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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 03/13/2002 [H.R. 1892][771145]

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FG006-01

Barcode Scanning Sheet

Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9465 NARA # 9356 BOX 1
FOLDER 9A BILL FILL RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - MAR 13 02 ENROLLED BILL
H.R. 1892 ☐ FAMILY SPONSOR IMMIGRATION ACT OF
2002**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 MAR 7 PM 12:06

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

02 MAR 7 PM 12:06

SUBJECT: Enrolled Bill H.R. 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

THE PRESIDENT HAS SEEN
3-13-02

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

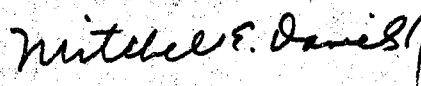
Under current law and INS regulations, if a sponsor dies, the petition is automatically revoked and a new application must be filed. The Attorney General has authority to forego the revocation if he determines for humanitarian reasons that the revocation is inappropriate. However, in the case of family-sponsored visas, the requirement for a signed affidavit of support must still be fulfilled.

The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

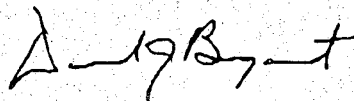
The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa. If no other relative can qualify as a petitioner, the beneficiary loses the opportunity to become a permanent resident. For instance, if a petition is revoked because a widowed citizen-father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. Even if another relative is permitted to file an immigrant visa petition for the beneficiary, the beneficiary goes to the end of the line, if the visa category was numerically limited. For instance, if the aforementioned unmarried daughter's mother was alive, she could file a new first family preference petition. However, the daughter would lose her priority date, which was based on the time her father's petition had been filed with the INS. She would receive a later priority date, based on the filing date of her mother's petition. Such an outcome could result in a significant additional delay before a visa is available.

As indicated above, the INS's regulations do allow the Attorney General to forego revoking the petition in a case of this nature if revocation would be inappropriate for "humanitarian reasons." The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, however, requires that when a family member petitions for a relative to receive an immigrant visa, the visa may only be granted if the petitioner signs (alone or with a co-sponsor) a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, he or she can obviously not sign such an affidavit. Thus, even in cases where the Attorney General determines that a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted, because the affidavit requirement is unfulfilled.

Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

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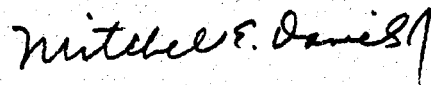
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Mitchell E. Daniels, Jr.
Director

Enclosures

Bills Received at the White House

Date received and
notification to OMB: 3/1/2002

Last day for action: 3/13/2002

H.R.1892

Official Title

An Act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

505649

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD <i>concur</i>	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO <i>N/C</i>	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE <i>N/C</i>	☐	☒
FLEISCHER	☒	☐	ROVE <i>N/C</i>	☒	☐
GERSON	☐	☐	SPELLINGS <i>ok</i>	☒	☐
GONZALES <i>N/C</i>	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Sponsor Immigration Act of 2002".

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

"(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

"(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

"(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

"(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

"(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate."

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking "(including any additional sponsor

MAR 1 2002
THE WHITE HOUSE

required under section 213A(f)” and inserting “(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking “(5).” and inserting “(5)(A).”.

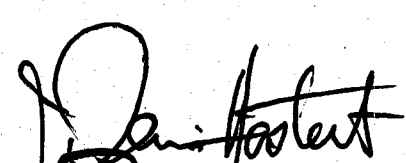
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

