connection between the crime or disqualifying
15 act and battery or extreme cruelty for any alien who quali-
16 fies for—

17 “(1) classification under clause (iii), (iv), (v), or
18 (vi) of section 204(a)(1)(A) or classification under
19 clause (ii), (iii), or (iv) of section 204(a)(1)(B); or

20 “(2) relief under section 240A(b)(2) or under
21 section 244(a)(3) (as in effect before the enactment
22 of the Illegal Immigration Reform and Immigrant
23 Responsibility Act of 1996).”.

1 (b) OFFERING EQUAL ACCESS TO VAWA IMMIGRA-
 2 TION PROTECTIONS FOR ALL QUALIFIED BATTERED IM-
 3 MIGRANT SELF-PETITIONERS.—

4 (1) ELIMINATING CONNECTION BETWEEN BAT-
 5 TERY AND UNLAWFUL ENTRY.—Section
 6 212(a)(6)(A)(ii) of the Immigration and Nationality
 7 Act (8 U.S.C. 1182) is amended—

8 (A) by amending subclause (I) to read as
 9 follows:

10 “(I) the alien qualifies for classi-
 11 fication under subparagraph (A)(iii),
 12 (A)(iv), (A)(v), (A)(vi), (B)(ii),
 13 (B)(iii), or (B)(iv) of section
 14 204(a)(1), and”;

15 (B) by striking “, and” in subclause (II)
 16 and inserting a period; and

17 (C) by striking subclause (III).

18 (2) BATTERED IMMIGRANT EXCEPTION.—Sec-
 19 tion 212(a)(9)(A)(iii) of such Act (8 U.S.C.
 20 1182(a)(9)(A)(iii)) is amended by adding at the end
 21 the following: “Clauses (i) and (ii) also shall not
 22 apply to aliens to whom the Attorney General has
 23 granted classification under clause (iii), (iv), (v), or
 24 (vi) of section 204(a)(1)(A) or classification under
 25 clause (ii), (iii), or (iv) of section 204(a)(1)(B).”.

1 (3) ELIMINATING CONNECTION BETWEEN BAT-
2 TERY AND VIOLATION OF THE TERMS OF AN IMMI-
3 GRANT VISA.—Section 212(a)(9)(B)(iii)(IV) of such
4 Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by
5 striking “who would be described in paragraph
6 (6)(A)(ii)” and all that follows and inserting “who
7 is described in paragraph (6)(A)(ii).”.

8 (4) BATTERED IMMIGRANT EXCEPTION.—Sec-
9 tion 212(a)(9)(C)(ii) of such Act (8 U.S.C.
10 1182(a)(9)(C)(ii)) is amended by adding at the end
11 the following: “Clause (i) shall also not apply to
12 aliens to whom the Attorney General has granted
13 classification under clause (iii), (iv), (v), or (vi) of
14 section 204(a)(1)(A) or classification under clause
15 (ii), (iii), or (iv) of section 204(a)(1)(B).”.

16 (5) WAIVER OF CERTAIN REMOVAL GROUNDS.—
17 Section 237 of the Immigration and Nationality Act
18 (8 U.S.C. 1227), as amended by subsection (a)(2),
19 is further amended by adding at the end the fol-
20 lowing:

21 “(e) WAIVER FOR VICTIMS OF DOMESTIC VIO-
22 LENCE.—The Attorney General is not limited by the
23 criminal court record and may waive the application of
24 subsections (a)(2)(E)(i), (a)(2)(E)(ii), (a)(2)(A)(i), and
25 (a)(2)(A)(iii) in the case of an alien who has been battered

1 or subjected to extreme cruelty and who is not and was
2 not the primary perpetrator of violence in the
3 relationship—

4 “(1) upon determination that—

5 “(A) the alien was acting in self-defense;

6 “(B) the alien was found to have violated
7 a protection order intended to protect the alien;
8 or

9 “(C) the alien committed, was arrested for,
10 was convicted of, or pled guilty to committing
11 a crime where there was a connection between
12 the crime and having been battered or subjected
13 to extreme cruelty; or

14 “(2) for humanitarian purposes, to assure fam-
15 ily unity, or when it is otherwise in the public inter-
16 est.”.

17 (6) MISREPRESENTATION WAIVERS FOR BAT-
18 TERED SPOUSES OF UNITED STATES CITIZENS AND
19 LAWFUL PERMANENT RESIDENTS.—

20 (A) WAIVER OF INADMISSIBILITY.—Sec-
21 tion 212(i)(1) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1182(i)(1)) is amended by
23 inserting before the period at the end the fol-
24 lowing: “or, in the case of an alien granted clas-
25 sification under clause (iii), (iv), (v), or (vi) of

1 section 204(a)(1)(A) or clause (ii), (iii), or (iv)
 2 of section 204(a)(1)(B), or who qualifies for re-
 3 lief under section 240A(b)(2) or under section
 4 244(a)(3) (as in effect before the date of enact-
 5 ment of the Illegal Immigration Reform and
 6 Immigrant Responsibility Act of 1996), the
 7 alien demonstrates extreme hardship to the
 8 alien or the alien’s United States citizen, lawful
 9 permanent resident or qualified alien parent,
 10 child, son, or daughter”.

11 (B) WAIVER OF DEPORTABILITY.—Section
 12 237(a)(1)(H) of the Immigration and Nation-
 13 ality Act (8 U.S.C. 1227(a)(1)(H)) is
 14 amended—

15 (i) in clause (i), by inserting “(I)”
 16 after “(i)”;

17 (ii) by redesignating clause (ii) as
 18 subclause (II); and

19 (iii) by inserting after clause (i) the
 20 following new clause:

21 “(ii) is an alien who qualifies for clas-
 22 sification under clause (iii), (iv), (v), or (vi)
 23 of section 204(a)(1)(A) or clause (ii), (iii),
 24 or (iv) of section 204(a)(1)(B), or who
 25 qualifies for relief under section

1 240A(b)(2) or under section 244(a)(3) (as
 2 in effect before the date of enactment of
 3 the Illegal Immigration Reform and Immigrant
 4 Responsibility Act of 1996).”.

5 **SEC. 6. CALCULATION OF PHYSICAL PRESENCE IN VAWA**
 6 **CANCELLATION OF REMOVAL AND SUSPEN-**
 7 **SION OF DEPORTATION.**

8 (a) CANCELLATION OF REMOVAL PROCEEDINGS.—
 9 Section 240A(d)(2) of the Immigration and Nationality
 10 Act (8 U.S.C. 1229b(d)(2)) is amended by adding at the
 11 end the following: “In the case of an alien applying for
 12 cancellation of removal under subsection (b)(2), the Attor-
 13 ney General may waive the provisions of this subsection
 14 for humanitarian purposes, to assure family unity, or
 15 when it is otherwise in the public interest, if the alien dem-
 16 onstrates that the absences were connected to the battery
 17 or extreme cruelty forming the basis of the application for
 18 cancellation of removal under such subsection.”.

19 (b) SUSPENSION OF DEPORTATION PROCEEDINGS.—
 20 With respect to applications filed under section 244(a)(3)
 21 of the Immigration and Nationality Act (as in effect before
 22 the title III–A effective date, as defined in section 309(a)
 23 of the Illegal Immigration Reform and Immigrant Respon-
 24 sibility Act of 1996 (division C of Public Law 104–208;
 25 110 Stat. 3009–625)) (8 U.S.C. 1254(a)(3)), the Attorney

1 General may waive the physical presence requirement for
 2 humanitarian purposes, to assure family unity, or when
 3 it is otherwise in the public interest if the alien dem-
 4 onstrates that the absences were connected to the battery
 5 or extreme cruelty forming the basis of the application for
 6 suspension of deportation.

7 **SEC. 7. IMPROVED ACCESS TO VAWA IMMIGRATION PRO-**
 8 **TECTIONS FOR BATTERED IMMIGRANT**
 9 **WOMEN.**

10 (a) INTENDED SPOUSE DEFINED.—Section 101(a) of
 11 the Immigration and Nationality Act (8 U.S.C. 1101(a))
 12 is amended by adding at the end the following new para-
 13 graph:

14 “(50) The term ‘intended spouse’ means any alien
 15 who meets the criteria set forth in section 204(j)(1)(B)
 16 or 204(k)(1)(B).”.

17 (b) ENSURING PROTECTION FOR ABUSED CHILDREN
 18 AND CHILDREN OF BATTERED IMMIGRANTS.—Section
 19 101(b) of the Immigration and Nationality Act (8 U.S.C.
 20 1101(b)) is amended—

21 (1) in paragraph (1), by striking “The term”
 22 and inserting “Subject to paragraph (6), the term”,
 23 and

24 (2) by adding at the end the following new
 25 paragraph:

1 “(6) For the purposes of clauses (iii) and (iv) of sec-
 2 tion 204(a)(1)(A), clauses (ii) and (iii) of section
 3 204(a)(1)(B), section 240A(b)(2), and section 244(a)(3)
 4 (as in effect before the date of the enactment of the Illegal
 5 Immigration Reform and Immigrant Responsibility Act of
 6 1996) and for the purposes of attaining lawful permanent
 7 residency under those sections either under section 245
 8 or by obtaining an immigrant visa under section 203, an
 9 individual who turns 21 years old remains a child under
 10 paragraph (1) if, on the date a petition or application was
 11 filed by the individual or their parent under any of these
 12 sections the individual—

13 “(A) met the definition of child in one of sub-
 14 paragraphs (A) through (F) of paragraph (1); and

15 “(B) was under the age of 21 on the date the
 16 application or petition was filed.”.

17 (c) IMMEDIATE RELATIVE STATUS FOR SELF-PETI-
 18 TIONERS MARRIED TO U.S. CITIZENS.—

19 (1) SELF-PETITIONING SPOUSES.—

20 (A) BATTERY OR CRUELTY TO ALIEN OR
 21 ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of
 22 the Immigration and Nationality Act (8 U.S.C.
 23 1154(a)(1)(A)(iii)) is amended to read as fol-
 24 lows:

1 “(iii) An alien who is described in subsection (j) may
 2 file a petition with the Attorney General under this clause
 3 for classification of the alien (and any child of the alien
 4 as defined in paragraph (1) or (6) of section 101(b) if
 5 the alien demonstrates to the Attorney General that—

6 “(I) the marriage or the intent to marry the
 7 United States citizen was entered into in good faith
 8 by the alien; and

9 “(II) during the marriage or relationship in-
 10 tended by the alien to be legally a marriage, the
 11 alien or a child of the alien has been battered or has
 12 been the subject of extreme cruelty perpetrated by
 13 the alien’s spouse or intended spouse.”.

