

## Union Calendar No. 72

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1892

[Report No. 107-127]

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

JULY 10, 2001

Additional sponsors: Mr. BACA, Mr. HONDA, Mr. SESSIONS, Mr. PASTOR, Mr. SCHIFF, Mrs. BONO, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. HORN, Ms. CARSON of Indiana, Mrs. BIGGERT, Mr. WAXMAN, Ms. SANCHEZ, and Mr. RUSH

JULY 10, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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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,*

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 BUT PETITION**  
 8                    **IS NOT REVOKED.**

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

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

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

19            “(A) accepts joint and several liability with  
 20            a petitioning sponsor under paragraph (2) or  
 21            relative of an employment-based immigrant

1 under paragraph (4) and who demonstrates (as  
2 provided under paragraph (6)) the means to  
3 maintain an annual income equal to at least  
4 125 percent of the Federal poverty line; or

5 “(B) is a spouse, parent, mother-in-law,  
6 father-in-law, sibling, son, daughter, son-in-law,  
7 or daughter-in-law of the applicant or a legal  
8 guardian of the applicant, meets the require-  
9 ments of paragraph (1) (other than subpara-  
10 graph (D)); and executes an affidavit of sup-  
11 port with respect to a sponsored alien in a case  
12 in which—

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

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

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

1 any alternative sponsor permitted under paragraph  
2 (5)(B) of such section)".

3 ~~(3) ADDITIONAL CONFORMING AMENDMENTS.—~~

4 Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is  
5 amended, in each of paragraphs (2) and (4)(B)(ii),  
6 by striking "(5)." and inserting "(5)(A).".

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

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the "Family Sponsor Immi-*  
15 *gration Act of 2001".*

16 **SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF**  
17 **ORIGINAL SPONSOR HAS DIED.**

18 (a) *PERMITTING SUBSTITUTION OF ALTERNATIVE*  
19 *CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETI-*  
20 *TIONER.—*

21 (1) *RECOGNITION OF ALTERNATIVE SPONSOR.—*

22 *Section 213A(f)(5) of the Immigration and Nation-*  
23 *ality Act (8 U.S.C. 1183a(f)(5)) is amended to read*  
24 *as follows:*

1           “(5) *NON-PETITIONING CASES.*—*Such term also*  
2           *includes an individual who does not meet the require-*  
3           *ment of paragraph (1)(D) but who—*

4                   “(A) *accepts joint and several liability with*  
5                   *a petitioning sponsor under paragraph (2) or*  
6                   *relative of an employment-based immigrant*  
7                   *under paragraph (4) and who demonstrates (as*  
8                   *provided under paragraph (6)) the means to*  
9                   *maintain an annual income equal to at least*  
10                   *125 percent of the Federal poverty line; or*

11                   “(B) *is a spouse, parent, mother-in-law, fa-*  
12                   *ther-in-law, sibling, child (if at least 18 years of*  
13                   *age), son, daughter, son-in-law, daughter-in-law,*  
14                   *grandparent, or grandchild of a sponsored alien*  
15                   *or a legal guardian of a sponsored alien, meets*  
16                   *the requirements of paragraph (1) (other than*  
17                   *subparagraph (D)), and executes an affidavit of*  
18                   *support with respect to such alien in a case in*  
19                   *which—*

20                           “(i) *the individual petitioning under*  
21                           *section 204 for the classification of such*  
22                           *alien died after the approval of such peti-*  
23                           *tion; and*

24                           “(ii) *the Attorney General has deter-*  
25                           *mined for humanitarian reasons that rev-*

1                   ocation of such petition under section 205  
2                   would be inappropriate.”.

3                   (2) *CONFORMING AMENDMENT PERMITTING SUB-*  
4                   *STITUTION.*—Section 212(a)(4)(C)(ii) of such Act (8  
5                   *U.S.C. 1182(a)(4)(C)(ii)*) is amended by striking  
6                   “(including any additional sponsor required under  
7                   section 213A(f))” and inserting “(and any additional  
8                   sponsor required under section 213A(f) or any alter-  
9                   native sponsor permitted under paragraph (5)(B) of  
10                  such section)”.

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

15                  (b) *EFFECTIVE DATE.*—The amendments made by sub-  
16                  section (a) shall apply with respect to deaths occurring be-  
17                  fore, on, or after the date of the enactment of this Act, except  
18                  that, in the case of a death occurring before such date, such  
19                  amendments shall apply only if—

20                  (1) *the sponsored alien—*

21                          (A) requests the Attorney General to rein-  
22                          state the classification petition that was filed  
23                          with respect to the alien by the deceased and ap-  
24                          proved under section 204 of the Immigration

1           *and Nationality Act (8 U.S.C. 1154) before such*  
2           *death; and*

3                   *(B) demonstrates that he or she is able to*  
4           *satisfy the requirement of section*  
5           *212(a)(4)(C)(ii) of such Act (8 U.S.C.*  
6           *1182(a)(4)(C)(ii)) by reason of such amend-*  
7           *ments; and*

8                   *(2) the Attorney General reinstates such petition*  
9           *after making the determination described in section*  
10          *213A(f)(5)(B)(ii) of such Act (as amended by sub-*  
11          *section (a)(1) of this Act).*

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