

112TH CONGRESS
1ST SESSION

S. 480

To temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2011

Mrs. GILLIBRAND (for herself, Mr. KERRY, Mr. LAUTENBERG, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

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 “Haitian Emergency
5 Life Protection Act of 2011” or the “H.E.L.P. Act”.

1 **SEC. 2. EXPANSION OF V VISA CATEGORY FOR HAITIAN IM-**
 2 **MIGRANTS.**

3 Section 101(a)(15)(V) of the Immigration and Na-
 4 tionality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

5 (1) in the matter preceding clause (i), by strik-
 6 ing “section 203(a)(2)(A) that” and inserting “sec-
 7 tion 203(a) that, except as provided under clause
 8 (iii),”;

9 (2) by amending clause (i) to read as follows:

10 “(i) the petition is for status under
 11 section 203(a)(2)(A) and has been pending
 12 for at least 3 years;”;

13 (3) in clause (ii)—

14 (A) by amending the matter preceding sub-
 15 clause (I) to read as follows:

16 “(ii) the petition is for status under
 17 section 203(a)(2)(A), has been approved,
 18 and was filed at least 3 years previously,
 19 and”; and

20 (B) in subclause (ii), by striking the period
 21 at the end and inserting “; or”; and

22 (4) by adding at the end the following:

23 “(iii)(I) such petition was approved on or
 24 before January 12, 2010; and

25 “(II) the alien is a national of Haiti and
 26 a resident of Haiti.”.

1 **SEC. 3. USE OF SECONDARY EVIDENCE FOR ELIGIBILITY**
2 **VERIFICATION.**

3 The Secretary of State, in coordination with U.S.
4 Citizenship and Immigration Services, may issue travel
5 documents (including a nonimmigrant visa) to any alien
6 in Haiti—

7 (1) who is described in—

8 (A) section 101(a)(15)(V)(iii) of the Immi-
9 gration and Nationality Act, as added by sec-
10 tion 2(4); or

11 (B) section 201(b)(2)(A) of such Act (8
12 U.S.C. 1151(b)(2)(A));

13 (2) whose eligibility for such documents has
14 been evaluated by a consular officer after reviewing
15 the best available evidence of such eligibility, includ-
16 ing secondary evidence, if necessary; and

17 (3) who meets all criteria required for—

18 (A) a family-sponsored immigrant visa
19 under section 203(a) of the Immigration and
20 Nationality Act (8 U.S.C. 1153(a)); or

21 (B) admission into the United States as an
22 immediate relative of a United States citizen
23 (as defined in section 203(b)(2)(A)(i) of such
24 Act).

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary for each of the fiscal years 2011
4 through 2013 to process—

5 (1) nonimmigrant visa applications authorized
6 under section 101(a)(15)(V)(iii) of the Immigration
7 and Nationality Act, as added by section 2(4); and

8 (2) immigrant visa applications for immediate
9 relatives (as defined in section 203(b)(2)(A)(i) of
10 such Act).

11 **SEC. 5. SUNSET PROVISION.**

12 This Act and the amendments made by this Act shall
13 be effective during the 2-year period beginning on the date
14 of the enactment of this Act.

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