

H.R. 357

introduced

1/19/99

1 (4) cost-effective ways that shelters and victim
2 services may accommodate the needs of individuals
3 with disabilities in accordance with the Americans
4 with Disabilities Act of 1990.

5 (c) USES OF GRANTS.—Each recipient of a grant
6 under this section shall provide information and training
7 to national, State, local, and tribal organizations and pro-
8 grams that provide services to individuals with disabilities,
9 including independent living centers, disability-related
10 service organizations, domestic violence programs provid-
11 ing shelter or related assistance, rape crisis centers, and
12 programs providing sexual assault services, other victim
13 services organizations, and women with disabilities.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated from the Violent Crime
16 Reduction Trust Fund established under section 310001
17 of the Violent Crime Control and Law Enforcement Act
18 of 1994 (42 U.S.C. 14211) to carry out this section
19 \$10,000,000 for each of fiscal years 2000 through 2004.

20 **Subtitle C—Battered Immigrant**
21 **Women**

22 **SEC. 630. FINDINGS AND PURPOSES.**

23 (a) FINDINGS.—

24 Congress finds that—

1 (1) the goal of the immigration protections for
2 battered immigrants included in the Violence
3 Against Women Act of 1994 was to remove immi-
4 gration laws as a barrier that kept battered immi-
5 grant women and children locked in abusive relation-
6 ships;

7 (2) providing battered immigrant women and
8 children who were experiencing domestic violence at
9 home with protection against deportation allows
10 them to obtain protection orders against their abus-
11 ers and frees them to cooperate with law enforce-
12 ment and prosecutors in criminal cases brought
13 against their abusers and the abusers of their chil-
14 dren; and

15 (3) there are several groups of battered immi-
16 grant women and children who do not have access
17 to the immigration protections of the Violence
18 Against Women Act of 1994 which means that their
19 abusers are virtually immune from prosecution be-
20 cause their victims can be deported and the Immi-
21 gration and Naturalization Service cannot offer
22 them protection no matter how compelling their case
23 under existing law.

24 (b) PURPOSES.—

25 The purposes of this subtitle are—

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

4 (2) to offer protection against domestic violence
 5 occurring in family and intimate relationships that
 6 are covered in State and tribal protection orders, do-
 7 mestic violence, and family law statutes; and

8 (3) to correct erosions of Violence Against
 9 Women Act of 1994 immigration protections that
 10 occurred as a result of the Illegal Immigration Re-
 11 form and Immigrant Responsibility Act of 1996 and
 12 the Balanced Budget Act of 1997 without otherwise
 13 amending the effect of these laws on other aliens.

14 **SEC. 631. VAWA RESTORATION ACT**

15 (a) **SHORT TITLE.**—This subtitle may be cited as the
 16 “VAWA Restoration Act”.

17 (b) **REMOVING BARRIERS TO ADJUSTMENT OF STA-**
 18 **TUS FOR VICTIMS OF DOMESTIC VIOLENCE.**—

19 (1) **IMMIGRATION AMENDMENTS.**—Section 245
 20 of the Immigration and Nationality Act (8 U.S.C.
 21 1255) is amended—

22 (A) in subsection (a), by inserting “of an
 23 alien who qualifies for classification under sub-
 24 paragraph (A)(iii), (A)(iv), (A)(v), (A)(vi),

(B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1) or” after “The status”;

(B) in subsection (c)(2), by striking “201(b) or a special” and inserting “201(b), an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), or a special”;

(C) in subsection (c)(4), by striking “201(b))” and inserting “201(b) or an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1))”;

(D) in subsection (c)(5), by inserting “(other than an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1))” after “an alien”; and

(E) in subsection (c)(8), by inserting “(other than an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1))” after “any alien”.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for ad-

1 justment of status pending on or after the date of
2 the enactment of this subtitle.

3 (c) REMOVING BARRIERS TO CANCELLATION OF RE-
4 MOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS
5 OF DOMESTIC VIOLENCE.—

6 (1) SPECIAL RULE FOR CALCULATING CONTIN-
7 UOUS PERIOD FOR BATTERED SPOUSE OR CHILD.—
8 Paragraph (1) of section 240A(d) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1229b(d)(1)) is
10 amended to read as follows:

11 “(1) TERMINATION OF CONTINUOUS PERIOD.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), for purposes of this section,
14 any period of continuous residence or continu-
15 ous physical presence in the United States shall
16 be deemed to end when the alien is served a no-
17 tice to appear under section 239(a) or when the
18 alien has committed an offense that renders the
19 alien inadmissible to the United States under
20 section 212(a)(2) or removable from the United
21 States under section 237(a)(2) or 237(a)(4),
22 whichever 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 (2) EXEMPTION FROM ANNUAL LIMITATION ON
5 CANCELLATION OF REMOVAL FOR BATTERED
6 SPOUSE OR CHILD.—Section 240A(e)(3) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1229b(e)(3)) is amended by adding at the end the
9 following:

10 “(C) REMOVAL CANCELLATION.—Aliens
11 whose removal is canceled under subsection
12 (b)(2).”.

13 (3) EFFECTIVE DATE.—The amendments made
14 by paragraphs (1) and (2) shall take effect as if in-
15 cluded in the enactment of section 304 of the Illegal
16 Immigration Reform and Immigrant Responsibility
17 Act of 1996 (Public Law 104–208, 110 Stat. 587).

18 (4) MODIFICATION OF CERTAIN TRANSITION
19 RULES FOR BATTERED SPOUSE OR CHILD.—

20 (A) Subparagraph (C) of section 309(c)(5)
21 of the Illegal Immigration Reform and Immi-
22 grant Responsibility Act of 1996 (8 U.S.C.
23 1101 note) is amended by amending the sub-
24 paragraph heading to read as follows:

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

(B) in clause (i)—

(i) by striking, “or” at the end of sub-
clause (IV);

(ii) by striking the period at the end
of subclause (V) and inserting “; or”; and

(iii) by adding at the end the follow-
ing:

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

(5) EFFECTIVE DATE.—The amendments made
by paragraph (4) shall take effect as if included in
the enactment of section 309 of the Illegal Immigra-
tion Reform and Immigrant Responsibility Act of
1996 (8 U.S.C. 1101 note).