14 (B) DESCRIPTION OF PROTECTED SPOUSE
 15 OR INTENDED SPOUSE.—Section 204 of the Im-
 16 migration and Nationality Act (8 U.S.C. 1154)
 17 is amended by adding at the end the following:

18 “(j) DESCRIPTION OF PROTECTED SPOUSE OR IN-
 19 TENDED SPOUSE.—For purposes of subsection
 20 (a)(1)(A)(iii), an alien described in this subsection is an
 21 alien—

22 “(1)(A) who is the spouse of a citizen of the
 23 United States; or

1 “(B)(i) who believed that he or she had married
2 a citizen of the United States and with whom a mar-
3 riage ceremony was actually performed; and

4 “(ii) who otherwise meets any applicable re-
5 quirements under this Act to establish the existence
6 of and bona fides of a marriage, but whose marriage
7 is not legitimate solely because of the bigamy of
8 such citizen of the United States; or

9 “(C) who was a bona fide spouse of a United
10 States citizen within the past two years and whose
11 spouse died within the past two years, or whose
12 spouse lost immigration status within the past two
13 years due to an incident of domestic violence, or who
14 demonstrates a connection between the legal termi-
15 nation of the marriage within the past two years and
16 battering or extreme cruelty by the United States
17 citizen spouse;

18 “(2) who is a person of good moral character;

19 “(3) who is eligible to be classified as an imme-
20 diate relative under section 201(b)(2)(A)(i) or who
21 would have been so classified but for the bigamy of
22 the citizen of the United States that the alien in-
23 tended to marry; and

24 “(4) who has resided with the alien’s spouse or
25 intended spouse.”.

1 (2) GUARANTEEING ACCESS TO VAWA RELIEF
2 FOR BATTERED IMMIGRANTS BROUGHT INTO THE
3 UNITED STATES ON FIANCE VISAS.—Section
4 204(a)(1)(C) of the Immigration and Nationality
5 Act, as inserted by subsection (d)(6), is amended by
6 adding at the end the following new clause:

7 “(iii) For aliens who entered the country on fiancé
8 visas, failure to marry the sponsor or failure to marry the
9 sponsor within 90 days as required under section
10 101(a)(15)(K) shall not bar access to relief under clause
11 (iii), (iv), (v), or (vi) of subsection (a)(1)(A), under clause
12 (ii), (iii), or (iv) of subsection (a)(1)(B), under section
13 240A(b)(2), or under section 244(a)(3) (as in effect before
14 the enactment of the Illegal Immigration Reform and Im-
15 migrant Responsibility Act of 1996) to aliens who other-
16 wise qualify.”.

17 (3) SELF-PETITIONING CHILDREN.—Section
18 204(a)(1)(A)(iv) of the Immigration and Nationality
19 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read
20 as follows:

21 “(iv) An alien who is the child of a citizen of the
22 United States (as defined in paragraph (1) or (6) of sec-
23 tion 101(b)) or who was a child of United States citizen
24 parent who died within the past two years or lost immigra-
25 tion status due to an incident of domestic violence within

1 the past two years, and who is a person of good moral
2 character, who is eligible to be classified as an immediate
3 relative under section 201(b)(2)(A)(i), and who resides or
4 has resided in the past with the citizen parent may file
5 a petition with the Attorney General under this subpara-
6 graph for classification of the alien (and any child of the
7 alien) under such section if the alien demonstrates to the
8 Attorney General that the alien has been battered by or
9 has been the subject of extreme cruelty perpetrated by the
10 alien's citizen parent. For purposes of this clause, resi-
11 dence includes any period of visitation.”.

12 (4) SELF-PETITIONING PARENTS.—Section
13 204(a)(1)(A) of the Immigration and Nationality
14 Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
15 after clause (iv) the following new clause:

16 “(v) An alien who is the parent of a citizen of the
17 United States or who was a parent of United States cit-
18 izen who died within the past two years or lost immigra-
19 tion status due to an incident of domestic violence within
20 the past two years, and who is a person of good moral
21 character, who is eligible to be classified as an immediate
22 relative under section 201(b)(2)(A)(i), and who has re-
23 sided with the citizen daughter or son may file a petition
24 with the Attorney General under this subparagraph for
25 classification of the alien under such section if the alien

1 demonstrates to the Attorney General that the alien has
2 been battered by or has been the subject of extreme cru-
3 elty perpetrated by the alien’s citizen son or daughter.”.

4 (5) SELF-PETITIONING SON OR DAUGHTER.—

5 Section 204(a)(1)(A) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1154(a)(1)(A)), as amended
7 by paragraph (4), is amended by adding after clause
8 (v) the following new clause:

9 “(vi) An alien who is the son or daughter of a citizen
10 of the United States or who was the son or daughter of
11 United States citizen parent who died within the past two
12 years or lost immigration status due to an incident of do-
13 mestic violence within the past two years, and who is a
14 person of good moral character, who is eligible for classi-
15 fication by reason of a relationship described in paragraph
16 (1) of section 203(a), and who resides or has resided in
17 the past with the citizen parent may file a petition with
18 the Attorney General under this clause for classification
19 of the alien (and any child of the alien) under such section
20 if the alien demonstrates to the Attorney General that the
21 alien has been battered by, or has been the subject of ex-
22 treme cruelty perpetrated by, the alien’s citizen parent and
23 1 or more incidents of battery or extreme cruelty occurred
24 before the son or daughter reached the age of 21. For

1 purposes of this clause, residence includes any period of
2 visitation.”.

3 (6) FILING OF PETITIONS.—Section
4 204(a)(1)(A) of the Immigration and Nationality
5 Act (8 U.S.C. 1154 (a)(1)(A)(iv)), as amended by
6 paragraphs (4) and (5), is amended by adding after
7 clause (vi) the following new clause:

8 “(vii) An alien who is the spouse, intended spouse,
9 child, parent, son, or daughter of a United States citizen
10 living abroad and who is eligible to file a petition under
11 clause (iii), (iv), (v), or (vi) shall file such petition with
12 the Attorney General under the procedures that apply to
13 self-petitioners under such clauses.”.

14 (d) SECOND PREFERENCE IMMIGRATION STATUS
15 FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMA-
16 NENT RESIDENTS.—

17 (1) SELF-PETITIONING SPOUSES.—Section
18 204(a)(1)(B)(ii) of the Immigration and Nationality
19 Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read
20 as follows:

21 “(ii) An alien who is described in subsection (k) may
22 file a petition with the Attorney General under this clause
23 for classification of the alien (and any child of the alien
24 as defined in paragraph (1) or (6) of section 101(b)) if
25 such a child has not been classified under clause (iii) of

1 section 203(a)(2)(A) and if the alien demonstrates to the
2 Attorney General that—

3 “(I) the marriage or the intent to marry the
4 lawful permanent resident was entered into in good
5 faith by the alien; and

6 “(II) during the marriage or relationship in-
7 tended by the alien to be legally a marriage, the
8 alien or a child of the alien has been battered or has
9 been the subject of extreme cruelty perpetrated by
10 the alien’s spouse or intended spouse.”.

11 (2) DESCRIPTION OF PROTECTED SPOUSE OR
12 INTENDED SPOUSE.—Section 204 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1154), as amend-
14 ed by subsection (c)(1)(B), is further amended by
15 adding at the end the following:

16 “(k) DESCRIPTION OF PROTECTED SPOUSE OR IN-
17 TENDED SPOUSE.—For purposes of subsection
18 (a)(1)(B)(ii), an alien described in this subsection is an
19 alien—

20 “(1)(A) who is the spouse of a lawful perma-
21 nent resident of the United States; or

22 “(B)(i) who believed that he or she had married
23 a lawful permanent resident of the United States
24 and with whom a marriage ceremony was actually
25 performed; and

1 “(ii) who otherwise meets any applicable re-
2 quirements under this Act to establish the existence
3 of and bona fides of a marriage, but whose marriage
4 is not legitimate solely because of the bigamy of
5 such lawful permanent resident of the United States;
6 or

7 “(iii) who was a bona fide spouse of a lawful
8 permanent resident within the past two years and
9 whose spouse died within the past two years, or
10 whose spouse lost status within the past two years
11 due to an incident of domestic violence, or who dem-
12 onstrates a connection between the legal termination
13 of the marriage within the past two years and bat-
14 tering or extreme cruelty by the United States cit-
15 izen spouse;

16 “(2) who is a person of good moral character;

17 “(3) who is eligible to be classified as a spouse
18 of an alien lawfully admitted for permanent resi-
19 dence under section 203(a)(2)(A) or who would have
20 been so classified but for the bigamy of the lawful
21 permanent resident of the United States that the
22 alien intended to marry; and

23 “(4) who has resided in the United States with
24 the alien’s spouse or intended spouse.”.

1 (3) SELF-PETITIONING CHILDREN.—Section
2 204(a)(1)(B)(iii) of the Immigration and Nationality
3 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to
4 read as follows:

5 “(iii) An alien who is the child of an alien lawfully
6 admitted for permanent residence as defined in paragraph
7 (1) or (6) of section 101(b) or who was a child of a lawful
8 permanent resident parent who died within the past two
9 years or lost immigration status due to an incident of do-
10 mestic violence within the past two years, and who is a
11 person of good moral character, who is eligible for classi-
12 fication under section 203(a)(2)(A), and who resides or
13 has resided in the past with the alien’s permanent resident
14 alien parent may file a petition with the Attorney General
15 under this subparagraph for classification of the alien
16 (and any child of the alien) under such section if the alien
17 demonstrates to the Attorney General that the alien has
18 been battered by or has been the subject of extreme cru-
19 elty perpetrated by the alien’s permanent resident parent.
20 For purposes of this clause, residence includes any period
21 of visitation.”.

