

107TH CONGRESS
1ST SESSION

H. R. 1892

AN ACT

To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

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To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Sponsor Immi-
5 gration Act of 2001”.

6 **SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF**
7 **ORIGINAL SPONSOR HAS DIED.**

8 (a) PERMITTING SUBSTITUTION OF ALTERNATIVE
9 CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETI-
10 TIONER.—

11 (1) RECOGNITION OF ALTERNATIVE SPON-
12 SOR.—Section 213A(f)(5) of the Immigration and
13 Nationality Act (8 U.S.C. 1183a(f)(5)) is amended
14 to read as follows:

15 “(5) NON-PETITIONING CASES.—Such term also
16 includes an individual who does not meet the re-
17 quirement of paragraph (1)(D) but who—

18 “(A) accepts joint and several liability with
19 a petitioning sponsor under paragraph (2) or
20 relative of an employment-based immigrant
21 under paragraph (4) and who demonstrates (as
22 provided under paragraph (6)) the means to
23 maintain an annual income equal to at least
24 125 percent of the Federal poverty line; or

1 “(B) is a spouse, parent, mother-in-law,
2 father-in-law, sibling, child (if at least 18 years
3 of age), son, daughter, son-in-law, daughter-in-
4 law, grandparent, or grandchild of a sponsored
5 alien or a legal guardian of a sponsored alien,
6 meets the requirements of paragraph (1) (other
7 than subparagraph (D)), and executes an affi-
8 davit of support with respect to such alien in a
9 case in which—

10 “(i) the individual petitioning under
11 section 204 for the classification of such
12 alien died after the approval of such peti-
13 tion; and

14 “(ii) the Attorney General has deter-
15 mined for humanitarian reasons that rev-
16 ocation of such petition under section 205
17 would be inappropriate.”.

18 (2) CONFORMING AMENDMENT PERMITTING
19 SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such
20 Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by
21 striking “(including any additional sponsor required
22 under section 213A(f))” and inserting “(and any ad-
23 ditional sponsor required under section 213A(f) or
24 any alternative sponsor permitted under paragraph
25 (5)(B) of such section)”.

1 (3) ADDITIONAL CONFORMING AMENDMENTS.—
2 Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is
3 amended, in each of paragraphs (2) and (4)(B)(ii),
4 by striking “(5).” and inserting “(5)(A).”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply with respect to deaths occurring
7 before, on, or after the date of the enactment of this Act,
8 except that, in the case of a death occurring before such
9 date, such amendments shall apply only if—

10 (1) the sponsored alien—

11 (A) requests the Attorney General to rein-
12 state the classification petition that was filed
13 with respect to the alien by the deceased and
14 approved under section 204 of the Immigration
15 and Nationality Act (8 U.S.C. 1154) before
16 such death; and

17 (B) demonstrates that he or she is able to
18 satisfy the requirement of section
19 212(a)(4)(C)(ii) of such Act (8 U.S.C.
20 1182(a)(4)(C)(ii)) by reason of such amend-
21 ments; and

22 (2) the Attorney General reinstates such peti-
23 tion after making the determination described in

1 section 213A(f)(5)(B)(ii) of such Act (as amended
2 by subsection (a)(1) of this Act).

Passed the House of Representatives July 23, 2001.

Attest:

Clerk.