1 (d) 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)) amended by adding at the end
8 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 240(b)(5)(C) does not apply, if the
14 basis for the motion is to apply for adjust-
15 ment of status based on a petition filed
16 under clause (iii), (iv), (v), or (vi) of sec-
17 tion 204(a)(1)(A), clause (ii), (iii), or (iv)
18 of section 204(a)(1)(B), or section
19 240A(b)(2) and if the motion is accom-
20 panied by a cancellation of removal appli-
21 cation to be filed with the Attorney Gen-
22 eral or by a copy of the self-petition that
23 has been or will be filed with the Immigra-
24 tion and Naturalization Service upon the
25 granting of the motion to reopen.

1 (B) EFFECTIVE DATE.—The amendments
2 made by subparagraph (A) shall take effect as
3 if included in the enactment of the amendments
4 made by section 304 of the Illegal Immigration
5 Reform and Immigrant Responsibility Act of
6 1996 (8 U.S.C. 1229–1229c).

7 (2) DEPORTATION PROCEEDINGS.—

8 (A) IN GENERAL.—Notwithstanding any
9 limitation imposed by law on motions to reopen
10 or rescind deportation proceedings under the
11 Immigration and Nationality Act (as in effect
12 before the title III–A effective date in section
13 309 of the Illegal Immigration Reform and Im-
14 migrant Responsibility Act of 1996 (8 U.S.C.
15 1101 note)), there is no time limit on the filing
16 of a motion to reopen such proceedings, and the
17 deadline specified in section 242B(c)(3) of the
18 Immigration and Nationality Act (as so in ef-
19 fect) (8 U.S.C. 1252b(c)(3)) does not apply if
20 the basis of the motion is to apply for relief
21 under clause (iii), (iv), (v), or (vi) of section
22 204(a)(1)(A) of the Immigration and National-
23 ity Act (8 U.S.C. 1154(a)(1)(A)), clause (ii),
24 (iii), or (iv) of section 204(a)(1)(B) of such Act
25 (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3)

1 of such Act (as so in effect) (8 U.S.C.
2 1254(a)(3)) and if the motion is accompanied
3 by a suspension of deportation application to be
4 filed with the Attorney General or by a copy
5 of the self-petition that will be filed with the
6 Immigration and Naturalization Service upon
7 the granting of the motion to reopen.

8 (B) APPLICABILITY.—Paragraph (1) shall
9 apply to motions filed by aliens who—

10 (i) are, or were, in deportation pro-
11 ceedings under the Immigration and Na-
12 tionality Act (as in effect before the title
13 IIIA effective date in section 309 of the Il-
14 legal Immigration Reform and Immigrant
15 Responsibility Act of 1996 (8 U.S.C. 1101
16 note)); and

17 (ii) have become eligible to apply for
18 relief under clause (iii), (iv), (v), or (vi) of
19 section 204(a)(1)(A) of the Immigration
20 and Nationality Act (8 U.S.C.
21 1154(a)(1)(A)), clause (ii), (iii), or (iv) of
22 section 204(a)(1)(B) of such Act (8 U.S.C.
23 1154(a)(1)(B)), or section 244(a)(3) of
24 such Act (as in effect before the title III-
25 A effective date in section 309 of the Ille-

gal Immigration Reform and Immigrant
 Responsibility Act of 1996 (8 U.S.C. 1101
 note)) as a result of the amendments made
 by—

(I) subtitle G of title IV of the
 Violent Crime Control and Law En-
 forcement Act of 1994 (Public Law
 103-322; 108 Stat. 1953 et seq.); or

(II) section 627(c) of this sub-
 title.

**SEC. 632. REMEDYING PROBLEMS WITH IMPLEMENTATION
 OF THE VIOLENCE AGAINST WOMEN ACT'S
 IMMIGRATION PROVISIONS.**

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP
 STATUS ON SELF-PETITION.—

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

“(vii) For the purposes of any petition filed under
 clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A),
 denaturalization, loss or renunciation, or changes to the
 abuser's citizenship status after filing of the petition shall
 not preclude the classification of the eligible self-petition-
 ing spouse, child, or son or daughter.”

1 (2) LOSS OF STATUS.—Section 204(a)(1)(B) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1154(a) (1) (A)) is amended by adding at the end
4 the following new clause:

5 “(v)(I) For the purposes of petitions filed or approved
6 under clauses (ii), (iii), and (iv) of section 204(a)(1)(B),
7 loss of lawful permanent residence status by a spouse or
8 parent after the filing of a petition under that clause shall
9 not adversely affect adjudication of the petition, and, for
10 an approved petition, shall not affect the alien’s ability to
11 adjust status under section 245(a) or obtain status as a
12 lawful permanent resident based on the approved self-peti-
13 tion under clauses (ii), (iii), and (iv) of section
14 204(a)(1)(B).

15 “(II) Upon the lawful permanent resident spouse or
16 parent becoming a United States citizen through natu-
17 ralization, acquisition of citizenship, or other means, any
18 petition filed with the Immigration and Naturalization
19 Service and pending or approved under clause (ii), (iii),
20 or (iv) of section 204(a)(1)(B) shall be automatically re-
21 classified as a petition filed under section 204(a)(1)(A) of
22 this Act even if the acquisition of citizenship occurs after
23 divorce or termination of parental rights.”.

24 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN
25 WHO ENTERED THE UNITED STATES ON FIANCÉ VISAS

1 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-
2 MENT.—

3 (1) Section 245(d) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1255(d)) is amended by add-
5 ing at the end the following: “This subsection shall
6 not apply to aliens who seek adjustment of status on
7 the basis of an approved self-petition under clause
8 (iii), (iv), (v), or (vi) of section 204(a)(1)(A) or clas-
9 sification under clause (ii), (iii), or (iv) of section
10 204(a)(1)(B).”.

