

110TH CONGRESS  
1ST SESSION

# H. R. 1071

To provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2007

Mrs. MALONEY of New York (for herself, Mr. KING of New York, Mr. NADLER, Mr. SERRANO, Mr. ISRAEL, Mr. ENGEL, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HARE, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

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 “September 11 Family  
5 Humanitarian Relief and Patriotism Act”.

1 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NON-**  
2 **IMMIGRANT VICTIMS OF TERRORISM.**

3 (a) ADJUSTMENT OF STATUS.—

4 (1) IN GENERAL.—The status of any alien de-  
5 scribed in subsection (b) shall be adjusted by the  
6 Secretary of Homeland Security to that of an alien  
7 lawfully admitted for permanent residence, if the  
8 alien—

9 (A) applies for such adjustment not later  
10 than 2 years after the date on which the Sec-  
11 retary promulgates final regulations to imple-  
12 ment this section; and

13 (B) is otherwise admissible to the United  
14 States for permanent residence, except in deter-  
15 mining such admissibility the grounds for inad-  
16 missibility specified in paragraphs (4), (5),  
17 (6)(A), (7)(A), and (9)(B) of section 212(a) of  
18 the Immigration and Nationality Act (8 U.S.C.  
19 1182(a)) shall not apply.

20 (2) RULES IN APPLYING CERTAIN PROVI-  
21 SIONS.—In the case of an alien described in sub-  
22 section (b) who is applying for adjustment of status  
23 under this section—

24 (A) the provisions of section 241(a)(5) of  
25 the Immigration and Nationality Act shall not  
26 apply; and

1 (B) the Secretary of Homeland Security  
2 may grant the alien a waiver on the grounds of  
3 inadmissibility under subparagraphs (A) and  
4 (C) of section 212(a)(9) of such Act.

5 In granting waivers under subparagraph (B), the  
6 Secretary shall use standards used in granting con-  
7 sent under subparagraphs (A)(iii) and (C)(ii) of  
8 such section 212(a)(9).

9 (3) RELATIONSHIP OF APPLICATION TO CER-  
10 TAIN ORDERS.—An alien present in the United  
11 States who has been ordered excluded, deported, re-  
12 moved, or ordered to depart voluntarily from the  
13 United States under any provision of the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1101 et seq.)  
15 may, notwithstanding such order, apply for adjust-  
16 ment of status under paragraph (1). Such an alien  
17 may not be required, as a condition of submitting or  
18 granting such application, to file a separate motion  
19 to reopen, reconsider, or vacate such order. If the  
20 Secretary of Homeland Security grants the applica-  
21 tion, the Secretary shall cancel the order. If the Sec-  
22 retary renders a final administrative decision to deny  
23 the application, the order shall be effective and en-  
24 forceable to the same extent as if the application  
25 had not been made.

1 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
2 TUS.—The benefits provided by subsection (a) shall apply  
3 to any alien who—

4 (1) was lawfully present in the United States as  
5 a nonimmigrant alien described in section  
6 101(a)(15) of the Immigration and Nationality Act  
7 (8 U.S.C. 1101(a)(15)) on September 10, 2001;

8 (2) was, on such date, the spouse, child, de-  
9 pendent son, or dependent daughter of an alien  
10 who—

11 (A) was lawfully present in the United  
12 States as a nonimmigrant alien described in  
13 section 101(a)(15) of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1101(a)(15)) on such  
15 date; and

16 (B) died as a direct result of a specified  
17 terrorist activity; and

18 (3) was deemed to be a beneficiary of, and by,  
19 the September 11th Victim Compensation Fund of  
20 2001 (42 U.S.C. 40101).

21 (c) STAY OF REMOVAL; WORK AUTHORIZATION.—

22 (1) IN GENERAL.—The Secretary of Homeland  
23 Security shall provide by regulation for an alien sub-  
24 ject to a final order of removal to seek a stay of

1 such order based on the filing of an application  
2 under subsection (a).

3 (2) DURING CERTAIN PROCEEDINGS.—Notwith-  
4 standing any provision of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1101 et seq.), the Secretary  
6 of Homeland Security shall not order any alien to be  
7 removed from the United States, if the alien is in re-  
8 moval proceedings under any provision of such Act  
9 and has applied for adjustment of status under sub-  
10 section (a), except where the Secretary has rendered  
11 a final administrative determination to deny the ap-  
12 plication.

13 (3) WORK AUTHORIZATION.—The Secretary of  
14 Homeland Security shall authorize an alien who has  
15 applied for adjustment of status under subsection  
16 (a) to engage in employment in the United States  
17 during the pendency of such application.

