

1 ment of this Act or which began prior to such
2 date and remained in session for not less than
3 25 calendar days after such date;
4 except that in no case shall the amendments made
5 by this Act apply before the date which is 180 days
6 after the date of enactment of this Act. For pur-
7 poses of the preceding sentence, the term "session"
8 means a regular, special, budget, or other session of
9 a State legislature.

10 **SEC. 208. BATTERED IMMIGRANT WOMEN.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the goal of the immigration protections for
13 battered immigrants included in the Violence
14 Against Women Act of 1994 was to remove immi-
15 gration laws as a barrier that kept battered immi-
16 grant women and children locked in abusive relation-
17 ships;

18 (2) providing battered immigrant women and
19 children who were experiencing domestic violence at
20 home with protection against deportation allows
21 them to obtain protection orders against their abus-
22 ers and frees them to cooperate with law enforce-
23 ment and prosecutors in criminal cases brought
24 against their abusers and the abusers of their chil-
25 dren; and

1 (3) there are several groups of battered immi-
2 grant women and children who do not have access
3 to the immigration protections of the Violence
4 Against Women Act of 1994, which means that their
5 abusers are virtually immune from prosecution be-
6 cause their victims can be deported and the Immi-
7 gration and Naturalization Service cannot offer
8 them protection no matter how compelling their case
9 under existing law.

10 (b) PURPOSES.—The purposes of this section are—

11 (1) to promote criminal prosecutions of all per-
12 sons who commit acts of battery or extreme cruelty
13 against immigrant women and children;

14 (2) to offer protection against domestic violence
15 occurring in family and intimate relationships that
16 are covered in State protection order, domestic vio-
17 lence, and family law statutes; and

18 (3) to correct erosions of Violence Against
19 Women Act immigration protections that occurred
20 as a result of the Illegal Immigration Reform and
21 Immigrant Responsibility Act of 1996.

22 (c) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP

23 STATUS.—(1) Section 204(a)(1)(A) of the Immigration
24 and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended
25 by adding at the end the following new clause:

1 “(v) For the purposes of any petition filed under
2 clause (iii) or (iv), denaturalization, loss or renunciation,
3 or changes to the abuser’s citizenship status after filing
4 of the petition shall not preclude the classification of the
5 eligible self-petitioning spouse or child as an immediate
6 relative.”.

7 (2) Section 204(a)(1)(B) of the Immigration and Na-
8 tionality Act (8 U.S.C. 1154(a)(1)(A)) is amended by add-
9 ing at the end the following new clause:

10 “(iv)(I) For the purposes of petitions filed or ap-
11 proved under clauses (ii) and (iii), loss of lawful perma-
12 nent residence status by a spouse or parent after the filing
13 of a petition under that clause shall not preclude approval
14 of the petition, and, for an approved petition, shall not
15 affect the alien’s ability to adjust status under section
16 245(a) and (c) or obtain status as a lawful permanent
17 resident based on the approved self-petition under clauses
18 (ii) and (iii).

19 “(II) Upon the lawful permanent resident spouse or
20 parent becoming a United States citizen through natu-
21 ralization, acquisition of citizenship, or other means, any
22 petition filed with the Immigration and Naturalization
23 Service and pending or approved under section
24 204(a)(1)(B) on behalf of an alien who has been battered
25 or subjected to extreme cruelty may be deemed to be a

1 petition filed under section 204(a)(1)(A) of this Act even
2 if the acquisition of citizenship occurs after divorce.”.

3 (d) DETERMINATIONS OF GOOD MORAL CHAR-
4 ACTER.—

5 (1) CANCELLATIONS OF REMOVAL; SUSPEN-
6 SIONS OF DEPORTATION.—Section 240A(b) of the
7 Immigration and Nationality Act (8 U.S.C. 1229b)
8 is amended by adding at the end the following:

9 “(4) GOOD MORAL CHARACTER DETERMINA-
10 TIONS.—For the purposes of making ‘good moral
11 character’ determinations under paragraph (2), the
12 Attorney General is not limited by the criminal court
13 record and may make a finding of good moral char-
14 acter, notwithstanding the existence of disqualifying
15 criminal act or criminal conviction, in the case of an
16 alien who has been battered or subjected to extreme
17 cruelty but who—

18 “(i) has been convicted of, or who
19 pled guilty to, violating a court order
20 issued to protect the alien;

21 “(ii) was convicted of, or pled guilty
22 to, prostitution, if the alien was forced into
23 prostitution by an abuser;

24 “(iii) was convicted of or pled guilty
25 to committing a crime if the alien commit-

1. ted the crime under duress from the per-
2 son who battered or subjected the alien to
3 extreme cruelty; or

4 “(iv) was convicted of or pled guilty to
5 a domestic violence-related crime if the At-
6 torney General determines that the alien
7 acted in self-defense.