11 (c) GRANTING VAWA SELF-PETITIONERS ACCESS
12 TO EVIDENCE THE IMMIGRATION AND NATURALIZATION
13 SERVICE HOLDS IN THE IMMIGRATION FILE OF AN ABU-
14 SIVE SPOUSE.—

15 (1) FREEDOM OF INFORMATION.—Section
16 552a(b) of title 5, United States Code, is amended:

17 (A) at the end of paragraph (11) by strik-
18 ing “and”;

19 (B) at the end of paragraph (12) by strik-
20 ing the period and inserting “; and”; and

21 (C) by adding after paragraph (12) the fol-
22 lowing new paragraph:

23 “(13) to the spouse, child, or son or daughter
24 of a naturalized United States citizen or lawful per-
25 manent resident who requests information from the

1 Immigration and Naturalization Service regarding
2 the immigration status of their spouse or parent, or
3 who needs to obtain documentation in the form of
4 official document or public records or copies thereof
5 contained in the immigration file of a spouse or par-
6 ent for the purpose of obtaining immigration relief
7 or other domestic violence-related court or adminis-
8 trative remedies. This subsection shall not apply to
9 the file or records of a person who has presented
10 to the Immigration and Naturalization Service evi-
11 dence in the form of a judicial finding, administra-
12 tive determination, or a police report demonstrating
13 that the naturalized citizen or lawful permanent
14 resident has been battered or subjected to extreme
15 cruelty.”.

16 (d) REQUIRING PROSECUTOR COOPERATION WITH
17 BATTERED IMMIGRANT VAWA APPLICANTS.—

18 (1) GRANTING ACCESS.—Section 2101(c) of the
19 Omnibus Crime Control and Safe Streets Act of
20 1968 (42 U.S.C. 3796hh(c)) is amended by inserting
21 before the period “, certify that their laws, policies,
22 and practices do not discourage or prohibit prosecu-
23 tors and law enforcement officers from granting ac-
24 cess to information about the immigration status of
25 a domestic violence perpetrator to the victim, the

1 child, son, or daughter or their advocate so long as
2 release of the information does not jeopardize ongoing
3 prosecution of the abuser”.

4 **SEC. 633. WAIVERS AND EXCEPTIONS TO INADMISSIBILITY**
5 **FOR OTHERWISE QUALIFIED BATTERED IM-**
6 **MIGRANTS.**

7 (a) WAIVERS.—

8 (1) DISCRETIONARY WAIVERS FOR CERTAIN IN-
9 ADMISSIBILITY AND REMOVAL GROUNDS.—Section
10 212 of the Immigration and Nationality Act (8
11 U.S.C. 1182) is amended by adding at the end the
12 following:

13 “(r) WAIVER OF SECTION 212.—The Attorney Gen-
14 eral, in the Attorney General’s discretion, may waive any
15 provision of section 212 (other than paragraphs (3),
16 (10)(A), (10)(D), and (10)(E) of subsection (a)) for hu-
17 manitarian purposes, to assure family unity, or when it
18 is otherwise in the public interest except in the case of
19 section 212(a)(2) or section 212(a)(6)(C) waivers, the
20 alien must demonstrate a connection between the crime
21 or disqualifying act and battery or extreme cruelty for any
22 alien who qualifies for—

23 “(1) status under clause (iii), (iv), (v), or (vi)
24 of section 204(a)(1)(A) or classification under clause
25 (ii), (iii), or (iv) of section 204(a)(1)(B); or

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

5 (b) OFFERING EQUAL ACCESS TO VAWA IMMIGRA-
6 TION PROTECTIONS FOR ALL QUALIFIED BATTERED IM-
7 MIGRANT SELF-PETITIONERS.—

8 (1) ELIMINATING CONNECTION BETWEEN BAT-
9 TERY AND UNLAWFUL ENTRY.—Section
10 212(a)(6)(A)(ii) of the Immigration and Nationality
11 Act (8 U.S.C. 1182) is amended by:

12 (A) striking subclause (III) and

13 (B) striking the comma at the end of sub-
14 clause (I) and inserting “, and”; and

15 (C) striking “; and” in subclause (II) and
16 inserting a period.

17 (2) ADDITIONAL WAIVERS.—Section
18 212(a)(9)(A)(iii) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)(9)(A)(iii)) is amended by
20 adding at the end the following: “Clauses (i) and (ii)
21 shall also not apply to aliens to whom the Attorney
22 General has granted status under clause (iii), (iv),
23 (v), or (vi) of section 204(a)(1)(A) or classification
24 under clause (ii), (iii), or (iv) of section
25 204(a)(1)(B).”.

1 (3) EXCEPTION.—Section 212(a)(9)(B)(iii)(IV)
 2 of the Immigration and Nationality Act (8 U.S.C.
 3 1182(a)(9)(B)(iii)(IV)) is amended by striking “if,
 4 ‘violation of the terms of the alien’s nonimmigrant
 5 visa’ were substituted for ‘unlawful entry into the
 6 United States’ in subclause (III) of that paragraph”.

7 (4) ADDITIONAL WAIVERS.—Section
 8 212(a)(9)(C)(ii) of the Immigration and Nationality
 9 Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by add-
 10 ing at the end the following: “Clause (i) shall also
 11 not apply to aliens to whom the Attorney General
 12 has granted status under clause (iii), (iv), (v), or (vi)
 13 of section 204(a)(1)(A) or classification under clause
 14 (ii), (iii), or (iv) of section 204(a)(1)(B).”.

