

Calendar No. 289

107TH CONGRESS
1ST SESSION**H. R. 1892**

IN THE SENATE OF THE UNITED STATES

JULY 24, 2001

Received; read twice and referred to the Committee on the Judiciary

DECEMBER 13, 2001

Reported by Mr. LEAHY, with an amendment

[Insert the part printed in italic]

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.

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”.

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

3 (a) PERMITTING SUBSTITUTION OF ALTERNATIVE
4 CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETI-
5 TIONER.—

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

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

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

20 “(B) is a spouse, parent, mother-in-law,
21 father-in-law, sibling, child (if at least 18 years
22 of age), son, daughter, son-in-law, daughter-in-
23 law, *sister-in-law*, *brother-in-law*, grandparent,
24 or grandchild of a sponsored alien or a legal
25 guardian of a sponsored alien, meets the re-
26 quirements of paragraph (1) (other than sub-

1 paragraph (D)), and executes an affidavit of
2 support with respect to such alien in a case in
3 which—

4 “(i) the individual petitioning under
5 section 204 for the classification of such
6 alien died after the approval of such peti-
7 tion; and

8 “(ii) the Attorney General has deter-
9 mined for humanitarian reasons that rev-
10 ocation of such petition under section 205
11 would be inappropriate.”.

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

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

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall apply with respect to deaths occurring

1 before, on, or after the date of the enactment of this Act,
2 except that, in the case of a death occurring before such
3 date, such amendments shall apply only if—

4 (1) the sponsored alien—

5 (A) requests the Attorney General to rein-
6 state the classification petition that was filed
7 with respect to the alien by the deceased and
8 approved under section 204 of the Immigration
9 and Nationality Act (8 U.S.C. 1154) before
10 such death; and

11 (B) demonstrates that he or she is able to
12 satisfy the requirement of section
13 212(a)(4)(C)(ii) of such Act (8 U.S.C.
14 1182(a)(4)(C)(ii)) by reason of such amend-
15 ments; and

16 (2) the Attorney General reinstates such peti-
17 tion after making the determination described in
18 section 213A(f)(5)(B)(ii) of such Act (as amended
19 by subsection (a)(1) of this Act).

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