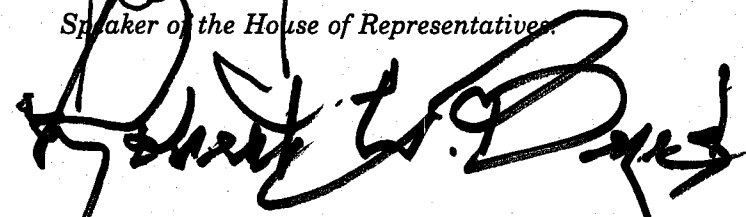
(1) the sponsored alien—

(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

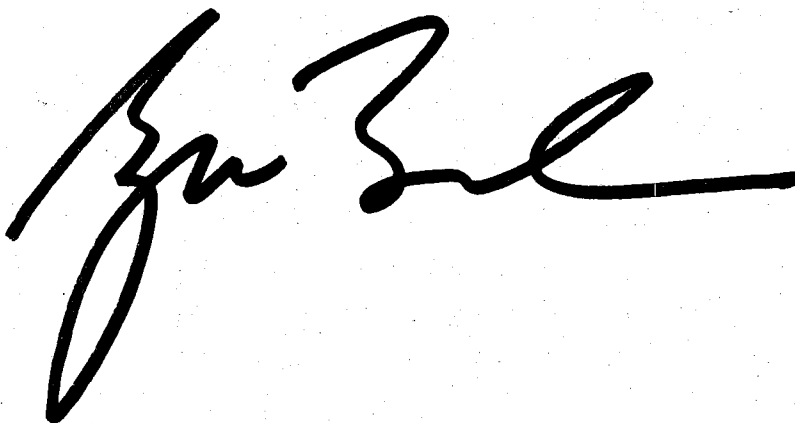
(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by subsection (a)(1) of this Act).


Speaker of the House of Representatives

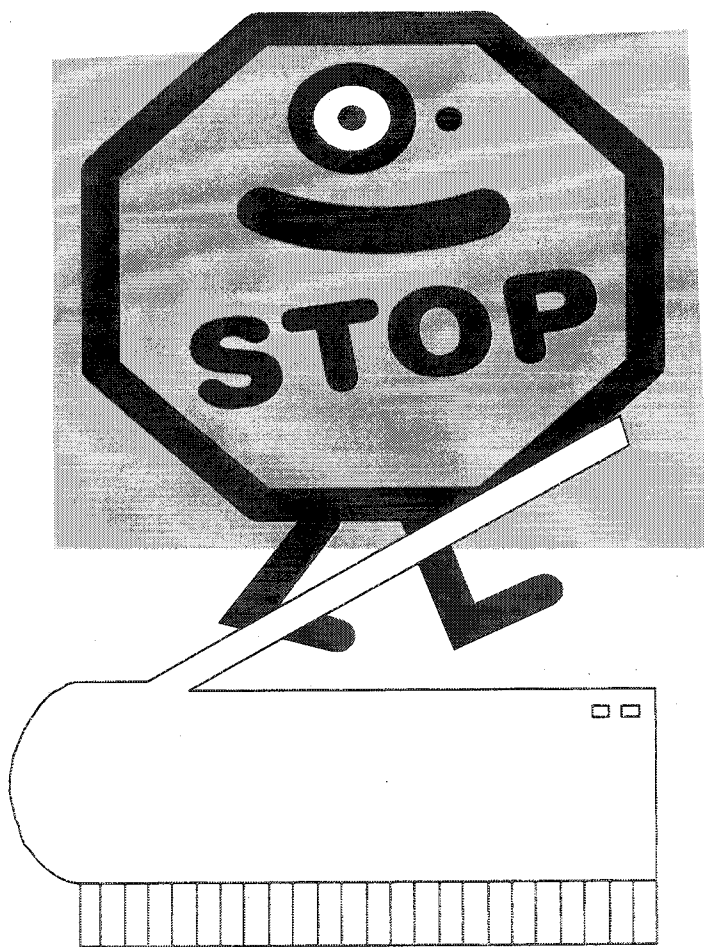

Vice President of the United States and
President of the Senate. pro tempore

APPROVED

MAR 13 2002



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Remainder of case not scanned

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Sponsor Immigration Act of 2002".

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

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"(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

"(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

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H. R. 1892—2

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(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



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Approval (Informally)

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Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

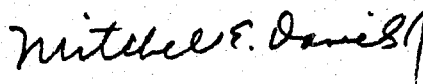
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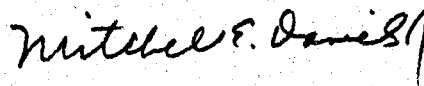
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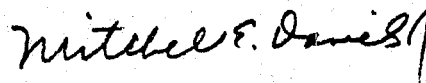
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The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2486
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 CONNECTION ID
 ST. TIME 03/07 15:44
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 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PM

Subject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM
 TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUMDate: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

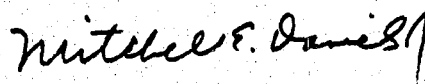
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The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

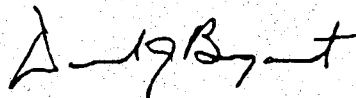
The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa. If no other relative can qualify as a petitioner, the beneficiary loses the opportunity to become a permanent resident. For instance, if a petition is revoked because a widowed citizen-father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. Even if another relative is permitted to file an immigrant visa petition for the beneficiary, the beneficiary goes to the end of the line, if the visa category was numerically limited. For instance, if the aforementioned unmarried daughter's mother was alive, she could file a new first family preference petition. However, the daughter would lose her priority date, which was based on the time her father's petition had been filed with the INS. She would receive a later priority date, based on the filing date of her mother's petition. Such an outcome could result in a significant additional delay before a visa is available.