15 (5) WAIVER OF CERTAIN REMOVAL GROUNDS.—
 16 Section 237(a)(2)(E) of the Immigration and Na-
 17 tionality Act (8 U.S.C. 1227(a)(2)(E)) is amended
 18 by inserting at the end the following:

19 “(iii) WAIVER FOR VICTIMS OF DO-
 20 MESTIC VIOLENCE.—The Attorney General
 21 may waive the application of clauses (i)
 22 and (ii) *for aliens who are sub to cruelty & (bb)*

23 “(I) upon determination that—

24 “(aa) the alien was acting in
 25 self-defense;

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“(bb) the alien was not the principal or primary perpetrator of violence in the relationship;

“(cc) the alien was found to have violated a protection order intended to protect the alien; or

“(dd) the alien committed the crime for which the alien was convicted under duress from the person who subjected the alien to battering or extreme cruelty; or
(II) for humanitarian purposes.”.

**SEC. 634. CALCULATION OF PHYSICAL PRESENCE IN VAWA
CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION.**

(a) CANCELLATION OF REMOVAL PROCEEDINGS.—
Section 240A(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(2)) is amended to read as follows:

“(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsections (b)(1) and (b)(2) if the alien has departed from the United States for any period in excess of 90 days or for periods in the aggregate exceeding 180 days. In the

1 case of an alien applying for cancellation of removal
2 under subsection (b)(2), the Attorney General may
3 waive the provisions of this subsection for humani-
4 tarian purposes, if the alien demonstrates a substan-
5 tial connection between the absences and the battery
6 or extreme cruelty forming the basis of the applica-
7 tion for cancellation of removal under section
8 240A(b)(2).”.

9 (b) SUSPENSION OF DEPORTATION PROCEEDINGS.—

10 Section 244(a)(3) of the Immigration and Nationality
11 Act (as in effect before the title III–A effective date of
12 the Illegal Immigration Reform and Immigrant Respon-
13 sibility Act of 1996 (Public Law 104–208; 110 Stat.
14 3009–625)) (8 U.S.C. 1254(a)(3)) is amended by adding
15 at the end the following: “The Attorney General may
16 waive the physical presence requirement for humanitarian
17 purposes if the alien demonstrates a substantial connec-
18 tion between the absences and the battery or extreme cru-
19 elty forming the basis of the application for suspension
20 of deportation.”.

1 **SEC. 635. IMPROVED ACCESS TO VAWA IMMIGRATION PRO-**
 2 **TECTIONS FOR BATTERED IMMIGRANT**
 3 **WOMEN.**

4 (a) DEFINITION.—Section 101(a) of the Immigration
 5 and Nationality Act (8 U.S.C. 1101(a)) is amended by
 6 adding at the end the following new paragraph:

7 “(50) The term ‘^{spouse for purpose of 204(z)(c)(1)}intended spouse’ means any
 8 alien who meets the criteria set forth in section
 9 204(j)(1)(B) or 204(k)(1)(B).”.

10 (b) ENSURING PROTECTION FOR ABUSED CHILDREN
 11 AND CHILDREN OF BATTERED IMMIGRANTS.—Section
 12 101(b)(1) of the Immigration and Nationality Act (8
 13 U.S.C. 1101(b)(1)) is amended by striking “or” at the end
 14 of subparagraph (E), by striking the period at the end
 15 of subparagraph (F) and inserting “; or”, and by adding
 16 at the end the following:

17 “(G) a child who turns 21 years old re-
 18 mains a child under this section for the pur-
 19 poses of clauses (iii) and (iv) of section
 20 204(a)(1)(A), clauses (ii) and (iii) of section
 21 204 (a)(1)(B), section 240A(b)(2), and section
 22 244(a)(3) (as in effect before the date of the
 23 enactment of the Illegal Immigration Reform
 24 and Immigrant Responsibility Act of 1996) if,
 25 on the date a petition or application was filed

1 by the child or their parent under any of these
2 sections the child—

3 “(i) met the definition of child in sub-
4 paragraphs (A) through (F) of this para-
5 graph; and

6 “(ii) was under the age of 21 on the
7 date the application or petition was filed.”.

8 (c) IMMEDIATE RELATIVE STATUS FOR SELF-PETI-
9 TIONERS MARRIED TO U.S. CITIZENS.—

10 (1) SELF-PETITIONING SPOUSES.—

11 (A) BATTERY OR CRUELTY TO ALIEN OR
12 ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1154(a)(1)(A)(iii)) is amended to read as fol-
15 lows:

16 “(iii) An alien who is described in subsection (j) may
17 file a petition with the Attorney General under this clause
18 for classification of the alien (and any child of the alien
19 as defined in section 101(b)(1)(G) if such a child has not
20 been classified under clause (iv) of section
21 201(b)(2)(A)(i)) if the alien demonstrates to the Attorney
22 General that—

23 “(I) the marriage or the intent to marry the
24 United States citizen was entered into in good faith
25 by the alien; and

1 “(II) during the marriage or relationship in-
2 tended by the alien to be legally a marriage, the
3 alien or a child of the alien has been battered or has
4 been the subject of extreme cruelty perpetrated by
5 the alien’s spouse or intended spouse.”.

6 (B) DEFINITION.—Section 204 of the Im-
7 migration and Nationality Act is amended (8
8 U.S.C. 1154) by adding at the end the follow-
9 ing:

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

12 “(1)(A) who is the spouse of a citizen of the
13 United States;

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

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

19 “(iii) who otherwise meets any applicable re-
20 quirements under this Act to establish the existence
21 of and bona fides of a marriage; but whose marriage
22 is not legitimate solely because of the bigamy of
23 such citizen of the United States; or

24 “(C) who was a bona fide spouse of a United
25 States citizen within the past two years (and who

1 demonstrates a substantial connection between the
2 legal termination of the marriage and battering or
3 extreme cruelty by the United States citizen spouse;

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

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

10 “(4) who has resided with the alien’s spouse or
11 intended spouse.”.

12 (2) GUARANTEEING ACCESS TO VAWA RELIEF
13 FOR BATTERED IMMIGRANTS BROUGHT INTO THE
14 UNITED STATES ON FIANCÉ VISAS.—For aliens who
15 entered the country on fiancé visas, failure to marry
16 the sponsor or failure to marry the sponsor within
17 90 days as required under section 101(a)(15)(K) (8
18 U.S.C. 1101(a)(15)(K)) shall not bar access to relief
19 under this section to aliens who otherwise qualify.