18 (d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
19 The Secretary of Homeland Security shall provide to ap-  
20 plicants for adjustment of status under subsection (a) the  
21 same right to, and procedures for, administrative review  
22 as are provided to—

23 (1) applicants for adjustment of status under  
24 section 245 of the Immigration and Nationality Act;  
25 or

1           (2) aliens subject to removal proceedings under  
2           section 240 of such Act.

3 **SEC. 3. CANCELLATION OF REMOVAL FOR CERTAIN IMMI-**  
4 **GRANT VICTIMS OF TERRORISM.**

5           (a) IN GENERAL.—Subject to the provisions of the  
6 Immigration and Nationality Act (8 U.S.C. 1101 et seq.),  
7 other than subsections (b)(1), (d)(1), and (e) of section  
8 240A of such Act (8 U.S.C. 1229b), the Secretary of  
9 Homeland Security shall, under such section 240A, cancel  
10 the removal of, and adjust to the status of an alien law-  
11 fully admitted for permanent residence, an alien described  
12 in subsection (b), if the alien applies for such relief.

13           (b) ALIENS ELIGIBLE FOR CANCELLATION OF RE-  
14 MOVAL.—The benefits provided by subsection (a) shall  
15 apply to any alien who—

16           (1) was, on September 10, 2001, the spouse,  
17 child, dependent son, or dependent daughter of an  
18 alien who died as a direct result of a specified ter-  
19 rorist activity; and

20           (2) was deemed to be a beneficiary of, and by,  
21 the September 11th Victim Compensation Fund of  
22 2001 (49 U.S.C. 40101).

23           (c) STAY OF REMOVAL; WORK AUTHORIZATION.—

24           (1) IN GENERAL.—The Secretary of Homeland  
25 Security shall provide by regulation for an alien sub-

1       ject to a final order of removal to seek a stay of  
2       such order based on the filing of an application  
3       under subsection (a).

4               (2) WORK AUTHORIZATION.—The Secretary of  
5       Homeland Security shall authorize an alien who has  
6       applied for cancellation of removal under subsection  
7       (a) to engage in employment in the United States  
8       during the pendency of such application.

9       (d) MOTIONS TO REOPEN REMOVAL PRO-  
10      CEEDINGS.—Notwithstanding any limitation imposed by  
11      law on motions to reopen removal proceedings (except lim-  
12      itations premised on an alien’s conviction of an aggravated  
13      felony (as defined in section 101(a)(43) of the Immigra-  
14      tion and Nationality Act (8 U.S.C. 1101(a)(43))), any  
15      alien who has become eligible for cancellation of removal  
16      as a result of the enactment of this section may file one  
17      motion to reopen removal proceedings to apply for such  
18      relief. The Secretary of Homeland Security shall designate  
19      a specific time period in which all such motions to reopen  
20      are required to be filed. The period shall begin not later  
21      than 60 days after the date of the enactment of this Act  
22      and shall extend for a period not to exceed 240 days.

1 **SEC. 4. EXCEPTIONS.**

2 Notwithstanding any other provision of this Act, an  
3 alien may not be provided relief under this Act if the alien  
4 is—

5 (1) inadmissible under paragraph (2) or (3) of  
6 section 212(a) of the Immigration and Nationality  
7 Act (8 U.S.C. 1182(a)), or deportable under para-  
8 graph (2) or (4) of section 237(a) of such Act (8  
9 U.S.C. 1227(a)), including any individual culpable  
10 for a specified terrorist activity; or

11 (2) a member of the family of an alien de-  
12 scribed in paragraph (1).

13 **SEC. 5. EVIDENCE OF DEATH.**

14 For purposes of this Act, the Secretary of Homeland  
15 Security shall use the standards established under section  
16 426 of the Uniting and Strengthening America by Pro-  
17 viding Appropriate Tools Required to Intercept and Ob-  
18 struct Terrorism (USA PATRIOT ACT) Act of 2001 in  
19 determining whether death occurred as a direct result of  
20 a specified terrorist activity.

21 **SEC. 6. DEFINITIONS.**

22 (a) APPLICATION OF IMMIGRATION AND NATION-  
23 ALITY ACT PROVISIONS.—Except as otherwise specifically  
24 provided in this Act, the definitions used in the Immigra-  
25 tion and Nationality Act (8 U.S.C. 1101 et seq.) (exclud-



1 ing the definitions applicable exclusively to title III of such  
2 Act) shall apply in the administration of this Act.

3 (b) SPECIFIED TERRORIST ACTIVITY.—For purposes  
4 of this Act, the term “specified terrorist activity” means  
5 any terrorist activity conducted against the Government  
6 or the people of the United States on September 11, 2001.

○