

107TH CONGRESS  
1ST SESSION

# H. R. 1892

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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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. CALVERT (for himself, Mr. ISSA, Ms. WOOLSEY, Ms. LOFGREN, Mr. FRANK, Mr. SMITH of New Jersey, Mr. TERRY, Mr. KUCINICH, Mr. CANNON, Ms. ROYBAL-ALLARD, Mrs. CLAYTON, Mr. LEWIS of California, and Mr. CRANE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF**  
5 **ORIGINAL SPONSOR HAS DIED BUT PETITION**  
6 **IS NOT REVOKED.**

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

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

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

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

24           “(B) is a spouse, parent, mother-in-law,  
25 father-in-law, sibling, son, daughter, son-in-law,  
26 or daughter-in-law of the applicant or a legal

guardian of the applicant, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to a sponsored alien in a case in which—

“(i) the individual petitioning for the admission of the alien under section 204 has died; and

“(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.”.

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

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

1       (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) apply as if included in the enactment of  
3 the Illegal Immigration Reform and Immigrant Responsi-  
4 bility Act of 1996 (division C of Public Law 104–208) and  
5 shall apply with respect to deaths occurring before, on,  
6 or after the date of the enactment of such Act.

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