20 (3) SELF-PETITIONING CHILDREN.—Section
21 204(a)(1)(A)(iv) of the Immigration and Nationality
22 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read
23 as follows:

24 “(iv) An alien who is the child of a citizen of the
25 United States (as defined in section 101(a)(1)(G)), who

1 is a person of good moral character, who is eligible to be
2 classified as an immediate relative under section
3 201(b)(2)(A)(i), and who has resided with the citizen par-
4 ent may file a petition with the Attorney General under
5 this subparagraph for classification of the alien under
6 such section if the alien demonstrates to the Attorney
7 General that the alien has been battered by or has been
8 the subject of extreme cruelty perpetrated by the alien's
9 citizen parent. An alien child filing under this section shall
10 continue to be considered a child for purposes of this sec-
11 tion and section 245 if on the date of filing the child was
12 under the age of 21.”.

13 (4) SELF-PETITIONING PARENTS.—Section
14 204(a)(1)(A) of the Immigration and Nationality
15 Act (8 U.S.C. 1154(a)(1)(A)), as amended by sec-
16 tion 632(a), is amended by adding at the end the
17 following:

18 “(v) An alien who is the parent of a citizen of the
19 United States, who is a person of good moral character,
20 who is eligible to be classified as an immediate relative
21 under section 201(b)(2)(A)(i), and who has resided with
22 citizen daughter or son may file a petition with the Attor-
23 ney General under this subparagraph for classification of
24 the alien under such section if the alien demonstrates to
25 the Attorney General that during the period of residence

1 with the citizen son or daughter the alien has been bat-
2 tered by or has been the subject of extreme cruelty per-
3 petrated by the alien's citizen son or daughter.”.

4 (5) SELF-PETITIONING SON OR DAUGHTER.—

5 Section 204(a)(1)(A) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1154(a)(1)(A)), as amended
7 by paragraph (4), is amended by adding at the end
8 the following:

9 “(vi) An alien who is the son or daughter of a citizen
10 of the United States, who is a person of good moral char-
11 acter, who is eligible for classification by reason of a rela-
12 tionship described in paragraph (1) of section 203(a), and
13 who resides or has resided in the past with the citizen par-
14 ent may file a petition with the Attorney General under
15 this clause for classification of the alien under such section
16 if the alien demonstrates to the Attorney General that
17 during the period of residence with the citizen parent the
18 alien has been battered by, or has been the subject of ex-
19 treme cruelty perpetrated by, the alien's citizen parent.”.

20 (6) FILING OF PETITIONS.—Section

21 204(a)(1)(A) of the Immigration and Nationality
22 Act (8 U.S.C. 1154 (a)(1)(A)(iv)), as amended by
23 paragraph (5), is amended by adding at the end the
24 following new clause:

1 “(vii) An alien who is the spouse, intended spouse,
2 child, parent, son, or daughter of a United States citizen
3 abroad and who is eligible to file a petition under this sub-
4 section shall file such petition with the Attorney General
5 under the procedures that apply to applicants under
6 clauses (iii), (iv), (v), and (vi) of this section.”.

7 (d) SECOND PREFERENCE IMMIGRATION STATUS
8 FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMA-
9 NENT RESIDENTS.—

10 (1) SELF-PETITIONING SPOUSES.—Section
11 204(a)(1)(B)(ii) of the Immigration and Nationality
12 Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read
13 as follows:

14 “(ii) An alien who is described in subsection (k) may
15 file a petition with the Attorney General under this clause
16 for classification of the alien (and any child of the alien
17 as defined in section 101(b)(1)(G)) if such a child has not
18 been classified under clause (iii) of section 203(a)(2)(A)
19 and if the alien demonstrates to the Attorney General
20 that—

21 “(I) the marriage or the intent to marry the
22 lawful permanent resident was entered into in good
23 faith by the alien; and

24 “(II) during the marriage or relationship in-
25 tended by the alien to be legally a marriage, the

1 alien or a child of the alien has been battered or has
2 been the subject of extreme cruelty perpetrated by
3 the alien's spouse or intended spouse.”.

4 (2) DEFINITION.—Section 204 of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1154), as amend-
6 ed by paragraph (3)(A)(ii), is amended by adding at
7 the end the following:

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

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

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

15 “(ii) whose marriage to such lawful permanent
16 resident would otherwise meet the definition of
17 qualifying marriage under section 216(d)(1)(A)(i);
18 and

19 “(iii) who otherwise meets any applicable re-
20 quirements under this Act to establish the existence
21 of and bona fides of a marriage; but whose marriage
22 is not legitimate solely because of the bigamy of
23 such lawful permanent resident of the United States;
24 or

1 “(iv) who was a bona fide spouse of a United
2 States citizen within the past two years (and who
3 demonstrates a substantial connection between the
4 legal termination of the marriage and battering or
5 extreme cruelty by the United States citizen spouse;

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

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

13 “(4) who has resided in the United States with
14 the alien’s spouse or intended spouse.”.

15 (3) SELF-PETITIONING CHILDREN.—Section
16 204(a)(1)(B)(iii) of the Immigration and Nationality
17 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to
18 read as follows:

19 “(iii) An alien who is the child of an alien lawfully
20 admitted for permanent residence as defined in section
21 101(b)(1)(G), who is a person of good moral character,
22 who is eligible for classification under section
23 203(a)(2)(A), and who has resided with the alien’s perma-
24 nent resident alien parent may file a petition with the At-
25 torney General under this subparagraph for classification

1 of the alien under such section if the alien demonstrates
 2 to the Attorney General that the alien has been battered
 3 by or has been the subject of extreme cruelty perpetrated
 4 by the alien's permanent resident parent. An alien child
 5 filing under this section shall continue to be considered
 6 a child for purposes of this section and section 245 if on
 7 the date of filing the child was under the age of 21."