22 (4) SELF-PETITIONING SON OR DAUGHTER.—
23 Section 204(a)(1)(B) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1154(a)(1)(B)), as amended

1 by section 4(a)(2), is further amended by adding at
2 the end the following:

3 “(iv) An alien who is the son or daughter of an alien
4 lawfully admitted for permanent residence or who was a
5 son or daughter of a lawful permanent resident parent
6 who died within the past two years or lost immigration
7 status due to an incident of domestic violence within the
8 past two years and who is a person of good moral char-
9 acter, who is eligible for classification by reason of a rela-
10 tionship described in paragraph (2) of section 203(a), and
11 who resides or has resided in the past with the alien’s legal
12 permanent resident parent may file a petition with the At-
13 torney General under this clause for classification of the
14 alien (and any child of the alien) under such section if
15 the alien demonstrates to the Attorney General that the
16 alien has been battered by, or has been the subject of ex-
17 treme cruelty perpetrated by, the alien’s legal permanent
18 resident parent and 1 or more incidents of battery or ex-
19 treme cruelty occurred before the son or daughter reached
20 the age of 21. For purposes of this clause, residence in-
21 cludes any period of visitation.”.

22 (5) FILING OF PETITIONS.—Section
23 204(a)(1)(B) of the Immigration and Nationality
24 Act (8 U.S.C. 1154(a)(1)(B)), as amended by para-

graph (4), is further amended by adding after clause
(iv) the following new clause:

“(v) An alien who is the spouse, intended spouse,
child, son, or daughter of a lawful permanent resident liv-
ing abroad is eligible to file a petition under clause (ii),
(iii), or (iv) shall file such petition with the Attorney Gen-
eral under the procedures that apply to self-petitioners
under such clauses.”.

(6) TREATMENT OF PETITIONS INCLUDING DE-
RIVATIVE CHILDREN TURNING 21 YEARS OF AGE.—
Section 204(a)(1) of the Immigration and Nation-
ality Act (8 U.S.C. 1154(a)(1)) is amended—

(A) by redesignating subparagraphs (C)
through (H) as subparagraphs (D) through (I),
respectively; and

(B) by inserting after subparagraph (B)
the following:

“(C)(i)(I) Any derivative child who attains 21 years
of age and who is included in a petition described in clause
(ii) that was filed or approved before the date on which
the child attained 21 years of age shall be considered (if
no visa has been issued to the child by such date) a peti-
tioner for preference status under paragraph (1), (2), or
(3) of section 203(a), whichever paragraph is applicable,

1 with the same priority date as that assigned to the petition
2 in any petition described in clause (ii).

3 “(II) Any individual described in subclause (I) and
4 any derivative child of a petition described in clause (ii)
5 is eligible for deferred action and work authorization.

6 “(ii) The petition referred to in clause (i) is a petition
7 filed by an alien under subparagraph (A)(iii), (A)(iv),
8 (A)(vi), (B)(ii), (B)(iii), or (B)(iv) in which the child is
9 included as a derivative.”.

10 (e) ACCESS TO NATURALIZATION FOR DIVORCED
11 VICTIMS OF ABUSE.—Section 319(a) of the Immigration
12 and Nationality Act (8 U.S.C. 1430(a)) is amended—

13 (1) by inserting “, and any person who obtained
14 status as a lawful permanent resident by reason of
15 his or her status as a spouse or child of a United
16 States citizen who battered him or her or subjected
17 him or her to extreme cruelty,” after “United
18 States” the first place it appears; and

19 (2) by inserting “(except in the case of a person
20 who has been battered or subjected to extreme cru-
21 elty by a United States citizen spouse or parent)”
22 after “has been living in marital union with the cit-
23 izen spouse”.

1 **SEC. 8. IMPROVED ACCESS TO VAWA CANCELLATION OF**
2 **REMOVAL.**

3 (a) CANCELLATION OF REMOVAL AND ADJUSTMENT
4 OF STATUS FOR CERTAIN NONPERMANENT RESI-
5 DENTS.—Section 240A(b)(2) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1229b(b)(2)) is amended to read
7 as follows:

8 “(2) SPECIAL RULE FOR BATTERED SPOUSE,
9 PARENT, CHILD, SON, OR DAUGHTER.—

10 “(A) IN GENERAL.—The Attorney General
11 may cancel removal of, and adjust to the status
12 of an alien lawfully admitted for permanent res-
13 idence, an alien who is inadmissible or deport-
14 able from the United States if the alien dem-
15 onstrates that—

16 “(i)(I) the alien has been battered or
17 subjected to extreme cruelty in the United
18 States by a spouse, parent, son, or daugh-
19 ter who is or was a United States citizen
20 (or is the parent of a child of a United
21 States citizen and the child has been bat-
22 tered or subjected to extreme cruelty in the
23 United States by such citizen parent);

24 “(II) the alien has been battered or
25 subjected to extreme cruelty by a spouse or
26 parent who is or was a lawful permanent

1 resident (or is the parent of a child of an
2 alien who is or was a lawful permanent
3 resident and the child has been battered or
4 subjected to extreme cruelty in the United
5 States by such permanent resident parent),
6 or

7 “(III) the alien has been battered or
8 subjected to extreme cruelty by a United
9 States citizen or lawful permanent resident
10 whom the alien intended to marry, but
11 whose marriage is not legitimate because
12 of that United States citizen’s or lawful
13 permanent resident’s bigamy;

14 “(ii) the alien has been physically
15 present in the United States for a contin-
16 uous period of not less than 3 years imme-
17 diately preceding the date of such applica-
18 tion (and the issuance of a charging docu-
19 ment for removal proceedings shall not toll
20 the 3-year period of continuous physical
21 presence in the United States);

22 “(iii) the alien has been a person of
23 good moral character during such period;

24 “(iv) the alien is not inadmissible
25 under paragraph (2) or (3) of section

1 212(a), is not deportable under paragraphs
2 (1)(G) or (2) through (4) of section
3 237(a), and has not been convicted of an
4 aggravated felony, unless the Attorney
5 General waives application of this clause
6 pursuant to section 237(d) or for humani-
7 tarian purposes, to assure family unity, or
8 when it is otherwise in the public interest;
9 and

10 “(v) the removal would result in ex-
11 treme hardship to the alien, the alien’s
12 child, or the alien’s parent.

13 In acting on applications under this paragraph,
14 the Attorney General shall consider any credible
15 evidence relevant to the application. The deter-
16 mination of what evidence is credible and the
17 weight to be given that evidence shall be within
18 the sole discretion of the Attorney General. For
19 aliens who entered the country on fiancé visas,
20 failure to marry the sponsor, or failure to
21 marry the sponsor within 90 days as required
22 under section 101(a)(15)(K), shall not bar ac-
23 cess to relief under this paragraph to aliens
24 who otherwise qualify.

1 “(B) INCLUSION OF OTHER ALIENS IN
2 CANCELLATION OF REMOVAL APPLICATIONS.—

3 An alien applying for relief under this para-
4 graph may include—

5 “(i) the alien’s children, sons, or
6 daughters in the alien’s application and, if
7 the alien is found eligible for cancellation,
8 the Attorney General may adjust the sta-
9 tus of the alien’s children, sons, daughters;
10 or

11 “(ii) the alien’s parent or child in the
12 alien child’s (as defined in paragraph (1)
13 or (6) of section 101(b)) application in the
14 case of an application filed by an alien who
15 was abused by a citizen or lawful perma-
16 nent resident parent and, if the alien child
17 is found eligible for cancellation, the Attor-
18 ney General may adjust the status of the
19 alien child applicant and the alien child’s
20 parent and child.

21 “(C) INCLUSION OF OTHER ALIENS IN
22 SUSPENSION OF DEPORTATION APPLICA-
23 TIONS.—An alien applying for relief under sec-
24 tion 244(a)(3) (as in effect before the date of
25 the enactment of Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996) may
2 include—

3 “(i) the alien’s children, sons, or
4 daughters in the alien’s application and, if
5 the alien is found eligible for suspension,
6 the Attorney General may adjust the sta-
7 tus of the alien’s children, sons, or daugh-
8 ters; or

9 “(ii) the alien’s parent or child in the
10 alien child’s (as defined in paragraph (1)
11 or (6) of section 101(b)) application in the
12 case of an application filed by an alien who
13 was abused by a citizen or lawful perma-
14 nent resident parent and, if the alien child
15 is found eligible for suspension, the Attor-
16 ney General may adjust the status of the
17 alien child applicant and the alien child’s
18 parent and child.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect as if included in the enact-
21 ment of section 304 of the Illegal Immigration Reform and
22 Immigrant Responsibility Act of 1996 (division C of Pub-
23 lic Law 104–208; 110 Stat. 587).

24 (c) TREATMENT OF FAMILY MEMBERS.—

1 (1) IN GENERAL.—Section 203(d) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1153(d)) is
3 amended—

4 (A) by inserting “(1)” before “A spouse or
5 child”; and

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

7 “(2) A spouse, parent, or child as defined in para-
8 graph (1) or (6) of section 101(b) if not otherwise entitled
9 to an immigrant status and immediate issuance of a visa
10 shall be entitled to attain lawful permanent resident status
11 if their spouse, parent, or child was granted such status
12 pursuant to section 240A(b)(2) or section 244(a)(3) (as
13 in effect before the date of the enactment of Illegal Immi-
14 gration Reform and Immigrant Responsibility Act of
15 1996) by accompanying or following to join the spouse,
16 child, or parent.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall take effect as if included in
19 the enactment of subtitle G of title IV of the Violent
20 Crime Control and Law Enforcement Act of 1994
21 (Public Law 103–322; 108 Stat. 1953 et seq.).