8 “(5) INCLUSION OF OTHER ALIENS IN PETI-
9 TION.—An alien applying for relief under section
10 244(a)(3) (as in effect before the enactment of the
11 Illegal Immigration Reform and Immigrant Respon-
12 sibility Act of 1996) or this subsection may
13 include—

14 “(A) the alien’s children in the alien’s ap-
15 plication if such children are physically present
16 in the United States at the time of application,
17 and, if the alien is found eligible for suspension,
18 the Attorney General may adjust the status of
19 the alien’s children; or

20 “(B) the alien’s parent in the alien’s appli-
21 cation in the case of an application filed by an
22 alien who was abused by a citizen or lawful per-
23 manent resident parent and, if the alien is
24 found eligible for suspension, the Attorney Gen-

1. eral may adjust the status of both the alien ap-
2 plicant and the alien's parent.

3 “(6) DETERMINATIONS UNDER SUSPENSION OF
4 DEPORTATION.—For the purposes of making good
5 moral character determinations under section
6 244(a)(3) of the Immigration and Nationality Act
7 (as in effect before the enactment of the Illegal Im-
8 migration Reform and Immigrant Responsibility Act
9 of 1996), the Attorney General is not limited by the
10 criminal court record and may make a finding of
11 good moral character, notwithstanding the existence
12 of a disqualifying criminal act or criminal conviction,
13 in the case of an alien who has been battered or sub-
14 jected to extreme cruelty but who—

15 “(i) has been convicted of, or who
16 pled guilty to, violating a court order
17 issued to protect the alien;

18 “(ii) has been convicted of, or who
19 pled guilty to, prostitution if the alien was
20 forced into prostitution by an abuser;

21 “(iii) has been convicted of, or pled
22 guilty to committing, a crime under duress
23 from the person who battered or subjected
24 the alien to extreme cruelty; or

1. “(iv) was convicted of, or pled guilty
2 to, a domestic violence-related crime if the
3 Attorney General determines that the alien
4 acted in self-defense.

5. (2) IMMEDIATE RELATIVE STATUS.—Section
6 204(a)(1)(A) of the Immigration and Nationality
7 Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
8 at the end the following new clause:

9 “(vi)(I) For the purposes of making good moral char-
10 acter determinations under this subparagraph, the Attor-
11 ney General is not limited by the criminal court record
12 and may make a finding of good moral character, notwith-
13 standing the existence of a disqualifying criminal act or
14 criminal conviction, in the case of an alien who otherwise
15 qualifies for relief under section 204(a)(1)(A) (iii) or (iv),
16 but who—

17 “(aa) has been convicted of, or who pled guilty
18 to, violating a court order issued to protect the alien;

19 “(bb) was convicted of, or pled guilty to, pros-
20 titution if the alien was forced into prostitution by
21 an abuser;

22 “(cc) was convicted of, or pled guilty to, com-
23 mitting a crime under duress from the person who
24 battered or subjected the alien to extreme cruelty; or

1 “(dd) was convicted of, or pled guilty to, a do-
2 mestic violence-related crime, if the Attorney Gen-
3 eral determines that the alien acted in self-defense.

4 “(II) After finding that an alien has been battered
5 or subjected to extreme cruelty and is otherwise eligible
6 for relief under section 204(a)(1)(A) (iii) or (iv), the At-
7 torney General may make a finding of ‘good moral char-
8 acter’ with respect to the alien, notwithstanding the exist-
9 ence of a disqualifying criminal act or criminal convic-
10 tion.”.

11 (3) SECOND PREFERENCE IMMIGRATION STA-
12 TUS—Section 204(a)(1)(B) of the Immigration and
13 Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amend-
14 ed by adding at the end the following new clause:

15 “(v)(I) For the purposes of making good moral char-
16 acter determinations under this subparagraph, the Attor-
17 ney General is not limited by the criminal court record
18 and may make a finding of good moral character, notwith-
19 standing the existence of a disqualifying criminal act or
20 criminal conviction, in the case of an alien who otherwise
21 qualifies for relief under section 204(a)(1)(B) (ii) and (iii),
22 but who—

23 “(aa) has been convicted of, or who pled guilty
24 to, violating a court order issued to protect the alien;

1 “(bb) was convicted of, or pled guilty to, pros-
2 titution where the alien was forced into prostitution
3 by an abuser;

4 “(cc) was convicted of, or pled guilty to, com-
5 mitting a crime under duress from the person who
6 battered or subjected the alien to extreme cruelty; or

7 “(dd) was convicted of, or pled guilty to, a do-
8 mestic violence-related crime, if the Attorney Gen-
9 eral determines that the alien acted in self-defense.