8 (4) SELF-PETITIONING SON OR DAUGHTER.—

9 Section 204(a)(1)(B) of the Immigration and Na-
 10 tionality Act (8 U.S.C. 1154(a)(1)(B)), as amended
 11 by section 632(a)(2), is amended by adding at the
 12 end the following:

13 " (vi) An alien who is the son or daughter of a ^{lawful} ~~citizen~~
 14 ^{Permanent Resident} ~~of the United States~~, who is a person of good moral char-
 15 acter, who is eligible for classification by reason of a rela-
 16 tionship described in paragraph (2) of section 203(a), and
 17 who resides or has resided in the past with the citizen par-
 18 ent may file a petition with the Attorney General under
 19 this clause for classification of the alien under such section
 20 if the alien demonstrates to the Attorney General that
 21 during the period of residence with the ^{lawful} ~~citizen~~ ^{Permanent Resident} parent the
 22 alien has been battered by, or has been the subject of ex-
 23 treme cruelty perpetrated by, the alien's ^{lawful} ~~citizen~~ ^{Permanent Resident} parent."

24 (5) FILING OF PETITIONS.—Section

25 204(a)(1)(B) of the Immigration and Nationality

1 Act (8 U.S.C. 1154(a)(1)(B)), as amended by para-
2 graph (4), is amended by adding at the end the fol-
3 lowing new clause:

4 “(vii) An alien who is the spouse, intended spouse,
5 child, son, or daughter of a lawful permanent resident liv-
6 ing abroad is eligible to file a petition under this sub-
7 section shall file such petition with the Attorney General
8 under the procedures that apply to applicants under sec-
9 tion 204(a)(1)(B)(ii) and (iii).”.

10 (6) TREATMENT OF DERIVATIVES.—Section
11 203(d) of the Immigration and Nationality Act (8
12 U.S.C. 1153(d)) is amended by adding at the end
13 the following: “Alien sons and daughters included as
14 children in self-petitions filed under sections
15 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) shall be enti-
16 tled to the same status and the same order of con-
17 sideration of accompanying or following to join, as
18 the self-petitioner.”.

19 **SEC. 636. IMPROVED ACCESS TO VAWA CANCELLATION OF**
20 **REMOVAL.**

21 (a) CANCELLATION OF REMOVAL AND ADJUSTMENT
22 OF STATUS FOR CERTAIN NONPERMANENT RESI-
23 DENTS.—Section 240A(b)(2) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1229b(b)(2)) is amended to read
25 as follows:

1 “(2) SPECIAL RULE FOR BATTERED SPOUSE OR
2 CHILD.—

3 “(A) IN GENERAL.—The Attorney General may
4 cancel removal of, and adjust to the status of an
5 alien lawfully admitted for permanent residence, an
6 alien who is inadmissible or deportable from the
7 United States if the alien demonstrates that—

8 “(i) the alien has been battered or sub-
9 jected to extreme cruelty in the United States
10 by a spouse, parent, son, or daughter who is a
11 United States citizen (or is the parent of a child
12 of a United States citizen and the child has
13 been battered or subjected to extreme cruelty in
14 the United States by such citizen parent), or by
15 a spouse or parent who is a lawful permanent
16 resident (or is the parent of a child of a lawful
17 permanent resident and the child has been bat-
18 tered or subjected to extreme cruelty in the
19 United States by such permanent resident par-
20 ent), or by a United States citizen or lawful
21 permanent resident whom the alien intended to
22 marry, but whose marriage is not legitimate be-
23 cause of that United States citizen’s or lawful
24 permanent resident’s bigamy;

1 “(ii) the alien has been physically present
2 in the United States for a continuous period of
3 not less than 3 years immediately preceding the
4 date of such application; the issuance of a
5 charging document for removal proceedings
6 shall not toll the 3-year period of continuous
7 physical presence in the United States;

8 “(iii) the alien has been a person of good
9 moral character during such period; and

10 “(iv) the alien is not inadmissible under
11 paragraph (2) or (3) of section 212(a), is not
12 deportable under paragraphs (1)(G) or (2)
13 through (4) of section 237(a), and has not been
14 convicted of an aggravated felony, unless the
15 Attorney General waives application of this
16 clause for humanitarian purposes, to assure
17 family unity or when it is otherwise in the pub-
18 lic interest.

19 In acting on applications under this paragraph, the
20 Attorney General shall consider any credible evi-
21 dence relevant to the application. The determination
22 of what evidence is credible and the weight to be
23 given that evidence shall be within the sole discretion
24 of the Attorney General. For aliens who entered the
25 country on fiancé visas failure to marry the sponsor,

1 or failure to marry the sponsor within 90 days as re-
2 quired under section 101(a)(15)(K) shall not bar ac-
3 cess to relief under this section to aliens who other-
4 wise qualify.

5 “(B) INCLUSION OF OTHER ALIENS IN PETI-
6 TION.—An alien applying for relief under this sec-
7 tion may include—

8 “(i) the alien’s children, sons, or daughters
9 in the alien’s application and, if the alien is
10 found eligible for suspension or cancellation, the
11 Attorney General may adjust the status of the
12 alien’s children, sons, daughters; or

13 “(ii) the alien’s parent in the alien child’s
14 (as defined in section 101(b)(1)(G)) application
15 in the case of an application filed by an alien
16 who was abused by a citizen or lawful perma-
17 nent resident parent and, if the alien child is
18 found eligible for suspension or cancellation, the
19 Attorney General may adjust the status of both
20 the alien child applicant and the alien child’s
21 parent.

22 “(C) INCLUSION OF OTHER ALIENS IN PETITIONS.—
23 An alien applying for relief under section 244(a)(3) (as
24 in effect before the date of the enactment of Illegal Immi-

1 gration Reform and Immigrant Responsibility Act of
2 1996) may include—

3 “(i) the alien’s children, sons, or daughters in
4 the alien child’s application and, if the alien is found
5 eligible for suspension or cancellation, the Attorney
6 General may adjust the status of the alien’s chil-
7 dren, sons, or daughters; or

8 “(ii) the alien’s parent in the alien child’s (as
9 defined in section 101(b)(1)(G)) application in the
10 case of an application filed by an alien who was
11 abused by a citizen or lawful permanent resident
12 parent and, if the alien child is found eligible for
13 suspension or cancellation, the Attorney General
14 may adjust the status of both the alien child appli-
15 cant and the alien child’s parent.”.