22 **SEC. 9. GOOD MORAL CHARACTER DETERMINATIONS.**

23 (a) DETERMINATIONS OF GOOD MORAL CHARACTER
24 FOR SELF-PETITIONING IMMEDIATE RELATIVES.—Sec-
25 tion 204(a)(1)(A) of the Immigration and Nationality Act

1 (8 U.S.C. 1154(a)(1)(A)), as amended by sections 7(c)
2 and 4(a)(1), is further amended by adding after clause
3 (viii) at the end the following new clause:

4 “(ix) For the purposes of making good moral char-
5 acter determinations under this subparagraph, the Attor-
6 ney General is not limited by the criminal court record
7 and may make a finding of good moral character notwith-
8 standing the existence of a disqualifying act or criminal
9 conviction in the case of an alien who otherwise qualifies
10 for relief under clause (iii), (iv), (v), or (vi), but who com-
11 mitted, was arrested for, has been convicted of, or who
12 pled guilty to—

13 “(I) violating a court order issued to protect the
14 alien;

15 “(II) prostitution if the alien was forced into
16 prostitution by an abuser;

17 “(III) a domestic violence-related crime, if the
18 Attorney General determines that the alien acted in
19 self-defense; or

20 “(IV) a crime where there was a connection be-
21 tween the commission of the crime and having been
22 battered or subjected to extreme cruelty.”.

23 (b) DETERMINATIONS OF GOOD MORAL CHARACTER
24 FOR SELF-PETITIONERS SEEKING SECOND PREFERENCE
25 IMMIGRATION STATUS.—Section 204(a)(1)(B) of the Im-

1 migration and Nationality Act (8 U.S.C. 1154(a)(1)(B)),
2 as amended by sections 7(d) and 4(a)(2), is further
3 amended by adding after clause (vi) the following new
4 clause:

5 “(vii) For the purposes of making good moral char-
6 acter determinations under this subparagraph, the Attor-
7 ney General is not limited by the criminal court record
8 and may make a finding of good moral character notwith-
9 standing the existence of a disqualifying act or criminal
10 conviction in the case of an alien who otherwise qualifies
11 for relief under clause (ii), (iii), or (iv), but who com-
12 mitted, was arrested for, has been convicted of, or who
13 pled guilty to—

14 “(I) violating a court order issued to protect the
15 alien;

16 “(II) prostitution if the alien was forced into
17 prostitution by an abuser;

18 “(III) a domestic violence-related crime, if the
19 Attorney General determines that the alien acted in
20 self-defense; or

21 “(IV) a crime where there was a connection be-
22 tween the commission of the crime and having been
23 battered or subjected to extreme cruelty.”.

24 (c) DETERMINATIONS OF GOOD MORAL CHARACTER
25 IN VAWA CANCELLATION OF REMOVAL PROCEEDINGS.—

1 Section 240A(b)(2) of the Immigration and Nationality
2 Act (8 U.S.C. 1229b(b)(2)), as amended by section 8(a),
3 is further amended by adding at the end the following new
4 subparagraph:

5 “(D) GOOD MORAL CHARACTER DETER-
6 MINATIONS.—For the purposes of making good
7 moral character determinations under this sub-
8 section, the Attorney General is not limited by
9 the criminal court record and may make a find-
10 ing of good moral character notwithstanding
11 the existence of a disqualifying act or criminal
12 conviction in the case of an alien who has been
13 battered or subjected to extreme cruelty but
14 who committed, was arrested for, has been con-
15 victed of, or who pled guilty to—

16 “(i) violating a court order is sued to
17 protect the alien;

18 “(ii) prostitution if the alien was
19 forced into prostitution by an abuser;

20 “(iii) a domestic violence-related crime
21 if the Attorney General determines that
22 the alien acted in self-defense; or

23 “(iv) committing a crime where there
24 was a connection between the commission

1 of the crime and having been battered or
2 subjected to extreme cruelty.”.

3 (d) DETERMINATIONS UNDER SUSPENSION OF DE-
4 PORTATION.—For the purposes of making good moral
5 character determinations under section 244(a)(3) of the
6 Immigration and Nationality Act (as in effect before the
7 enactment of the Illegal Immigration Reform and Immi-
8 grant Responsibility Act of 1996) (8 U.S.C. 1254(a)(3)),
9 the Attorney General is not limited by the criminal court
10 record and may make a finding of good moral character
11 notwithstanding the existence of a disqualifying act or
12 criminal conviction in the case of an alien who has been
13 battered or subjected to extreme cruelty but who com-
14 mitted, was arrested for, has been convicted of, or who
15 pled guilty to—

16 (1) violating a court order issued to protect the
17 alien;

18 (2) prostitution if the alien was forced into
19 prostitution by an abuser;

20 (3) a domestic violence-related crime if the At-
21 torney General determines that the alien acted in
22 self-defense; or

23 (4) committing a crime where there was a con-
24 nection between the commission of the crime and

1 having been battered or subjected to extreme cru-
2 elty.

3 **SEC. 10. ECONOMIC SECURITY ACT FOR BATTERED IMMI-**
4 **GRANT WOMEN.**

5 (a) NONAPPLICABILITY OF SPECIAL RULES RELAT-
6 ING TO THE TREATMENT OF NON-213A ALIENS.—Section
7 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6))
8 is amended—

9 (1) in subparagraph (B), by striking “or” at
10 the end;

11 (2) in subparagraph (C), by striking the period
12 and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(D) described in section 421(f) of the
15 Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996 (8 U.S.C. 1631(f))
17 but for the fact that the individual is a non-
18 213A alien.”.

19 (b) PUBLIC CHARGE.—Section 212(a)(4) of the Im-
20 migration and Nationality Act (8 U.S.C. 1182(a)(4)) is
21 amended by adding at the end the following new subpara-
22 graph:

23 “(E) EXCEPTION.—The following aliens
24 are not subject to public charge determinations
25 under this paragraph:

1 “(i) An alien who qualifies for classi-
2 fication as a spouse, parent, child, son, or
3 daughter of a United States citizen or law-
4 ful permanent resident under clause (iii),
5 (iv), (v), or (vi) of section 204(a)(1)(A) or
6 clause (ii), (iii), or (iv) of section
7 204(a)(1)(B).

8 “(ii) An alien who qualifies for classi-
9 fication under clause (i) or (ii) of section
10 204(a)(1)(A) or section 204(a)(1)(B)(i)
11 and who presents credible evidence of hav-
12 ing been battered or subjected to extreme
13 cruelty by their United States citizen or
14 lawful permanent resident spouse, parent,
15 son, or daughter. In the case of alien sons
16 or daughters, one or more incidents of bat-
17 tering or extreme cruelty must have oc-
18 curred before the alien turned 21 years of
19 age. This clause shall apply whether or not
20 an affidavit of support has been filed on
21 the alien’s behalf.

22 “(iii) An alien who qualifies for status
23 as a spouse, parent, child, son, or daughter
24 of a United States citizen or lawful perma-
25 nent resident, or as a parent of a child of

1 a United States citizen or lawful perma-
 2 nent resident, pursuant to section
 3 240A(b)(2) or section 244(a)(3) (as in ef-
 4 fect before the date of enactment of the Il-
 5 legal Immigration Reform and Immigrant
 6 Responsibility Act of 1996).

7 “(iv) Any child (as defined in para-
 8 graph (1) or (6) of section 101(b)) in-
 9 cluded in the application of an alien de-
 10 scribed in clause (i), (ii), or (iii).”.

11 (c) WAIVER OF FILING FEES.—

12 (1) PETITIONS FOR CLASSIFICATION.—Section
 13 204(a)(1) of the Immigration and Nationality Act (8
 14 U.S.C. 1154(a)(1)), as amended by section 7(c), is
 15 further amended by adding at the end the following
 16 new subparagraph:

17 “(I) No fee shall be charged for the filing or proc-
 18 essing of any application under clause (iii), (iv), (v), or
 19 (vi) of subparagraph (A) or clause (ii), (iii), or (iv) of sub-
 20 paragraph (B), or the first application for work authoriza-
 21 tion filed by an applicant under such a clause.”.

22 (2) CANCELLATIONS OF REMOVAL.—Section
 23 240A(b)(2) of the Immigration and Nationality Act
 24 (8 U.S.C. 1229b), as amended by section 9(c), is

1 amended by adding at the end the following new
2 subparagraph:

3 “(E) PROHIBITION OF CHARGING FEES.—

4 No fee shall be charged for the filing or proc-
5 essing of any application under this paragraph
6 or the first application for work authorization
7 filed by applicants under this paragraph.”.

8 (3) SUSPENSION OF DEPORTATION.—No fee
9 shall be charged for the filing or processing of any
10 application under section 244(a)(3) of the Immigra-
11 tion and Nationality Act (as in effect before the date
12 of enactment of the Illegal Immigration Reform and
13 Immigrant Responsibility Act of 1996) (8 U.S.C.
14 1254(a)(3)), or the first application for work author-
15 ization filed by applicants under such section.

16 (d) ACCESS TO FOOD STAMPS AND SSI FOR QUALI-
17 FIED BATTERED ALIENS.—Section 402(a)(2) of the Per-
18 sonal Responsibility and Work Opportunity Reconciliation
19 Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding
20 at the end the following:

21 “(L) EXCEPTION FOR CERTAIN BATTERED
22 ALIENS.—With respect to eligibility for benefits
23 for the specified Federal program (as defined in
24 paragraph (3)), paragraph (1) shall not apply
25 to any individual described in section 431(c).”.

1 (e) EXEMPTION FROM 5-YEAR BAN.—Section 403(b)
2 of the Personal Responsibility and Work Opportunity Act
3 of 1996 (8 U.S.C. 1613(b)) is amended by adding at the
4 end the following:

5 “(3) BATTERED IMMIGRANTS.—An alien de-
6 scribed in section 431(c).”.