10 “(II) After finding that an alien has been battered
11 or subjected to extreme cruelty and is otherwise eligible
12 for relief under section 204(a)(1)(B) (ii) or (iii), the Attor-
13 ney General may in the Attorney General’s sole discretion
14 make a finding of good moral character with respect to
15 the alien, notwithstanding the existence of a disqualifying
16 criminal act or criminal conviction.”.

17 (c) WAIVERS OF INADMISSIBILITY.—(1) Section 212
18 of the Immigration and Nationality Act (8 U.S.C. 1182)
19 is amended by adding at the end the following new sub-
20 section:

21 “(p) The Attorney General, in the Attorney General’s
22 discretion, may waive any provision of section 212 (other
23 than subsection (a) (3), (10)(A), (10)(D), and (10)(E))
24 for humanitarian purposes, to assure family unity, or

1 when it is otherwise in the public interest for any alien
2 who qualifies for—

3 “(1) status under clause (iii) or (iv) of section
4 204(a)(1)(A) or classification under clause (ii) or
5 (iii) of section 204(a)(1)(B); or

6 “(2) relief under section 240A(b)(2) or
7 244(a)(3) (as in effect before the enactment of the
8 Illegal Immigration Reform and Immigrant Respon-
9 sibility Act of 1996).”.

10 (2) Section 212(h)(1) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1182(h)(1)) is amended—

12 (A) at the end of subparagraph (A), by striking
13 “or”;

14 (B) at the end of subparagraph (B), by striking
15 “and” and inserting “or”; and

16 (C) by adding at the end the following new sub-
17 paragraph:

18 “(C) in the case of an alien who qualifies
19 for status under clause (iii) or (iv) of section
20 204(a)(1)(A) or classification under clause (ii)
21 or (iii) of section 204(a)(1)(B) or who qualifies
22 for relief under section 240A(b)(2), or section
23 244(a)(3) (as in effect before the enactment of
24 the Illegal Immigration Reform and Immigrant
25 Responsibility Act of 1996), if it is established

1 to the satisfaction of the the Attorney General
2 that the alien's admission would further hu-
3 manitarian purposes, ensure family unity, or
4 otherwise be in the public interest; and”.

5 (3) Section 212(a)(2) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1182(a)(2)) is amended by adding at
7 the end the following new subparagraph:

8 “(G) EXCEPTIONS.—The provisions of this
9 paragraph shall not apply to deny admissibility
10 to an alien if the Attorney General has ap-
11 proved the alien's self-petition or application
12 pursuant to section 204(a)(1)(A) (iii) or (iv),
13 204(a)(1)(B) (ii) or (iii), 240A(b)(2), or
14 244(a)(3) (as in effect before the title III–A ef-
15 fective date in section 309 of the Illegal Immi-
16 gration Reform and Immigrant Responsibility
17 Act of 1996 (8 U.S.C. 1101 note).

18 (f) WAIVER OF CERTAIN REMOVAL GROUNDS.—Sec-
19 tion 237(a)(2)(E) of the Immigration and Nationality Act
20 (8 U.S.C. 1227(a)(2)(E)) is amended by inserting at the
21 end the following new clause:

22 “(iii) WAIVER.—The Attorney General
23 may waive the application of clauses (i)
24 and (ii)—

25 “(I) upon determination that—

1 “(aa) the alien was acting in
2 self-defense,

3 “(bb) the alien was not the
4 primary perpetrator of violence in
5 the relationship,

6 “(cc) the alien was found to
7 have violated a protection order
8 intended to protect the alien, or

9 “(dd) the alien was con-
10 victed of committing a crime
11 under duress from the person
12 who subjected the alien to batter-
13 ing or extreme cruelty, or

14 “(II) for humanitarian pur-
15 poses.”.

16 “(g) PROCEDURE FOR GRANTING IMMIGRANT STA-
17 TUS.—

18 (1) DEFINITION.—Section 101(a) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(a)) is
20 amended by adding at the end the following new
21 paragraph:

22 “(50) The term ‘intended spouse’ means any alien
23 who meets the criteria set forth in section 204(j)(1)(B)
24 or 204(k)(1)(B).”.

25 (2) IMMEDIATE RELATIVE STATUS.—

1 (A) SELF-PETITIONING SPOUSES.—Section
2 204(a)(1)(A)(iii) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is
4 amended to read as follows:

5 “(iii) An alien who is described in subsection (j) may
6 file a petition with the Attorney General under this clause
7 for classification of the alien (and any child of the alien
8 if such a child has not been classified under clause (iv))
9 under section 201(b)(2)(A)(i) if the alien demonstrates to
10 the Attorney General that—

11 “(I) the alien is residing in the United States
12 (unless the alien’s spouse, intended spouse, or par-
13 ent is an employee of the Department of State or a
14 member of the United States Armed Forces sta-
15 tioned abroad);

16 “(II) the marriage or the intent to marry the
17 United States citizen was entered into in good faith
18 by the alien; and

19 “(III) during the marriage or relationship in-
20 tended by the alien to be legally a marriage, the
21 alien or a child of the alien has been battered or has
22 been the subject of extreme cruelty perpetrated by
23 the alien’s spouse or intended spouse.”.