16 (b) EFFECTIVE DATE.—The change in law rep-
17 resented by clause (ii) of section 240A(b)(2)(A) of the Im-
18 migration and Nationality Act (8 U.S.C. 1229b(b)(2))
19 shall take effect as if included in the enactment of section
20 304 of the Illegal Immigration Reform and Immigrant Re-
21 sponsibility Act of 1996 (Public Law 104–208 110 Stat.
22 587).

23 **SEC. 637. GOOD MORAL CHARACTER DETERMINATIONS.**

24 (a) DETERMINATIONS OF GOOD MORAL CHARACTER
25 FOR SELF-PETITIONING IMMEDIATE RELATIVES.—

1 Section 204(a)(1)(A) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
3 at the end the following:

4 “(ix)(I) For the purposes of making good moral char-
5 acter determinations under this subparagraph, the Attor-
6 ney General is not limited by the criminal court record
7 and may waive the bar to issuing a finding of good moral
8 character in the case of an alien who otherwise qualifies
9 for relief under clause (iii), (iv), (v), or (vi) of section
10 204(a)(1)(A), but who—

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

13 “(bb) has been convicted of, or pled guilty to,
14 prostitution if the alien was forced into prostitution
15 by an abuser;

16 ~~“(cc) has been convicted of, or pled guilty to,~~
17 ~~committing a crime under duress from the person~~
18 ~~who battered or subjected the alien to extreme cru-~~
19 ~~elty;~~

20 “(dd) has been convicted of, or pled guilty to,
21 a domestic violence-related crime, if the Attorney
22 General determines that the alien acted in self-de-
23 fense; or

24 “(ee) has been convicted of, or pled guilty to,
25 committing a crime where there was a connection

1 between the commission of the crime and having
2 been battered or subjected to extreme cruelty.

3 “(II) After finding that an alien has been battered
4 or subjected to extreme cruelty and is otherwise eligible
5 for relief under clause (iii), (iv), (v), or (vi) of section
6 204(a)(1)(A), the Attorney General may make a finding
7 of good moral character under section 101(f) with respect
8 to the alien despite the existence of any conviction listed
9 in subclause (I) or any other disqualifying act that is con-
10 nected to the battery or extreme cruelty.”.

11 (b) DETERMINATIONS OF GOOD MORAL CHARACTER
12 FOR SELF-PETITIONERS SEEKING SECOND PREFERENCE
13 IMMIGRATION STATUS.—Section 204(a)(1)(B) of the Im-
14 migration and Nationality Act (8 U.S.C. 1154(a)(1)(B)),
15 as amended by section 630(a)(4)(D), is amended by add-
16 ing at the end the following:

17 “(vii)(I) For the purposes of making good moral
18 character determinations under this subparagraph, the At-
19 torney General is not limited by the criminal court record
20 and may waive the bar to issuing a finding of good moral
21 character in the case of an alien who otherwise qualifies
22 for relief under clause (ii), (iii), or (iv) of section
23 204(a)(1)(B), but who—

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

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

4 “(cc) has been convicted of, or pled guilty to,
5 committing a crime ~~under duress from the person~~
6 who battered or ~~subjected~~ the alien to extreme cru-
7 elty;

8 “(dd) has been convicted of, or pled guilty to,
9 a domestic violence-related crime, if the Attorney
10 General determines that the alien acted in self-de-
11 fense; or

12 “(ee) has been convicted of, or pled guilty to,
13 committing a crime where there was a connection
14 between the commission of the crime and having
15 been battered or subjected to extreme cruelty.

16 “(II) After finding that an alien has been battered
17 or subjected to extreme cruelty and is otherwise eligible
18 for relief under clauses (ii), (iii), and (iv) of section
19 204(a)(1)(B), the Attorney General may in the Attorney
20 General’s sole discretion make a finding of good moral
21 character despite the existence of any conviction listed in
22 subclause (I) of this clause or any other disqualifying
23 criminal act that is connected to the battery or extreme
24 cruelty.”.

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

5 “(v) has been convicted of, or pled
6 guilty to, committing a crime where there
7 was a connection between the commission
8 of the crime and having been battered or
9 subjected to extreme cruelty.

10 “(E) EFFECT OF CRIMINAL ACT OR CON-
11 VICTION.—After finding that an alien has been
12 battered or subject to extreme cruelty and is
13 otherwise eligible for relief under this para-
14 graph, the Attorney General may make a find-
15 ing of good moral character with respect to the
16 alien despite the existence of any conviction list-
17 ed in subparagraph (A) or any other disqualify-
18 ing criminal act that is connected to the battery
19 or extreme cruelty.”.

20 (d) DETERMINATIONS UNDER SUSPENSION OF DE-

21 PORTATION.—

22 (1) IN GENERAL.—For the purposes of making
23 good moral character determinations under section
24 244(a)(3) of the Immigration and Nationality Act
25 (as in effect before the enactment of the Illegal Im-

1 migration Reform and Immigrant Responsibility Act
2 of 1996) (8 U.S.C. 1254(a)(3)), the Attorney Gen-
3 eral is not limited by the criminal court record and
4 may make a finding of good moral character in the
5 case of an alien who has been battered or subjected
6 to extreme cruelty but who—

7 (A) has been convicted of, or who pled
8 guilty to, violating a court order issued to pro-
9 tect the alien;

10 (B) has been convicted of, or who pled
11 guilty to, prostitution if the alien was forced
12 into prostitution by an abuser;

13 (C) has been convicted of, or pled guilty to
14 committing, a crime under duress from the per-
15 son who battered or subjected the alien to ex-
16 treme cruelty;

17 (D) has been convicted of, or pled guilty
18 to, a domestic violence-related crime if the At-
19 torney General determines that the alien acted
20 in self-defense; or

21 (E) has been convicted of, or pled guilty
22 to, committing a crime where there was a con-
23 nection between the commission of the crime
24 and having been battered or subjected to ex-
25 treme cruelty.

