

110TH CONGRESS
2D SESSION

H. R. 6034

To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2008

Mr. MCGOVERN (for himself, Mr. MARKEY, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MORAN of Virginia, Mr. SIRES, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. FATTAH, Mr. REYES, Mr. GENE GREEN of Texas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for relief to surviving 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,*

3 **SECTION 1. RELIEF FOR SURVIVING SPOUSES.**

4 (a) IN GENERAL.—The second sentence of section
5 201(b)(2)(A)(i) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or
7 if, married for less than two years at the time of the citi-
8 zen’s death, an alien who proves by a preponderance of

1 the evidence that the marriage was entered into in good
2 faith and not solely for the purpose of obtaining an immi-
3 gration benefit)” after “for at least two years at the time
4 of the citizen’s death”.

5 (b) APPLICABILITY.—

6 (1) IN GENERAL.—The amendment made by
7 subsection (a) shall apply to all applications and pe-
8 titions relating to immediate relative status under
9 section 201(b)(2)(A)(i) of the Immigration and Na-
10 tionality Act pending on or after the date of the en-
11 actment of this Act.

12 (2) OTHER SPOUSES.—In the case of an alien
13 who would be considered, by reason of the amend-
14 ment made by subsection (a), to remain an imme-
15 diate relative after the date of their citizen spouse’s
16 death if the alien had filed a petition under section
17 204(a)(1)(A)(ii) of such Act within 2 years after
18 such date, but who did not file within such period,
19 the alien shall have 2 years after the date of the en-
20 actment of this Act to file such petition notwith-
21 standing any other provision of law.

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