

108TH CONGRESS  
1ST SESSION

# H. R. 1799

To amend the Immigration and Nationality Act to waive the requirement of 2 years of marriage for a spouse to self-petition to be an immediate relative in the case of spouses of citizens killed in service in the Armed Forces and to prohibit any fees relating to posthumous citizenship for aliens killed while on active duty service during periods of military hostilities.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend the Immigration and Nationality Act to waive the requirement of 2 years of marriage for a spouse to self-petition to be an immediate relative in the case of spouses of citizens killed in service in the Armed Forces and to prohibit any fees relating to posthumous citizenship for aliens killed while on active duty service during periods of military hostilities.

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 “Fallen Heroes Immi-  
3 grant Spouse Fairness Act of 2003”.

4 **SEC. 2. WAIVER OF 2 YEAR MARRIAGE REQUIREMENT TO**  
5 **SELF-PETITION TO BE AN IMMEDIATE REL-**  
6 **ATIVE FOR SPOUSES OF CITIZENS KILLED IN**  
7 **SERVICE IN THE ARMED SERVICES.**

8 (a) IN GENERAL.—Section 201(b)(2)(A)(i) of the Im-  
9 migration and Nationality Act (8 U.S.C.  
10 1151(b)(2)(A)(i)) is amended by inserting after “for at  
11 least 2 years at the time of the citizen’s death” the fol-  
12 lowing: “or for any period in the case of a citizen spouse  
13 who dies during a period of honorable service in the Armed  
14 Forces of the United States as a result of injury or disease  
15 incurred in or aggravated by such service”.

16 (b) EFFECTIVE DATE.—The amendment made by  
17 subsection (a) shall take effect on September 11, 2001,  
18 and shall apply to citizen spouses who die on or after such  
19 date.

20 **SEC. 3. PROHIBITION ON FEES RELATING TO POSTHUMOUS**  
21 **CITIZENSHIP THROUGH DEATH WHILE ON**  
22 **ACTIVE DUTY SERVICE DURING PERIODS OF**  
23 **MILITARY HOSTILITIES.**

24 (a) IN GENERAL.—Section 329A of the Immigration  
25 and Nationality Act (8 U.S.C. 1440–1) is amended by  
26 adding at the end the following new subsection:

1       “(f) PROHIBITION ON IMPOSITION OF FEES.—Not-  
2 withstanding any other provision of law, no fee shall be  
3 charged or collected for filing an application under this  
4 section or for the issuance of a suitable document under  
5 subsection (d).”.

6       (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall apply to the imposition of fees on or  
8 after such date (not later than 60 days after the date of  
9 the enactment of this Act) as the Secretary of Homeland  
10 Security shall provide.

○