As indicated above, the INS's regulations do allow the Attorney General to forego revoking the petition in a case of this nature if revocation would be inappropriate for "humanitarian reasons." The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, however, requires that when a family member petitions for a relative to receive an immigrant visa, the visa may only be granted if the petitioner signs (alone or with a co-sponsor) a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, he or she can obviously not sign such an affidavit. Thus, even in cases where the Attorney General determines that a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted, because the affidavit requirement is unfulfilled.

Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

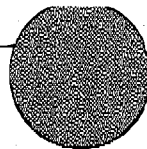
A handwritten signature in black ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2487	
CONNECTION TEL		56958
CONNECTION ID		
ST. TIME	03/07 15:49	
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PGS. SENT	5	
RESULT	OK	

SS/ RM NO. 

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:
 PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53453/FAX 56148, BY 5:00 PM
 TOMORROW MARCH 8. AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUMDate: **3-7-02**ACTION / CONCURRENCE / COMMENT DUE BY: **3-8-02 5:00 PM**Subject: **ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
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FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

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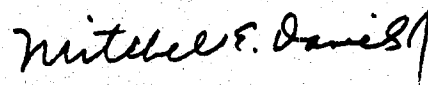
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Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

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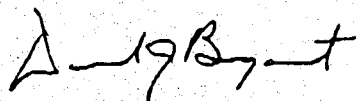
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Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

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Daniel J. Bryant
Assistant Attorney General

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2484	
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SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PM

Subject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:
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WHITE HOUSE STAFFING MEMORANDUMDate: **3-7-02**ACTION / CONCURRENCE / COMMENT DUE BY: **3-8-02 5:00 PM**Subject: **ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
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HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

**Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice
Department of Defense
Department of Labor
Department of State

Approval
Approval (Informally)
No comment (Informally)
No comment (Informally)

Discussion

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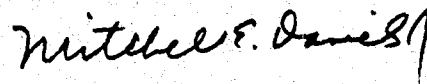
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The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

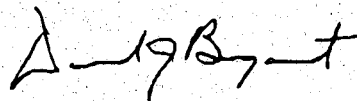
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As indicated above, the INS's regulations do allow the Attorney General to forego revoking the petition in a case of this nature if revocation would be inappropriate for "humanitarian reasons." The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, however, requires that when a family member petitions for a relative to receive an immigrant visa, the visa may only be granted if the petitioner signs (alone or with a co-sponsor) a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, he or she can obviously not sign such an affidavit. Thus, even in cases where the Attorney General determines that a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted, because the affidavit requirement is unfulfilled.

Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2483
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 03/07 15:36
 USAGE T 01'42
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 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
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BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
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FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM
 TOMORROW, MARCH 8 AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUMDate: **3-7-02**ACTION / CONCURRENCE / COMMENT DUE BY: **3-8-02 5:00 PM**Subject: **ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002**

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RESPONSE:

**Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

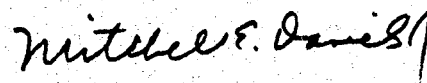
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Conclusion and Recommendations

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We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

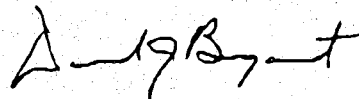
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Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

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Daniel J. Bryant
Assistant Attorney General

WHITE HOUSE STAFFING MEMORANDUMDate: **3-7-02**ACTION / CONCURRENCE / COMMENT DUE BY: **3-8-02 5:00 PM**Subject: **ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
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GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

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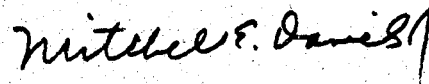
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Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

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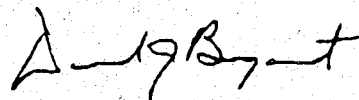
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Daniel J. Bryant
Assistant Attorney General

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02

ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PM

Subject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
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REMARKS:

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No Comment

RESPONSE:

12:30 PM 7-3-02

SEAL/WHITE HOUSE/STAFFING MEMORANDUM

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUMDate: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

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CEA
concur

RESPONSE:

Harriet E. Miers
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Ext. 62702

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HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

No comment
CEB
3/7/02

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SSI/ RM NO.