7 (f) ACCESS TO HOUSING FOR BATTERED WOMEN
8 AND QUALIFIED IMMIGRANTS.—(1) Section 214 of the
9 Housing and Community Development Act of 1980 (42
10 U.S.C. 1436a) is amended—

11 (A) in subsection (a), in the matter before para-
12 graph (1), by striking “a resident of the United
13 States and is”;

14 (B) in paragraphs (1) through (6) of subsection
15 (a), by inserting “a resident of the United States
16 and is” before “an alien” each place it appears;

17 (C) in subsection (a)(5), by striking “or” at the
18 end;

19 (D) in subsection (a)(6), by striking the period
20 and inserting “; or”;

21 (E) by adding at the end of subsection (a) the
22 following new paragraph:

23 “(7) a qualified alien as described in section
24 431 of the Personal Responsibility and Work Oppor-
25 tunity Reconciliation Act of 1996 (8 U.S.C. 1641).”;

1 (F) in subsection (b)(2), by adding at the end
2 the following: “Proration shall not apply in the case
3 of a qualified alien as described in section 431 of
4 the Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996 (8 U.S.C. 1641).”;

6 (G) in subsection (c)(1)(A), by adding at the
7 end the following: “Proration shall not apply in the
8 case of a qualified alien as described in section 431
9 of the Personal Responsibility and Work Oppor-
10 tunity Reconciliation Act of 1996 (8 U.S.C. 1641).”;

11 (H) in subsection (c)(1)(A), by striking “para-
12 graphs (1) through (6)” and inserting “paragraphs
13 (1) through (7)”;

14 (I) in subsection (c)(2)(A), by inserting “(other
15 than a qualified alien as described in section 431(c)
16 of the Personal Responsibility and Work Oppor-
17 tunity Reconciliation Act of 1996 (8 U.S.C.
18 1641(c)))” after “any alien”; and

19 (J) in subsection (d)(1)(B), by inserting before
20 the period “, including a qualified alien as described
21 in section 431 of the Personal Responsibility and
22 Work Opportunity Reconciliation Act of 1996 (8
23 U.S.C. 1641)”.

24 (2) Section 401 of the Personal Responsibility and
25 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.

1 1611) is amended by adding at the end the following new
 2 subsection:

3 “(d) ACCESS TO SHELTER AND SERVICES FOR BAT-
 4 TERED IMMIGRANTS.—Notwithstanding any other provi-
 5 sion of law, no private, government, or nonprofit organiza-
 6 tion providing shelter or services to battered women,
 7 abused children, or providing any other services listed in
 8 subsection (b) that receives any Federal funds shall deny,
 9 restrict, or condition assistance to any applicant based on
 10 alienage.”.

11 (g) CLARIFYING WELFARE REPORTING REQUIRE-
 12 MENTS FOR BENEFIT APPLICANTS.—The Social Security
 13 Act (42 U.S.C. 301 et seq.) is amended—

14 (1) in section 411(a)(1) (42 U.S.C. 611(a)(1)),
 15 by adding at the end the following new subpara-
 16 graph:

17 “(C) INFORMATION ON IMMIGRATION STA-
 18 TUS.—Collection of information about, and in-
 19 quiries into, the immigration status of an indi-
 20 vidual who is a parent applying on behalf of his
 21 or her child who is a United States citizen or
 22 a qualified alien (as defined in section 431 of
 23 the Personal Responsibility and Work Oppor-
 24 tunity Reconciliation Act of 1996) for assist-
 25 ance under the State program funded under

1 this part, shall not be made if the individual is
 2 not applying for benefits for themselves, wheth-
 3 er or not the individual is determined, under
 4 Federal or State law, to be part of a family unit
 5 receiving assistance under that program.”; and

6 (2) in section 1631(e)(9) (42 U.S.C.
 7 1383(e)(9)), by adding at the end the following:
 8 “Collection of information about, and inquiries into,
 9 the immigration status of an individual who is a par-
 10 ent applying on behalf of his or her child who is a
 11 United States citizen or a qualified alien (as defined
 12 in section 431 of the Personal Responsibility and
 13 Work Opportunity Reconciliation Act of 1996) for
 14 benefits under this title (or for benefits supple-
 15 mented by a State with an agreement under section
 16 1616), shall not be made if the individual is not ap-
 17 plying for benefits for themselves, whether or not the
 18 individual is determined, under Federal or State law,
 19 to be part of a family unit receiving such benefits.”.

20 (h) CONFORMING DEFINITION OF “FAMILY” USED
 21 IN LAWS GRANTING WELFARE ACCESS FOR BATTERED
 22 IMMIGRANTS TO STATE FAMILY LAW.—Section 431(c) of
 23 the Personal Responsibility and Work Opportunity Rec-
 24 onciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

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

14 (2) in paragraph (2)(A), by striking “by a
15 spouse or parent of the alien (without the active par-
16 ticipation of the alien in the battery or cruelty), or
17 by a member of the spouse or parent’s family resid-
18 ing in the same household as the alien and the
19 spouse or parent consented or acquiesced to such
20 battery or cruelty,” and inserting “by a spouse or
21 parent of the alien (without the active participation
22 of the alien in the battery or cruelty) or by any per-
23 son having a relationship with the alien covered by
24 the civil or criminal domestic violence statutes of the
25 State or Indian country where the alien resides, or

1 the State or Indian country in which the alien, the
2 alien's child or the alien child's parent received a
3 protection order, or by any individual against whom
4 the alien could obtain a protection order.”.

5 (i) EXPANSION OF DEFINITION OF BATTERED IMMI-
6 GRANTS.—

7 (1) IN GENERAL.—Section 431(c) of the Per-
8 sonal Responsibility and Work Opportunity Rec-
9 onciliation Act of 1996 (8 U.S.C. 1641(c)) is
10 amended—

11 (A) in paragraphs (1)(A), (2)(A), and
12 (3)(A) by inserting “or the benefits to be pro-
13 vided would alleviate the harm from such bat-
14 tery or cruelty or would enable the alien to
15 avoid such battery or cruelty in the future” be-
16 fore the semicolon; and

17 (B) in the matter following paragraph (3),
18 by inserting “and for determining whether the
19 benefits to be provided under a specific Federal,
20 State, or local program would alleviate the
21 harm from such battery or extreme cruelty or
22 would enable the alien to avoid such battery or
23 extreme cruelty in the future” before the pe-
24 riod.

1 (2) CONFORMING AMENDMENT REGARDING
2 SPONSOR DEEMING.—Section 421(f) of such Act (8
3 U.S.C. 1631(f)(1)) is amended—

4 (A) in subparagraph (A), by inserting “or
5 would alleviate the harm from such battery or
6 extreme cruelty, or would enable the alien to
7 avoid such battery or extreme cruelty in the fu-
8 ture” before the semicolon; and

9 (B) in subparagraph (B), by inserting “or
10 would alleviate the harm from such battery or
11 extreme cruelty, or would enable the alien to
12 avoid such battery or extreme cruelty in the fu-
13 ture” before the period.

14 (j) ENSURING THAT BATTERED IMMIGRANTS HAVE
15 ACCESS TO FOOD STAMPS AND SSI.—

16 (1) QUALIFYING QUARTERS.—Section 435(2) of
17 the Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996 (8 U.S.C. 1645(2)) is
19 amended by striking “and the alien remains married
20 to such spouse or such spouse is deceased” and in-
21 serting “if such spouse is deceased or if the alien re-
22 mains married to such spouse (except that qualified
23 aliens covered by section 431(c) may continue after
24 divorce to count the qualifying quarters worked by
25 their spouse during the marriage)”.

1 (2) FOOD STAMPS ACCESS FOR BATTERED IM-
 2 MIGRANT QUALIFIED ALIENS AND THEIR CHIL-
 3 DREN.—Section 7 of the Food Stamp Act of 1977
 4 (7 U.S.C. 2016) is amended by adding at the end
 5 the following:

6 “(k) BATTERED IMMIGRANT QUALIFIED ALIEN ELI-
 7 GIBILITY FOR FOOD STAMPS.—Qualified alien battered
 8 immigrants under section 431(c) of the Personal Respon-
 9 sibility and Work Opportunity Reconciliation Act of 1996
 10 and their children are eligible to receive food stamps.”.

11 (k) TECHNICAL CORRECTIONS TO QUALIFIED ALIEN
 12 DEFINITION FOR BATTERED IMMIGRANTS.—Section
 13 431(c)(1)(B) of the Personal Responsibility and Work Op-
 14 portunity Reconciliation Act of 1996 (8 U.S.C.
 15 1641(c)(1)(B)) is amended—

16 (1) in clause (i), by striking “clause (ii), (iii),
 17 or (iv)” and inserting “clause (ii), (iii), (iv), (v), or
 18 (vi)”;

19 (2) in clause (ii), by striking “clause (ii) or
 20 (iii)” and inserting “clause (i), (ii), (iii), or (iv)”;
 21 and

22 (3) by amending clause (iii) to read as follows:

23 “(iii) suspension of deportation under
 24 section 244(a)(3) of the Immigration and
 25 Nationality Act (as in effect before the

1 date of the enactment of the Illegal Immi-
 2 gration Reform and Immigrant Responsi-
 3 bility Act of 1996).”.

4 **SEC. 11. ACCESS TO LEGAL REPRESENTATION AND SERV-**
 5 **ICES FOR BATTERED IMMIGRANTS.**

6 (a) CONSTRUCTION.—Section 502 of the Depart-
 7 ments of Commerce, Justice, and State, the Judiciary and
 8 Related Agencies Appropriations Act, 1998 (Public Law
 9 105–119; 111 Stat. 2511) is amended by adding at the
 10 end the following:

11 “(c) CONSTRUCTION.—This section shall not be con-
 12 strued to prohibit a recipient from—

13 “(1) using funds derived from a source other
 14 than the Legal Services Corporation to provide re-
 15 lated legal assistance (as that term is defined in sub-
 16 section (b)(2)) to any alien who has been battered
 17 or subjected to extreme cruelty by a person with
 18 whom the alien has a relationship covered by the do-
 19 mestic violence laws of the State in which the alien
 20 resides or in which an incidence of violence occurred;

21 “(2) using Legal Services Corporation funds to
 22 provide related legal assistance to any alien who has
 23 been battered or subjected to extreme cruelty who
 24 qualifies for classification under clause (iii), (iv), (v),
 25 or (vi) of section 204(a)(1)(A) of the Immigration

1 and Nationality Act (8 U.S.C. 1154(a)(1)(A)),
2 clause (ii), (iii), or (iv) of section 204(a)(1)(B) of
3 such Act (8 U.S.C. 1154(a)(1)(B)), or subsection
4 (b)(2) of section 240A of such Act (8 U.S.C. 1229b)
5 or section 244(a)(3) of the Immigration and Nation-
6 ality Act (as in effect before the title III–A effective
7 date in section 309 of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996 (8
9 U.S.C. 1101 note)).”.