24 (B) DEFINITION.—Section 204 of the Im-
25 migration and Nationality Act is amended (8

1 U.S.C. 1154) by adding at the end the follow-
2 ing:

3 “(j) DEFINITION.—An alien described in subsection
4 (a)(1)(A)(iii) is an alien—

5 “(1)(A) who is the spouse of a citizen of the
6 United States; or

7 “(B)(i) who believed in good faith that he or
8 she had married a citizen of the United States;

9 “(ii) whose marriage to such citizen would oth-
10 erwise meet the definition of qualifying marriage
11 under section 216(d)(1)(A)(i); and

12 “(iii) who otherwise meets any applicable re-
13 quirements under this Act to establish the existence
14 of and bona fides of a marriage;

15 but whose marriage is not legitimate solely because
16 of the bigamy of such citizen of the United States;

17 “(2) who is a person of good moral character;

18 “(3) who is eligible to be classified as an imme-
19 diate relative under section 201(b)(2)(A)(i) or who
20 would have been so classified but for the bigamy of
21 the citizen of the United States that the alien in-
22 tended to marry; and

23 “(4) who has resided in the United States with
24 the alien’s spouse or intended spouse, or has resided
25 within or outside the territory of the United States

1 with the citizen spouse at the assigned foreign duty
2 station if the alien's spouse or intended spouse is an
3 employee of the Department of State or a member
4 of the United States Armed Forces stationed
5 abroad.”.

6 (C) SELF-PETITIONING CHILDREN.—Sec-
7 tion 204(a)(1)(A)(iv) of the Immigration and
8 Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is
9 amended to read as follows:

10 “(iv) An alien who is the child of a citizen of the
11 United States, who is a person of good moral character,
12 who is eligible to be classified as an immediate relative
13 under section 201(b)(2)(A)(i), and who has resided in the
14 United States with the citizen parent (or has resided with-
15 in or outside the territory of the United States with the
16 citizen parent at the assigned foreign duty station if the
17 alien's parent is an employee of the Department of State
18 or a member of the United States Armed Forces stationed
19 abroad) may file a petition with the Attorney General
20 under this subparagraph for classification of the alien
21 under such section if the alien demonstrates to the Attor-
22 ney General that the alien is residing in the United States
23 (unless the alien's parent is an employee of the Depart-
24 ment of State or a member of the United States Armed
25 Forces stationed abroad) and during the period of resi-

1 dence with the citizen parent in the United States or at
2 the assigned foreign duty station the alien has been bat-
3 tered by or has been the subject of extreme cruelty per-
4 petrated by the alien's citizen parent.”.

5 (D) FILING OF PETITIONS.—Section
6 204(a)(1)(A) of the Immigration and National-
7 ity Act (8 U.S.C. 1154(a)(1)(A)) is amended by
8 adding at the end the following new clause:

9 (vii) “An alien who is the spouse, intended spouse,
10 or child filing under clause (iii) or (iv) of this subpara-
11 graph of an employee of the Department of State or a
12 member of the United States Armed Forces stationed
13 abroad eligible to file a petition under this subsection shall
14 file such petition with the Attorney General.”.

15 (3) SECOND PREFERENCE IMMIGRATION STA-
16 TUS.—

17 (A) SELF-PETITIONING SPOUSES.—Section
18 204(a)(1)(B)(ii) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is
20 amended to read as follows:

21 “(ii) An alien who is described in subsection (k) may
22 file a petition with the Attorney General under this clause
23 for classification of the alien (and any child of the alien
24 if such a child has not been classified under clause (iii))

1 under section 203(a)(2)(A) if the alien demonstrates to
2 the Attorney General that—

3 “(I) the alien is residing in the United States
4 (unless the alien’s spouse, intended spouse, or child
5 is an employee of the Department of State or a
6 member of the United States Armed Forces sta-
7 tioned abroad);

8 “(II) the marriage or the intent to marry the
9 lawful permanent resident was entered into in good
10 faith by the alien; and

11 “(III) during the marriage or relationship in-
12 tended by the alien to be legally a marriage, the
13 alien or a child of the alien has been battered or has
14 been the subject of extreme cruelty perpetrated by
15 the alien’s spouse or intended spouse.”.