BRAD

WHITE HOUSE STAFFING MEMORANDUM

Date: **3-7-02** ACTION / CONCURRENCE / COMMENT DUE BY: **3-8-02 5:00 PM**

02 MAR 8 PM 12:04

Subject: **ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

No comments.

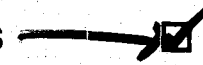
BRADSON

x62318

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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CALIO	☒	☐	MIERS	☐	☒
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DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS 	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
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HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

*cc Lang
Diana*

OK

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

Under current law and INS regulations, if a sponsor dies, the petition is automatically revoked and a new application must be filed. The Attorney General has authority to forego the revocation if he determines for humanitarian reasons that the revocation is inappropriate. However, in the case of family-sponsored visas, the requirement for a signed affidavit of support must still be fulfilled.

The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

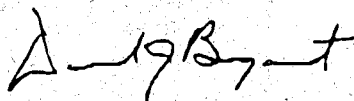
The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa. If no other relative can qualify as a petitioner, the beneficiary loses the opportunity to become a permanent resident. For instance, if a petition is revoked because a widowed citizen-father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. Even if another relative is permitted to file an immigrant visa petition for the beneficiary, the beneficiary goes to the end of the line, if the visa category was numerically limited. For instance, if the aforementioned unmarried daughter's mother was alive, she could file a new first family preference petition. However, the daughter would lose her priority date, which was based on the time her father's petition had been filed with the INS. She would receive a later priority date, based on the filing date of her mother's petition. Such an outcome could result in a significant additional delay before a visa is available.

As indicated above, the INS's regulations do allow the Attorney General to forego revoking the petition in a case of this nature if revocation would be inappropriate for "humanitarian reasons." The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, however, requires that when a family member petitions for a relative to receive an immigrant visa, the visa may only be granted if the petitioner signs (alone or with a co-sponsor) a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, he or she can obviously not sign such an affidavit. Thus, even in cases where the Attorney General determines that a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted, because the affidavit requirement is unfulfilled.

Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

legislation affar (Howard) - ok

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

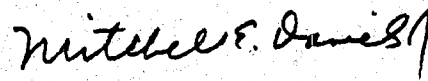
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The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

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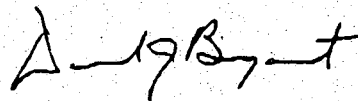
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Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

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Daniel J. Bryant
Assistant Attorney General

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02

ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PM

Subject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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NL

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02

ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PM

Subject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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no comts

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

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Agency Recommendations

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Approval

Department of Justice

Approval

Department of Defense

Approval (Informally)

Department of Labor

No comment (Informally)

Department of State

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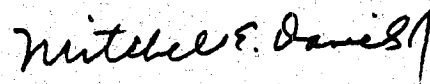
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Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

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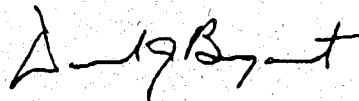
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Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

3/13

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 3-7-02ACTION / CONCURRENCE / COMMENT DUE BY: 3-8-02 5:00 PMSubject: ENROLLED BILL H.R. 1892 - FAMILY SPONSOR IMMIGRATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD 	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☒
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☐	☒
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 5:00 PM TOMORROW, MARCH 8, AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:



Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R 1892 - Family Sponsor Immigration Act of 2002
Sponsors - Rep. Calvert (R) California and 26 cosponsors

Last Day for Action

March 13, 2002 - Wednesday

Purpose

Allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice
Department of Defense
Department of Labor
Department of State

Approval
Approval (Informally)
No comment (Informally)
No comment (Informally)

Discussion

Under current law, a sponsored alien may not be granted a family-sponsored immigrant visa if the alien is deemed likely at any time to become a "public charge." The relative petitioning for the alien's admission to the United States must submit a legally binding affidavit of support to establish that the alien will be supported and, therefore, is not likely to become the recipient of any public benefits. The petitioner must demonstrate that he or she has the means to maintain an annual income equal to at least 125 percent of the Federal poverty line (or accepts liability for the sponsored alien with another individual who meets these income requirements).