10 (b) LAW ENFORCEMENT AND PROSECUTION
11 GRANTS.—

12 (1) Section 2001(b)(5) of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C.
14 3796bb(b)(5)) is amended—

15 (A) by striking “to racial, cultural, ethnic,
16 and language minorities” and inserting “to un-
17 derserved populations”; and

18 (B) by inserting “providing immigration
19 assistance to victims of domestic violence,”
20 after “protection orders are granted,”.

21 (2) Section 2002 of such Act (42 U.S.C.
22 3796gg) is amended—

23 (A) in subsection (h)(1), by inserting be-
24 fore the period the following: “, the demo-
25 graphics of underserved populations in the

1 State and details about the percentage of fund-
2 ing that went to serve which underserved popu-
3 lations, the programs that received such fund-
4 ing, and the involvement of programs serving
5 underserved populations in the development of
6 the State plan under subsection (c)(2)”;

7 (B) in subsection (d)(1)(D), by striking
8 “age, marital status, disability, race, ethnicity
9 and language background” and inserting “mar-
10 ital status and characteristics of any under-
11 served populations”;

12 (C) in subsection (d)—

13 (i) by striking “and” at the end of
14 paragraph (2),

15 (ii) by striking the period at the end
16 of paragraph (3) and inserting “; and”,
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(4) in the case of a State, Indian tribal gov-
21 ernment, or unit of local governments applying as
22 subgrantee for a grant under this section, a certifi-
23 cation that its laws or official policies comply with
24 each of the provisions of section 2101(c).

1 The requirements of paragraph (4) do not apply to a non-
2 profit, nongovernmental entity that is applying for grants
3 under this section.”; and

4 (D) by adding at the end the following new
5 subsection:

6 “(i) REPORT ON SERVICES FOR UNDERSERVED POP-
7 ULATIONS.—The Violence Against Women Grants Office
8 in the Department of Justice shall submit to Congress,
9 not later than 1 year after the date of the enactment of
10 this subsection, a report that contains the following infor-
11 mation:

12 “(1) The quantity and percentage of funding
13 awarded to serve underserved populations by each
14 State under each of the following:

15 “(A) Grants to combat violent crimes
16 against women under section 2001.

17 “(B) Grants to encourage arrest under sec-
18 tion 2101.

19 “(C) Rural domestic violence and child
20 abuse enforcement assistance grants under sec-
21 tion 40295(a)(2) of the Violent Crime Control
22 and Law Enforcement Act of 1994 (Public Law
23 103–322, 42 U.S.C. 13971(a)(2)).

1 “(D) Civil legal assistance grants under
2 title I of the Department of Justice Appropria-
3 tions Act, 1999.

4 “(E) Campus domestic violence grants
5 under section 826 of the Higher Education
6 Amendment Act of 1998 (Public Law 105–244;
7 20 U.S.C. 1152).

8 “(2) The percentage of each underserved popu-
9 lation in the demographic make up of each State
10 compared to the amount of funding aimed at ad-
11 dressing the needs of that underserved population.

12 “(3) The extent to which grants to provide
13 services to underserved populations are awarded to
14 programs with experience and history working with
15 underserved populations of battered women or sexual
16 assault victims, to programs that have bilingual or
17 bicultural staff, and to collaborations between do-
18 mestic violence or sexual assault programs and pro-
19 grams experienced in serving particular underserved
20 populations and to other grantees.

21 “(4) The extent to which nonprofit, nongovern-
22 mental victim service organizations with experience
23 serving various underserved populations of battered
24 women and sexual assault or stalking victims were
25 consulted in the development of the State plan under

1 section 2001(c)(2), the application under section sec-
 2 tion 2102(a)(4), or the community cooperation re-
 3 ferred to in section 40295(a)(3) of the Violent Crime
 4 Control and Law Enforcement Act of 1994 (Public
 5 Law 103–322, 42 U.S.C. 13971(a)(3)).”.

6 (3) Section 2003(7) of such Act (42 U.S.C.
 7 3796gg–2(7)) is amended to read as follows:

8 “(7) the term ‘underserved populations’ in-
 9 cludes populations underserved because of race, eth-
 10 nicity, age, disability, sexual orientation, religion,
 11 alienage status, geographic location (including rural
 12 isolation), language barriers, and any other popu-
 13 lations determined to be underserved in the State
 14 planning process; and”.

15 (4) Section 2004(b)(3) of such Act (42 U.S.C.
 16 3796gg–3(b)(3)) is amended by striking all that fol-
 17 lows “relationship of victim to the offender” and in-
 18 serting “and the membership of persons served in
 19 any underserved populations; and”.

20 (c) GRANTS TO ENCOURAGE ARRESTS.—

21 (1) Section 2101 of the Omnibus Crime Control
 22 and Safe Streets Act of 1968 (42 U.S.C. 3796hh)
 23 is amended—

24 (A) in subsection (b)(5), by inserting be-
 25 fore the period the following: “, including

1 strengthening legal advocacy for domestic vio-
2 lence victims in immigration cases”;

3 (B) in subsection (c)—

4 (i) by striking “and” at the end of
5 paragraph (3);

6 (ii) by striking the period at the end
7 of paragraph (4) and inserting a semi-
8 colon; and

9 (iii) by adding at the end the fol-
10 lowing new paragraphs:

11 “(5) certify that their laws, policies, and prac-
12 tices require issuance of protection orders that are
13 jurisdictionally sound and that all protection orders
14 are issued after a finding, after an admission by the
15 abuser, or based on the facts in the victim’s petition
16 that are uncontested by the abuser; and

17 “(6) certify that their laws, policies, and
18 practices—

19 “(A) keep locational information and serv-
20 ices provided to victims of domestic violence
21 confidential and comply with all State and Fed-
22 eral laws and rules of professional practice re-
23 garding confidentiality;

24 “(B) guarantee that information is not re-
25 leased to any person without the express per-

1 mission of the abuse victim, except when such
2 information is required for a legitimate law en-
3 forcement purpose unrelated to the victim's
4 abuser; and

5 “(C) assure that locational information
6 about a victim or the services obtained by a vic-
7 tim are not considered a matter of public
8 record.”; and

9 (C) by adding at the end the following new
10 subsection:

11 “(d) ADDITIONAL PROVISIONS.—(1) The require-
12 ments of subsection (c) do not apply to nonprofit, non-
13 governmental entities applying for grants under this sec-
14 tion.

15 “(2) All grantees and subgrantees of grants in effect
16 on the date of the enactment of this subsection or submit-
17 ting new applications for funding after such date that are
18 States, Indian tribal governments, or units of local govern-
19 ment shall submit a certification by the chief executive of-
20 ficer of the State, tribal government, or local government
21 entity that the conditions of subsections (c)(5) and (c)(6)
22 are met (or will be met) not later than the date on which
23 the next session of the State or Indian tribal legislature
24 ends, but in no case later than 2 years after such date
25 of enactment.

1 “(3) Failure by a grantee to comply with the certifi-
2 cations contained in paragraphs (1) thorough (6) of sub-
3 section (c) may result in suspension or revocation of fund-
4 ing. Once a grantee or subgrantee has been notified that
5 its funding will be revoked, they shall be granted 6 months
6 to bring their laws, policies, or practices into compliance
7 before the revocation takes effect. Any funds that are not
8 distributed to grantees or are removed from grantees
9 under this paragraph shall be distributed to other eligible
10 entities within the State. For grants under section 2002,
11 the funds are to be redistributed first to entities within
12 the same formula category and then, if there are no eligi-
13 ble entities within the same formula category, to other eli-
14 gible entities without regard to the formula.”.

15 (2) Section 2103 of such Act (42 U.S.C.
16 3796hh-2) is amended by adding at the end the fol-
17 lowing: “Each report shall include information about
18 the demographics of underserved populations in the
19 State and details about the percentage of funding
20 that went to serve which underserved populations,
21 the programs that received such funding, and the in-
22 volvement of programs serving underserved popu-
23 lations in the community participation described in
24 section 2102(a)(4).”.

1 (d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
 2 ENFORCEMENT GRANTS.—Section 40295 of the Violent
 3 Crime Control and Law Enforcement Act of 1994 (Public
 4 Law 103–322, 108 Stat. 1953, 42 U.S.C. 13971(aa)(2))
 5 is amended—

6 (1) by amending subsection (a)(2) to read as
 7 follows:

8 “(2) to provide treatment, counseling, and legal
 9 assistance to victims of domestic violence and child
 10 abuse, including assistance to victims in immigration
 11 matters; and”;

12 (2) by adding at the end the following new sub-
 13 sections:

14 “(d) APPLICATION REQUIREMENTS.—States, Indian
 15 tribal governments, and units of local government apply-
 16 ing for grants under this section must certify that their
 17 laws, policies, and practices comply with each of the provi-
 18 sions of section 2101(c) of the Omnibus Crime Control
 19 and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)).

20 “(e) GRANTEE REPORTING.—Upon completion of the
 21 grant period under this part, a State or Indian tribal
 22 grantee shall file a performance report with the Attorney
 23 General. The report shall explain the activities carried out
 24 and shall evaluate the effectiveness of projects developed
 25 with the funds provided under the grant. The report shall

1 include information about the demographics of under-
2 served populations in the State and details about the per-
3 centage of funding that went to serve which underserved
4 populations, the programs that received such funding, and
5 the involvement of programs serving underserved popu-
6 lations in the community cooperation in subsection
7 (a)(3).”,

8 (e) FAMILY VIOLENCE PREVENTION AND SERVICES
9 ACT.—

10 (1) Section 303(a)(2)(C) of the Family Violence
11 Prevention and Services Act (42 U.S.C.
12 10402(c)(2)(C)) is amended by striking “populations
13 underserved because of ethnic, racial, cultural, lan-
14 guage diversity or geographic isolation” and insert-
15 ing “populations underserved because of race, eth-
16 nicity, age, disability, sexual orientation, religion,
17 alienage status, geographic location (including rural
18 isolation), language barriers, and any other popu-
19 lations determined to be underserved”.