16 (B) DEFINITION.—Section 204 of the Im-
17 migration and Nationality Act (8 U.S.C. 1154)
18 is amended by adding at the end the following:

19 “(k) DEFINITION.—An alien described in subsection
20 (a)(1)(B)(ii) is an alien—

21 “(1)(A) who is the spouse of a lawful perma-
22 nent resident of the United States; or

23 “(B)(i) who believed in good faith that he or
24 she had married a lawful permanent resident of the
25 United States;

1 “(ii) whose marriage to such lawful permanent
2 resident would otherwise meet the definition of
3 qualifying marriage under section 216(d)(1)(A)(i);
4 and

5 “(iii) who otherwise meets any applicable re-
6 quirements under this Act to establish the existence
7 of and bona fides of a marriage;
8 but whose marriage is not legitimate solely because
9 of the bigamy of such lawful permanent resident of
10 the United States;

11 “(2) who is a person of good moral character;

12 “(3) who is eligible to be classified as a spouse
13 of an alien lawfully admitted for permanent resi-
14 dence under section 203(a)(2)(A) or who would have
15 been so classified but for the bigamy of the lawful
16 permanent resident of the United States that the
17 alien intended to marry; and

18 “(4) who has resided in the United States with
19 the alien’s spouse or intended spouse, or has resided
20 within or outside the territory of the United States
21 with the lawful permanent resident spouse or in-
22 tended spouse at the assigned foreign duty station if
23 the alien’s spouse or intended spouse is an employee
24 of the Department of State or a member of the
25 United States Armed Forces stationed abroad.”.

1 (C) SELF-PETITIONING CHILDREN.—Sec-
2 tion 204(a)(1)(B)(iii) of the Immigration and
3 Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is
4 amended to read as follows:

5 “(iii) An alien who is the child of an alien
6 lawfully admitted for permanent residence, who
7 is a person of good moral character, who is eli-
8 gible for classification under section
9 203(a)(2)(A), and who has resided in the
10 United States with the alien’s permanent resi-
11 dent alien parent (or has resided within or out-
12 side the territory of the United States with the
13 lawful permanent resident parent at the as-
14 signed foreign duty station if the alien’s parent
15 is an employee of the Department of State or
16 a member of the United States Armed Forces
17 stationed abroad) may file a petition with the
18 Attorney General under this subparagraph for
19 classification of the alien under such section if
20 the alien demonstrates to the Attorney General
21 that the alien is residing in the United States
22 (unless the alien’s parent is an employee of the
23 Department of State or a member of the United
24 States Armed Forces stationed abroad) and
25 during the period of residence with the perma-

1 nent resident parent in the United States or at
 2 the assigned foreign duty station the alien has
 3 been battered by or has been the subject of ex-
 4 treme cruelty perpetrated by the alien's perma-
 5 nent resident parent.”.

6 (D) FILING OF PETITIONS.—Section
 7 204(a)(1)(B) of the Immigration and National-
 8 ity Act (8 U.S.C. 1154(a)(1)(B)) is amended by
 9 adding at the end the following new clause:

10 “(vi) An alien who is the spouse, intended spouse, or
 11 child filing under clauses (ii) and (iii) of this subparagraph
 12 of an employee of the Department of State or a member
 13 of the United States Armed Forces stationed abroad eligi-
 14 ble to file a petition under this subsection shall file such
 15 petition with the Attorney General.”.

16 (h) ADJUSTMENT OF STATUS.—(1) Section 245 of
 17 the Immigration and Nationality Act (8 U.S.C. 1255) is
 18 amended—

19 (A) in subsection (a), by inserting “, or the sta-
 20 tus of any other alien having an approved petition
 21 for classification under subparagraph (A)(iii),
 22 (A)(iv), (A)(v), (B)(ii), or (B)(iii) of section
 23 204(a)(1),” after “into the United States”;

24 (B) in subsections (c)(2) and (c)(4) by inserting
 25 “or an alien having an approved petition for classi-

1 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
2 (B)(ii), or (B)(iii) of section 204(a)(1),” after “other
3 than an immediate relative as defined in section
4 201(b)” each place it appears;

5 (C) in subsection (c)(5), by inserting “(other
6 than an alien having an approved petition for classi-
7 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
8 (B)(ii), or (B)(iii) of section 204(a)(1)),” after “an
9 alien”; and

10 (D) in subsection (c)(8), by inserting “(other
11 than an alien having an approved petition for classi-
12 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
13 (B)(ii), or (B)(iii) of section 204(a)(1)),” after “any
14 alien”.

15 (2) The amendments made by paragraph (1) shall
16 apply to applications for adjustment of status pending on
17 or made on or after the date of enactment of this Act.