Under current law and INS regulations, if a sponsor dies, the petition is automatically revoked and a new application must be filed. The Attorney General has authority to forego the revocation if he determines for humanitarian reasons that the revocation is inappropriate. However, in the case of family-sponsored visas, the requirement for a signed affidavit of support must still be fulfilled.

The enrolled bill would allow the substitution of an alternative close family member as a sponsor in the event of the death of a petitioner, provided that the Attorney General has determined the revocation of the petition to be inappropriate. An alternative sponsor would have to be at least 18 years of age and be a spouse, parent, mother-in-law, father-in-law, sibling, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian of the sponsored alien. In addition, the alternative sponsor would have to be a U.S. citizen or national and be residing in a State, territory, or possession of the United States. Providing he or she met the income requirements described above, the new sponsor could sign the necessary affidavit of support. The provisions of the enrolled bill would be effective with respect to deaths of sponsors occurring before, on, or after the date of the bill's enactment.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1892. The Department advises that the consequences of current law are "severe" for a beneficiary of a visa petition when his or her petitioner dies. Currently, an alternative relative must begin the entire permanent resident visa process anew, which often requires the alien to go "to the end of the line" and can result in "significant additional delay before a visa is available." Under H.R. 1892, the original visa petition could still be approved if the Attorney General foregoes revocation and an eligible alternative relative signs the affidavit of support.

We join Justice and Defense in recommending approval of H.R. 1892, which passed the Senate by unanimous consent and the House by a vote of 404-3.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 1, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R.1892, the "Family Sponsor Immigration Act of 2001." We support enactment of this legislation and therefore recommend that the President approve it.

Section 205 of the Immigration and Nationality Act provides that "the Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any [immigrant visa petition] approved by him under section 204." INS regulations provides for automatic revocation of a petition when the petitioner dies, "unless the Attorney General in his or her discretion determines that for humanitarian reasons revocation would be inappropriate."

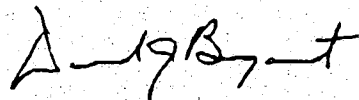
The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa. If no other relative can qualify as a petitioner, the beneficiary loses the opportunity to become a permanent resident. For instance, if a petition is revoked because a widowed citizen-father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. Even if another relative is permitted to file an immigrant visa petition for the beneficiary, the beneficiary goes to the end of the line, if the visa category was numerically limited. For instance, if the aforementioned unmarried daughter's mother was alive, she could file a new first family preference petition. However, the daughter would lose her priority date, which was based on the time her father's petition had been filed with the INS. She would receive a later priority date, based on the filing date of her mother's petition. Such an outcome could result in a significant additional delay before a visa is available.

As indicated above, the INS's regulations do allow the Attorney General to forego revoking the petition in a case of this nature if revocation would be inappropriate for "humanitarian reasons." The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, however, requires that when a family member petitions for a relative to receive an immigrant visa, the visa may only be granted if the petitioner signs (alone or with a co-sponsor) a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, he or she can obviously not sign such an affidavit. Thus, even in cases where the Attorney General determines that a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted, because the affidavit requirement is unfulfilled.

Enrolled bill H.R.1892 simply provides that in cases where a petitioner has died, and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the original petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers and fathers-in-law, siblings, adult sons and daughters, adult son and daughters-in law, brothers and sisters-in law, and grandchildren. In order to sign an affidavit of support, the family member would need to meet the general eligibility requirements under current law needed to be an immigrant's sponsor. In particular, he or she would need to: be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; be at least 18 years of age; be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Thank you for the opportunity to comment on this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

March 13, 2002

On Tuesday, March 13, 2002, the President signed into law:

H.R. 1892, the "Family Sponsor Immigration Act of 2002", which allows an alternative family member to sign the necessary affidavit of support for an alien in the event of the death of the relative who initially filed a petition for permanent resident status for the alien and;

H.R. 3699, ~~a bill~~ which redistributes Fiscal Year 2001 homeless assistance grant funding to applicants from the Jacksonville, Florida, Continuum of Care.