20 (2) Section 311(a)(4) of such Act (42 U.S.C.
21 10410(a)(4)) is amended by striking “underserved
22 racial, ethnic or language-minority populations” and
23 inserting “underserved populations as the term is
24 used in section 303(a)(2)(C)”.

1 (3) Section 303(a)(4) of such Act (42 U.S.C.
2 10402(a)(4)) is amended by inserting after the first
3 sentence the following: “This performance report
4 shall include information about the demographics of
5 underserved populations in the State and details
6 about the percentage of funding that went to serve
7 which underserved populations, the programs that
8 received such funding, and the involvement of pro-
9 grams serving underserved populations in the proce-
10 dures described in subsection (a)(2)(C).”.

11 (4) Section 303 of such Act (42 U.S.C. 10402)
12 is further amended by adding at the end the fol-
13 lowing new subsection:

14 “(g) The Secretary shall submit to Congress, not
15 later than 1 year after the date of the enactment of this
16 subsection, a report that contains the following informa-
17 tion:

18 “(1) The quantity and percentage of funding
19 awarded to serve underserved populations by each
20 State under programs funded under this Act.

21 “(2) The percentage of each underserved popu-
22 lation in the demographic make up of each State
23 compared to the amount of funding aimed at ad-
24 dressing the needs of that underserved population.

1 “(3) The extent to which grants to provide
2 services to underserved populations are awarded to
3 programs with experience and history working with
4 underserved populations of battered women or sexual
5 assault victims, to programs that have bilingual or
6 bicultural staff, and to collaborations between do-
7 mestic violence or sexual assault programs and pro-
8 grams experienced in serving particular underserved
9 populations and to other grantees.

10 “(4) The extent to which nonprofit, nongovern-
11 mental victim service organizations with experience
12 serving various underserved populations of battered
13 women and sexual assault or stalking victims were
14 involved in the procedures described in subsection
15 (a)(2)(C).”.

16 (f) CIVIL LEGAL ASSISTANCE.—Title I of the De-
17 partment of Justice Appropriations Act, 1999 (contained
18 within the Omnibus Consolidated and Emergency Supple-
19 mental Appropriations Act of 1999 (Public Law 105–
20 277)) is amended, under the heading of “Office of Justice
21 Programs, State and Local Law Enforcement Assistance”,
22 by striking the period at the end and inserting the fol-
23 lowing: “, of which \$206,750,000 shall be available for
24 Grants To Combat Violence Against Women, to States,
25 units of local government, and Indian tribal governments,

1 as authorized by section 1001(a)(18) of said Act, includ-
 2 ing \$23,000,000 which shall be used exclusively for the
 3 purpose of strengthening civil legal assistance programs
 4 for victims of domestic violence. Civil legal assistance
 5 under this heading includes (but is not limited to) legal
 6 assistance to victims of domestic violence, stalking or sex-
 7 ual assault in divorce, custody, child support, protection
 8 orders, immigration, public benefits, housing, consumer
 9 law and any other legal matter that will further the health,
 10 safety, and economic well-being of victims of domestic vio-
 11 lence, stalking, or sexual assault.”.

12 (g) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section
 13 826 of the Higher Education Amendments of 1998 (Pub-
 14 lic Law 105–244; 20 U.S.C. 1152) is amended—

15 (1) in subsection (b)(5), by inserting before the
 16 period at the end the following: “, including legal as-
 17 sistance to victims in civil, criminal, administrative,
 18 immigration, or disciplinary matters”; and

19 (2) in subsection (c)(2)(C), by striking “and
 20 number of students” and inserting “number of stu-
 21 dents, and services being offered to various under-
 22 served populations (as such term is defined in sec-
 23 tion 2003(7) of the Omnibus Crime Control and
 24 Safe Streets Act of 1968);”.

1 (h) STATE JUSTICE INSTITUTE GRANTS.—Section
2 206(c) of the State Justice Institute Act of 1984 (42
3 U.S.C. 10705(c)) is amended—

4 (1) by redesignating paragraph (15) as para-
5 graph (16); and

6 (2) by inserting after paragraph (14) the fol-
7 lowing new paragraph:

8 “(15) to support studies and investigate and
9 carry out research on issues of battering and ex-
10 treme cruelty against non-citizens, including the
11 ramifications of the immigration provisions of the
12 Violence Against Women Act of 1994 and subse-
13 quent immigration law reforms on the ability of vic-
14 tims to access civil, family, and criminal courts and
15 the immigration consequences of civil, family, and
16 criminal court actions; and”.

17 **SEC. 12. VIOLENCE AGAINST WOMEN ACT TRAINING FOR**
18 **INS OFFICERS, IMMIGRATION JUDGES, AND**
19 **CIVIL AND CRIMINAL COURT JUSTICE SYS-**
20 **TEM PERSONNEL.**

21 (a) VIOLENCE AGAINST WOMEN.—

22 (1) MILITARY TRAINING CONCERNING DOMES-
23 TIC VIOLENCE.—The Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)

1 is amended by inserting after section 2006 (42
2 U.S.C. 3796gg–5) the following new section:

3 **“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC**
4 **VIOLENCE.**

5 “Each branch of the United States military is re-
6 quired to train its supervisory military officers on domestic
7 violence, the dynamics of domestic violence in military
8 families, the types of protection available for battered im-
9 migrant women and children abused by their United
10 States citizen or lawful permanent resident spouse or par-
11 ent under the Violence Against Women Act of 1994, and
12 the problems of domestic violence in families in which a
13 United States citizen or lawful permanent resident mem-
14 ber of the military is married to a non-United States cit-
15 izen.”.

16 (2) INS TRAINING.—Section 2001 of the Omni-
17 bus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3795gg) is amended—

19 (A) in subsection (a), by inserting “the Im-
20 migration and Naturalization Service and the
21 Executive Office of Immigration Review,” after
22 “Indian tribal governments,”;

23 (B) in subsection (b)(1), by inserting “,
24 immigration and asylum officers, immigration
25 judges,” after “law enforcement officers”; and

1 (C) in subsection (b)—

2 (i) by striking “and” at the end of
3 paragraph (6),

4 (ii) by striking the period at the end
5 of paragraph (7) and inserting “; and”,
6 and

7 (iii) by adding at the end the fol-
8 lowing new paragraph:

9 “(8) training justice system personnel on the
10 immigration provisions of the Violence Against
11 Women Act of 1994 and their ramifications for vic-
12 tims of domestic violence appearing in civil and
13 criminal court proceedings and potential immigra-
14 tion consequences for the perpetrators of domestic
15 violence.”.

16 (b) EFFECT ON OTHER GOALS.—Section 287(g) of
17 the Immigration and Nationality Act (8 U.S.C. 1357(g))
18 is amended by adding at the end the following:

19 “(11) Congress finds that public policy favors encour-
20 aging the prosecution of criminals; and therefore, nothing
21 in this section may be construed to discourage crime vic-
22 tims, including domestic violence victims, from cooper-
23 ating with law enforcement officials and prosecutors, in-
24 cluding reporting of crimes committed against them to po-
25 lice, from cooperating in criminal prosecutions, or from

1 seeking from courts protection orders or other legal relief
2 available under State or Federal laws needed to protect
3 crime victims from ongoing violence.”.

4 (c) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act, the Attorney General shall
6 submit a report to the Committees on the Judiciary of
7 the Senate and House of Representatives on—

8 (1) the number of and processing times for pe-
9 titions under clauses (iii) and (iv) of section
10 204(a)(1)(A) of the Immigration and Nationality
11 Act (8 U.S.C. 1154(a)(1)(A)) and under clauses (ii)
12 and (iii) of section 204(a)(1)(B) of such Act (8
13 U.S.C. 1154(a)(1)(B)) at district offices of the Im-
14 migration and Naturalization Service and at the re-
15 gional office of the Service in St. Albans, Vermont;

16 (2) the policy and procedures of the Immigra-
17 tion and Naturalization Service by which an alien
18 who has been battered or subjected to extreme cru-
19 elty who is eligible for suspension of deportation or
20 cancellation of removal can place such alien in de-
21 portation or removal proceedings so that such alien
22 may apply for suspension of deportation or cancella-
23 tion of removal, the number of requests filed at each
24 district office under this policy, and the number of

1 these requests granted, reported separately for each
2 district; and

3 (3) the average length of time at each Immigra-
4 tion and Naturalization office between the date that
5 an alien who has been subject to battering or ex-
6 treme cruelty eligible for suspension of deportation
7 or cancellation of removal requests to be placed in
8 deportation or removal proceedings and the date
9 that immigrant appears before an immigration judge
10 to file an application for suspension of deportation
11 or cancellation of removal.

12 **SEC. 13. PROTECTION FOR CERTAIN CRIME VICTIMS IN-**
13 **CLUDING CRIMES AGAINST WOMEN.**

14 (a) FINDINGS AND PURPOSE.—

15 (1) FINDINGS.—

16 (A) Trafficking of humans, particularly
17 women and children, is denounced by the inter-
18 national community as an egregious human
19 rights violation perpetuated increasing by orga-
20 nized and sophisticated criminal enterprises.

21 (B) Trafficking to place persons in forced
22 labor, servitude, or in slavery-like conditions
23 has been identified as a multinational crime
24 problem of growing severity with increasing ties
25 to internal organized crime. Traffickers recruit

1 and transport persons, especially women and
2 children, to the United States in order to ex-
3 ploit them under horrific conditions through the
4 use of force, violence, debt bondage, or other co-
5 ercive tactics.

6 (C) Similarly, immigrant women and chil-
7 dren are often targeted to be victims of crimes
8 committed against them in the United States,
9 including rape, torture, incest, battery or ex-
10 treme cruelty, sexual assault, female genital
11 mutilation, forced prostitution, being held hos-
12 tage or other violent crimes. All women and
13 children who are victims of trafficking, domestic
14 violence, sexual assault, being held hostage, and
15 other human rights violations committed
16 against them in the United States must be able
17 to report these crimes to law enforcement and
18 fully participate in the criminal prosecution of
19 their abusers.