18 (3) Section 245(d) of the Immigration and National-
19 ity Act (8 U.S.C. 1255(d)) is amended by adding at the
20 end the following new sentence: “This paragraph shall not
21 apply to aliens who seek adjustment of status on the basis
22 of an approved self-petition under clause (iii) or (iv) of
23 section 204(a)(1)(A) or classification under clause (ii) or
24 (iii) of section 204(a)(1)(B).”.

1 (i) ELIMINATING TIME LIMITATIONS ON MOTIONS
2 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
3 FOR VICTIMS OF DOMESTIC VIOLENCE.—

4 (1) REMOVAL PROCEEDINGS.—

5 (A) IN GENERAL.—Section 240(c)(6)(C) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1229a(c)(6)(C)) is amended by adding at the
8 end the following:

9 “(iv) SPECIAL RULE FOR BATTERED
10 SPOUSES AND CHILDREN.—There is no
11 time limit on the filing of a motion to re-
12 open, and the deadline specified in sub-
13 section (b)(5)(C) does not apply, if the
14 basis of the motion is to apply for adjust-
15 ment of status based on a petition filed
16 under clause (iii) or (iv) of section
17 204(a)(1)(A), clause (ii) or (iii) of section
18 204(a)(1)(B), or section 240A(b)(2) and if
19 the motion to reopen is accompanied by a
20 cancellation of removal application to be
21 filed with the Attorney General or by a
22 copy of the self-petition that will be filed
23 with the Immigration and Naturalization
24 Service upon the granting of the motion to
25 reopen.”.

1 (B) EFFECTIVE DATE.—The amendments
2 made by subparagraph (A) shall take effect as
3 if included in the enactment of section 304 of
4 the Illegal Immigration Reform and Immigrant
5 Responsibility Act of 1996.

6 (2) DEPORTATION PROCEEDINGS.—

7 (A) IN GENERAL.—Notwithstanding any
8 limitation imposed by law on motions to reopen
9 deportation proceedings under the Immigration
10 and Nationality Act (as in effect before the title
11 III—A effective date in section 309 of the Illegal
12 Immigration Reform and Immigrant Respon-
13 sibility Act of 1996 (8 U.S.C. 1101 note)),
14 there is no time limit on the filing of a motion
15 to reopen such proceedings, and the deadline
16 specified in section 242B(c)(3) of the Immigra-
17 tion and Nationality Act (as so in effect) does
18 not apply, if the basis of the motion is to apply
19 for relief under clause (iii) or (iv) of section
20 204(a)(1)(A) of the Immigration and National-
21 ity Act, clause (ii) or (iii) of section
22 204(a)(1)(B) of such Act, or section 244(a)(3)
23 of such Act (as so in effect) and if the motion
24 to reopen is accompanied by a suspension of de-
25 portation application to be filed with the Attor-

1 ney General or by a copy of the self-petition
2 that will be filed with the Immigration and Nat-
3 uralization Service upon the granting of the
4 motion to reopen.

5 (B) APPLICABILITY.—Subparagraph (A)
6 shall apply to motions filed by aliens who—

7 (i) are, or were, in deportation pro-
8 ceedings under the Immigration and Na-
9 tionality Act (as in effect before the title
10 III–A effective date in section 309 of the
11 Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996 (8 U.S.C. 1101
13 note)); and

14 (ii) have become eligible to apply for
15 relief under clause (iii) or (iv) of section
16 204(a)(1)(A) of the Immigration and Na-
17 tionality Act, clause (ii) or (iii) of section
18 204(a)(1)(B) of such Act, or section
19 244(a)(3) of such Act (as in effect before
20 the title III–A effective date in section 309
21 of the Illegal Immigration Reform and Im-
22 migrant Responsibility Act of 1996 (8
23 U.S.C. 1101 note)) as a result of the
24 amendments made by—

1 (I) subtitle G of title IV of the
2 Violent Crime Control and Law En-
3 forcement Act of 1994 (Public Law
4 103-322; 108 Stat. 1953 et seq.); or
5 (II) section XX03 of this title.

6 (j) CANCELLATION OF REMOVAL; ADJUSTMENT OF
7 STATUS.—(1)(A) Paragraph (1) of section 240A(d) of the
8 Immigration and Nationality Act (8 U.S.C. 1229b(d)(1))
9 is amended to read as follows:

10 “(1) TERMINATION OF CONTINUOUS PERIOD.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), for purposes of this section,
13 any period of continuous residence or continu-
14 ous physical presence in the United States shall
15 be deemed to end when the alien is served a no-
16 tice to appear under section 239(a) or when the
17 alien has committed an offense referred to in
18 section 212(a)(2) that renders the alien inad-
19 missible to the United States under section
20 212(a)(2) or removable from the United States
21 under section 237(a)(2) or 237(a)(4), whichever
22 is earliest.

