

108TH CONGRESS  
1ST SESSION

# H. R. 1685

To amend the Immigration and Nationality Act relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2003

Mr. ISSA (for himself, Ms. JACKSON-LEE of Texas, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BURGESS, Mr. PORTER, Mr. AKIN, Ms. BORDALLO, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. WU, Mr. SHERMAN, Mr. CONYERS, Mr. CALVERT, and Mr. DELAHUNT) 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 relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children.

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. AMENDMENT TO THE IMMIGRATION AND NA-**  
2 **TIONALITY ACT RELATING TO POSTHUMOUS**  
3 **CITIZENSHIP THROUGH DEATH WHILE ON**  
4 **ACTIVE-DUTY SERVICE DURING PERIODS OF**  
5 **MILITARY HOSTILITIES TO ELIMINATE THE**  
6 **PROHIBITION ON IMMIGRATION BENEFITS**  
7 **FOR SURVIVING FAMILY MEMBERS AND TO**  
8 **PROVIDE SUCH BENEFITS FOR SPOUSES AND**  
9 **CHILDREN.**

10 (a) IN GENERAL.—Section 329A(e) of the Immigra-  
11 tion and Nationality Act (8 U.S.C. 1440–1(e)) is amended  
12 to read as follows:

13 “(e) IMMIGRATION STATUS OF SPOUSE AND CHIL-  
14 DREN.—

15 “(1) For purposes of immigration status under  
16 this Act, the spouse and children of a person grant-  
17 ed posthumous citizenship under this section shall be  
18 eligible for immigration status on the basis of such  
19 posthumous citizenship under this section.

20 “(2) For purposes of petitions and applications  
21 for immigration status required to be filed under  
22 this Act on behalf of any spouse and children by a  
23 person granted posthumous citizenship, the spouse  
24 and children shall be permitted to self-petition for  
25 such benefits as if filed by the person granted post-  
26 humous citizenship. Any requirement under this Act

1       for an affidavit of support pursuant to such a peti-  
2       tion or application shall be waived.”.

3       (b) APPLICATION.—The amendment made by sub-  
4       section (a) shall apply to with respect to grants of post-  
5       humous citizenship after September 11, 2001.

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