20 (2) PURPOSE.—

21 (A) The purpose of this section is to create
22 a new nonimmigrant visa classification that will
23 strengthen the ability of law enforcement agen-
24 cies to detect, investigate, and prosecute cases
25 of trafficking of aliens, while offering protection

1 to victims of such offenses in keeping with the
2 humanitarian interests of the United States.

3 (B) Creating a new nonimmigrant visa
4 classification will facilitate the reporting of vio-
5 lations to law enforcement officials by exploited
6 aliens who are not in a lawful immigration sta-
7 tus. It also gives law enforcement officials a
8 means to regularize the status of cooperating
9 individuals during investigations, prosecutions,
10 and civil law enforcement proceedings. By pro-
11 viding temporary legal status to aliens who have
12 been severely victimized by trafficking or simi-
13 lar egregious offenses, it also reflects the hu-
14 manitarian interests of the United States.

15 (C) Finally, this section gives the Attorney
16 General discretion to convert such non-
17 immigrants to permanent resident status when
18 it is justified on humanitarian grounds, to as-
19 sure family unity, or when it is otherwise in the
20 public interest.

21 (b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL
22 WITNESS NONIMMIGRANT CLASSIFICATION.—Section
23 101(a)(15) of the Immigration and Nationality Act (8
24 U.S.C. 1101(a)(15)) is amended—

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

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

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(T) subject to section 214(m), an alien (and
8 the spouse, children, and parents of the alien if ac-
9 companying or following to join the alien) who files
10 an application for status under this subparagraph, if
11 the Attorney General determines that—

12 “(i) the alien possesses material informa-
13 tion concerning criminal or other unlawful ac-
14 tivity;

15 “(ii) the alien is willing to supply or has
16 supplied such information to Federal or State
17 law enforcement officials or a Federal or State
18 administrative agency investigating or bringing
19 an enforcement action;

20 “(iii) the alien would be helpful, were the
21 alien to remain in the United States, to a Fed-
22 eral or State investigation or prosecution of
23 criminal or other unlawful activity; and

24 “(iv) the alien (or a child of the alien) has
25 suffered substantial physical or mental abuse as

1 a result of the criminal or other unlawful activ-
2 ity.”.

3 (c) CONDITIONS FOR ADMISSION.—

4 (1) NUMERICAL LIMITATIONS, PERIOD OF AD-
5 MISSION, ETC.—Section 214 of such Act (8 U.S.C.
6 1184) is amended by adding at the end the following
7 new subsection:

8 “(m)(1) The number of aliens who may be provided
9 a visa as nonimmigrants under section 101(a)(15)(T) in
10 any fiscal year may not exceed 2,000.

11 “(2) The period of admission of an alien as such a
12 nonimmigrant may not exceed 3 years and such period
13 may not be extended.

14 “(3) As a condition for the admission (or the provi-
15 sion of status), and continued stay in lawful status, of an
16 alien as such a nonimmigrant, the alien—

17 “(A) may not be convicted of any criminal of-
18 fense punishable by a term of imprisonment of 1
19 year or more after the date of such admission (or
20 obtaining such status); and

21 “(B) shall abide by any other condition, limita-
22 tion, or restriction imposed by the Attorney General.

23 “(4) The provisions of section 204(a)(1)(H) shall
24 apply to applications to obtain nonimmigrant status under
25 section 101(a)(15)(T). Credible evidence to meet the con-

ditions described in clauses (i), (ii), or (iii) of section 101(a)(15)(T) may include certification from a Federal or State law enforcement officer or prosecutor or a Federal or State official responsible for bringing enforcement actions that the alien is willing to cooperate or has cooperated in a criminal or civil court action or investigation or Federal or State administrative agency enforcement action or investigation.”.

(2) PROHIBITION OF CHANGE OF NON-IMMIGRANT CLASSIFICATION.—Section 248(1) of such Act (8 U.S.C. 1258(1)) is amended by striking “or (S)” and inserting “(S), or (T)”.

(d) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(l)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(T) (and a spouse, child, or parents admitted under such section) to that of an alien lawfully admitted for permanent residence if—

“(A) in the opinion of the Attorney General, the alien’s continued presence in the United States is

1 justified on humanitarian grounds, to assure family
 2 unity, or is otherwise in the public interest; and

3 “(B) the alien is not described in subparagraph
 4 (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section
 5 212(a)(3).

6 “(2) Upon the approval of adjustment of status under
 7 paragraph (1), the Attorney General shall record the
 8 alien’s lawful admission for permanent residence as of the
 9 date of such approval and the Secretary of State shall re-
 10 duce by one the number of visas authorized to be issued
 11 under sections 201(d) and 203(b)(4) for the fiscal year
 12 then current.”.

13 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
 14 tion 245(c)(5) of such Act (8 U.S.C. 1255(c)(5)) is
 15 amended by striking “sections 101(a)(15)(S),” and
 16 inserting “subparagraph (S) or (T) of section
 17 101(a)(15)”.

18 **SEC. 14. ACCESS TO CUBAN ADJUSTMENT FOR BATTERED**
 19 **IMMIGRANT SPOUSES AND CHILDREN.**

20 (a) IN GENERAL.—The last sentence of the first sec-
 21 tion of Public Law 89–732 (November 2, 1966; 8 U.S.C.
 22 1255 note) is amended by striking the period at the end
 23 the following: “, except that such spouse or child who has
 24 been battered or subjected to extreme cruelty may adjust
 25 to permanent resident status under this Act without dem-

1 onstrating that he or she is residing with the Cuban
 2 spouse or parent in the United States. In acting on appli-
 3 cations under this section with respect to spouses or chil-
 4 dren who have been battered or subjected to extreme cru-
 5 elty, the Attorney General shall apply the provisions of
 6 section 204(a)(1)(H) of the Immigration and Nationality
 7 Act.”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) shall be effective as if included in subtitle
 10 G of title IV of the Violent Crime Control and Law En-
 11 forcement Act of 1994 (Public Law 103–322; 108 Stat.
 12 1953 et seq.).

13 **SEC. 15. ACCESS TO THE NICARAGUAN AND CENTRAL**
 14 **AMERICAN RELIEF ACT FOR BATTERED**
 15 **SPOUSES AND CHILDREN.**

16 Section 309(c)(5)(C)(i) of the Illegal Immigration
 17 Reform and Immigrant Responsibility Act of 1996, as
 18 amended by section 203(a)(1) of the Nicaraguan Adjust-
 19 ment and Central American Relief Act (title II of Public
 20 Law 105–100, 111 Stat. 2196) is amended—

- 21 (1) by striking “or ” at the end of subclause
 22 (IV);
 23 (2) by striking the period at the end of sub-
 24 clause (V) and inserting a semicolon; and
 25 (3) by adding at the end the following:

1 “(VI) is, at the time of filing of
2 an application under subclause (I),
3 (II), (V), or (VI) of this clause, the
4 spouse or child (as defined in para-
5 graph (1) or (6) of section 101(b) of
6 the Immigration and Nationality Act,
7 8 U.S.C. 1101(b)) of an individual de-
8 scribed in subclause (I), (II) or (V) of
9 this clause and the spouse, child, or
10 child of the spouse has been battered
11 or subjected to extreme cruelty by the
12 individual described in subclause (I),
13 (II), or (V); or

14 “(VII) is, at the time of filing of
15 an application under subclause (I),
16 (II), (V), or (VII) of this clause, the
17 unmarried son or daughter of an indi-
18 vidual described in subclause (I), (II)
19 or (V) of this clause who has been
20 battered or subjected to extreme cru-
21 elty by the parent described in sub-
22 clause (I), (II), or (V) and, in the case
23 of a son or daughter who is 21 years
24 of age or older at the time the deci-
25 sion is rendered to suspend the depor-

1 tation or cancel the removal of the son
 2 or daughter, the son or daughter must
 3 have entered the United States on or
 4 before October 1, 1990.

5 In acting on a petition filed under sub-
 6 clause (VI) or (VII), the provisions set
 7 forth in section 204(a)(1)(H) of the Immi-
 8 gration and Nationality Act (8 U.S.C.
 9 1154(a)(1)(H)) shall apply.”.

10 **SEC. 16. ACCESS TO THE HAITIAN REFUGEE IMMIGRATION**
 11 **FAIRNESS ACT OF 1998 FOR BATTERED**
 12 **SPOUSES AND CHILDREN.**

13 Section 902(d)(1) of the Haitian Refugee Immigra-
 14 tion Fairness Act of 1998 (title IX of the Treasury and
 15 General Government Appropriations Act, 1999, contained
 16 in Public Law 105–277) is amended—

17 (1) by amending subparagraph (B) to read as
 18 follows:

19 “(B)(i)(I) the alien is the spouse, child, or
 20 unmarried son or daughter, of an alien whose
 21 status is adjusted to that of an alien lawfully
 22 admitted for permanent residence under sub-
 23 section (a), or (II) at the time of filing of the
 24 application for adjustment of status under sub-
 25 section (a) or this subsection the alien is the

1 spouse, child, or unmarried son or daughter of
2 an alien whose status is adjusted to that of an
3 alien lawfully admitted for permanent residence
4 under subsection (a) and the spouse, child, son,
5 daughter or child of the spouse has been bat-
6 tered or subjected to extreme cruelty by the in-
7 dividual described in subsection (a); and

8 “(ii) in the case of such an unmarried son
9 or daughter, the son or daughter shall be re-
10 quired to establish that he or she has been
11 physically present in the United States for a
12 continuous period beginning not later than De-
13 cember 31, 1995, and ending not earlier than
14 the date the application for such adjustment is
15 filed;”; and

16 (2) by adding after and below subparagraph
17 (D) the following:

18 “In acting on an application filed under this section
19 for an individual described in subparagraph
20 (B)(i)(II), the provisions set forth in section
21 204(a)(1)(H) of the Immigration and Nationality
22 Act (8 U.S.C. 1154(a)(1)(H)) shall apply.”.

○