23 “(B) SPECIAL RULE FOR BATTERED
24 SPOUSE OR CHILD.—For purposes of subsection
25 (b)(2), the service of a notice to appear referred

1 to in subparagraph (A) shall not be deemed to
2 end any period of continuous physical presence
3 in the United States.”.

4 (B) Section 240A(c)(3) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1229b(d)(1)) is amended by adding
6 at the end the following new subsection:

7 “(C) Aliens in removal proceedings who
8 applied for cancellation of removal under sec-
9 tion 240A(b)(2).”.

10 (C) The amendments made by subparagraphs (A)
11 and (B) shall take effect as if included in the enactment
12 of section 304 of the Illegal Immigration Reform and Im-
13 migrant Responsibility Act of 1996 (Public Law 104–208;
14 110 Stat. 587).

15 (2)(A) Section 309(c)(5)(C) of the Illegal Immigra-
16 tion Reform and Immigrant Responsibility Act of 1996
17 (8 U.S.C. 1101 note) is amended—

18 (i) by amending the subparagraph heading to
19 read as follows:

20 “(C) SPECIAL RULE FOR CERTAIN ALIENS
21 GRANTED TEMPORARY PROTECTION FROM DE-
22 PORTATION AND FOR BATTERED SPOUSES AND
23 CHILDREN.—”; and

24 (ii) in clause (i)—

1 (I) by striking "or" at the end of subclause
2 (IV);

3 (II) by striking the period at the end of
4 subclause (V) and inserting "; or"; and

5 (III) by adding at the end the following:

6 "(VI) is an alien who was issued
7 an order to show cause or was in de-
8 portation proceedings prior to April 1,
9 1997, and who applied for suspension
10 of deportation under section 244(a)(3)
11 of the Immigration and Nationality
12 Act (as in effect before the date of the
13 enactment of this Act).".

14 (B) The amendments made by subparagraph (A)
15 shall take effect as if included in the enactment of section
16 309 of the Illegal Immigration Reform and Immigrant Re-
17 sponsibility Act of 1996 (8 U.S.C. 1101 note).

18 (3) Section 240A(d)(2) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1229b(d)(2)) is amended to read
20 as follows:

21 "(2) An alien shall be considered to have failed
22 to maintain continuous physical presence in the
23 United States under subsections (b)(1) and (b)(2) if
24 the alien has departed from the United States for
25 any period in excess of 90 days or for periods in the

1 aggregate exceeding 180 days. In the case of an
2 alien applying for cancellation of removal under sub-
3 section (b)(2), the Attorney General may waive the
4 provisions of this subsection for humanitarian pur-
5 poses, if the alien demonstrates a substantial con-
6 nection between the absences and the battery or ex-
7 treme cruelty forming the basis of the application
8 for cancellation of removal.”.

9 (4) Section 244(a)(3) of the Immigration and Nation-
10 ality Act (as in effect before the title III–A effective date
11 of the Illegal Immigration Reform and Immigrant Respon-
12 sibility Act of 1996 (Public Law 104–208; division C; 110
13 Stat. 3009–625)) is amended by adding at the end the
14 following: “The Attorney General may waive the physical
15 presence requirement for humanitarian purposes if the
16 alien demonstrates a substantial connection between the
17 absences and the battery or extreme cruelty forming the
18 basis of the application for suspension of deportation.”.

19 (k) EXCEPTION TO PUBLIC CHARGE GROUNDS OF
20 INADMISSIBILITY.—Section 212(a)(4) of the Immigration
21 and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by
22 adding at the end the following new subparagraph:

23 “(E) EXCEPTION.—Subparagraph (A)
24 shall not apply to—

1 “(i) an alien who qualifies for status
 2 as a spouse or child of a United States cit-
 3 izen or lawful permanent resident pursuant
 4 to clause (iii) or (iv) of section
 5 204(a)(1)(A) or clause (ii) or (iii) of sec-
 6 tion 204(a)(1)(B);

7 “(ii) an alien who qualifies for status
 8 as the spouse or child of a United States
 9 citizen or lawful permanent resident under
 10 section 204(a)(1)(A) (i) or (ii) or section
 11 204(a)(1)(B)(i) and who has been battered
 12 or subjected to extreme cruelty; or

13 “(iii) derivatives and immediate rel-
 14 ative children of aliens under clause (i) or
 15 (ii) of this subparagraph.”.

16 (l) GRANTS TO COMBAT VIOLENT CRIMES AGAINST
 17 WOMEN.—

18 (1) IN GENERAL.—Section 2001 of the Omni-
 19 bus Crime Control and Safe Streets Act of 1968 (42
 20 U.S.C. 3796gg) is amended—

21 (A) in subsection (a), by inserting “, the
 22 Immigration and Naturalization Service and the
 23 Executive Office of Immigration Review,” after
 24 “Indian tribal governments”; and

25 (B) in subsection (b)—

1. (i) in paragraph (1), by inserting “,
2. immigration and asylum officers, immigra-
3. tion judges,” after “law enforcement offi-
4. cers”;

5. (ii) in paragraph (6), by striking
6. “and” at the end;

7. (iii) in paragraph (7), by striking the
8. period at the end and inserting “; and”;
9. and

10. (iv) by adding at the end the follow-
11. ing:

12. “(8) training justice system personnel on the
13. immigration provisions of the Violence Against
14. Women Act of 1994 and the ramifications of those
15. provisions for victims of domestic violence who ap-
16. pear in civil and criminal court proceedings and po-
17. tential immigration consequences for the perpetra-
18. tors of domestic violence.”.

19. (2) GRANTS TO ENCOURAGE ARREST POLI-
20. CIES.—Section 2101(c) of the Omnibus Crime Con-
21. trol and Safe Streets Act of 1968 (42 U.S.C.
22. 3796hh(c)) is amended—

23. (A) in paragraph (3), by striking “and” at
24. the end;

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (C) by adding at the end the following:

4 “(5) certify that their laws, policies, and prac-
5 tices do not discourage or prohibit prosecutors and
6 law enforcement officers from granting access to in-
7 formation about the immigration status of a domes-
8 tic violence perpetrator to the victim, the child, or
9 their advocate”.

10 (3) EFFECT ON OTHER GOALS.—Section 287(g)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1357(g)) is amended by adding at the end the fol-
13 lowing:

14 “(11) Notwithstanding any other provision of this
15 section, identifying and reporting the alien status of a
16 crime victim or of a victim of a domestic violence crime
17 shall not supersede the goal of obtaining the cooperation
18 of the victim in the reporting and prosecution of such
19 crime or the goal of protecting the victim of such crime
20 with a protection order or other legal relief available to
21 assist crime victims or domestic violence victims under
22 Federal or State laws.”.

23 (m) REPORT.—Not later than 6 months after the
24 date of enactment of this Act, the Attorney General shall

1 submit to the Committees on the Judiciary of the Senate
2 and House of Representatives a report on—

3 (1) the number of and processing times of peti-
4 tions under section 204(a)(1)(A) (iii) and (iv) and
5 204(a)(1)(B) (ii) and (iii) of the Immigration and
6 Nationality Act at district offices of the Immigration
7 and Naturalization Service and at the regional office
8 of the Service in St. Albans, Vermont;

9 (2) the policy and procedures of the Immigra-
10 tion and Naturalization Service by which an alien
11 who has been battered or subjected to extreme cru-
12 elty who is eligible for suspension of deportation or
13 cancellation of removal under can place him or her-
14 self in deportation or removal proceedings so that he
15 or she may apply for suspension of deportation or
16 cancellation of removal, the number of requests filed
17 at each district office under this policy and the num-
18 ber of these requests granted broken out by District;
19 and

20 (3) the average length of time at each Immigra-
21 tion and Naturalization office between the date that
22 an alien who has been subject to battering or ex-
23 treme cruelty eligible for suspension of deportation
24 or cancellation of removal requests to be placed in
25 deportation or removal proceedings, and the date

Jose # 3/4/99

IMMIGRATION

Criminal Alien release

Consolidated Plan (ENDCP) to the Hill - NSC
Border Patrol + other ~~enact~~ enforcement

- Southwest Border - NSC Lou Dobbs
- Indiana + crimes - moving forward - commitment for resources
Shady
BIA
- Background Check - Leonore

Political concerns
Find way ~~to~~ to speak about ~~racial~~ responsibility + fairness
offensive, victimize, minority group
Rodell Kennedy

RACE

Chapter - (get this chapter) *

Have ~~not~~ ^{done} good in this area
Community Policing

Bruce Auer Democratic

Pres Conf. - disparities, police brutality - no easy answers
POTUS speech ~~with~~ ^{may} maybes, TD - with Web. *

Capture POTUS view on speech ~~to~~ ^{on} on crime/imm

Police Profiling = no data - unclear we can (Mty or ~~to~~ ^{read})
Customs + Borders - Latino
EAS - NG + MD

Victimization - have police

Ex Order to stop it
(Ches) - what will this
mean

Police Brutality - Respect, no doubt
Do more cases
Give more respect to minorities

Community Policing

Policy philosophy - ~~data~~ working in the community, engaging them or ~~as~~ opposed to relations

Problem Solving - ~~we~~ we can prevent ~~how~~ crime in the first, analysis of data + how to prevent crime

About 60 years ago, ~~more~~ ~~divisions~~ started ↑
scope