1 (2) EFFECT OF CRIMINAL ACT OR CONVIC-
2 TION.—After finding that an alien has been battered
3 or subjected to extreme cruelty and would otherwise
4 qualify for relief under this subsection, the Attorney
5 General may in the Attorney General’s sole discre-
6 tion make a finding of good moral character with re-
7 spect to the alien despite the existence of any convic-
8 tion listed in paragraph (1) or any other disqualify-
9 ing criminal act or that is connected to the battery
10 or extreme cruelty.

11 **SEC. 638. BATTERED IMMIGRANT WOMEN’S ECONOMIC SE-**
12 **CURITY ACT.**

13 (a) NONAPPLICABILITY OF SPECIAL RULES RELAT-
14 ING TO THE TREATMENT OF NON-213a ALIENS.—Section
15 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6))
16 is amended—

17 (1) in subparagraph (B), by striking ‘or’ at the
18 end;

19 (2) in subparagraph (C), by striking the period
20 and inserting “; or”; and

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

22 “(D) described in section 421 (f) of the
23 Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996 (8 U.S.C. 1631(f))

1 but for the fact that the individual is a non-
2 213A alien.”.

3 (b) DISCRETIONARY FIRST TIME OFFENDER WAIV-
4 ERS FOR ALIENS MAKING CHILD SUPPORT PAYMENTS.—
5 Section 237(a)(2)(E) of the Immigration and Nationality
6 Act (8 U.S.C. 1227(a)(2)(E)), as amended by section
7 633(b)(7), is amended by adding at the end the following:

8 “(iv) DISCRETIONARY WAIVER OF DE-
9 PORTATION GROUND FOR FIRST OFFEND-
10 ERS PAYING COURT ORDERED CHILD SUP-
11 PORT.—At the sole and unreviewable dis-
12 cretion of the Attorney General, the Attor-
13 ney General may waive deportability of an
14 alien who is convicted under clause (i) or
15 who is found in violation of a protection
16 order by a determination entered by a
17 court under clause (ii), if—

18 “(I) the conviction or finding was
19 the alien’s first conviction or violation;

20 “(II) the alien is not otherwise
21 deportable under this paragraph, un-
22 less the alien has obtained a waiver
23 available under the provisions of this
24 paragraph;

1 “(III) the waiver is requested by
2 the person against whom the domestic
3 violence crime or protection order vio-
4 lation was committed;

5 “(IV) the judge determines that
6 granting the waiver will not jeopardize
7 the safety of the victim or her chil-
8 dren;

9 “(V) any ongoing cohabitation
10 with the abuse victim will not be in
11 violation of any court order; and

12 “(VI) the alien is paying ade-
13 quate child support to the person
14 against whom the domestic violence
15 crime or protection order violation
16 was committed and the alien—

17 “(aa) is separated from the
18 person against whom the domes-
19 tic violence crime or the protec-
20 tion order violation was commit-
21 ted and who is subject to a court
22 order requiring him to pay child
23 support for any children he has
24 in common with the person
25 against whom he committed the

1 crime of domestic violence or pro-
2 tection order violation, and is
3 current on all child support pay-
4 ments due under such order or is
5 in compliance with a court-ap-
6 proved payment plan; or

7 “(bb) resides in the same
8 household as the person against
9 whom he committed the crime of
10 domestic violence or protection
11 order violation and who dem-
12 onstrates to the immigration
13 judge in the removal proceeding
14 that the alien has been and will
15 continue to provide adequate, on-
16 going support for the victim and
17 any children in common, if the
18 parties have children in common.

19 “(II) ADEQUATE SUPPORT DE-
20 TERMINED UNDER APPLICABLE CHILD
21 SUPPORT GUIDELINES.—For purposes
22 of the determination of the adequacy
23 of child support provided under sub-
24 clause (I)(bb), the immigration judge
25 shall refer to the child support guide-

1 lines of the jurisdiction in which the
2 parties reside.

3 “(vi) REINSTATEMENT OF DEPORTA-
4 TION GROUNDS.—Any person who obtains
5 a waiver under clause (iii) who thereafter
6 is found by a court with jurisdiction over
7 the child support matter to have failed to
8 make court-ordered child support payments
9 or failed to comply with a court-approved
10 payment plan is deportable and no further
11 waiver is available under clause (iii).”.

12 (c) MISREPRESENTATION WAIVERS FOR BATTERED
13 SPOUSES OF UNITED STATES CITIZENS AND LAWFUL
14 PERMANENT RESIDENTS.—

15 (1) WAIVER OF INADMISSIBILITY.—Section
16 212(i) of the Immigration and Nationality Act (8
17 U.S.C. 1182(i)) is amended in paragraph (1), by in-
18 serting before the period at the end the following:
19 “or in the case of an alien granted classification
20 under clause (iii), (iv), (v), or (vi) of section
21 204(a)(1)(A) or clause (ii), (iii), or (iv) of section
22 204(a)(1)(B), or who qualifies for relief under sec-
23 tion 240A(b)(2) or section 244(a)(3) (as in effect
24 before the date of enactment of the Illegal Immigra-
25 tion Reform and Immigrant Responsibility Act of

1 1996), the alien demonstrates extreme hardship to
2 the alien or the alien's United States citizen or law-
3 ful permanent resident or qualified alien parent,
4 child, son, or daughter"; and

5 (2) WAIVER OF DEPORTABILITY.—Section
6 237(a) of the Immigration and Nationality Act (8
7 U.S.C. 1227(a)) is amended—

8 (A) in paragraph (1)(H)—

9 (i) in clause (ii), by striking the pe-
10 riod and inserting “; or”; and

11 (ii) by inserting after clause (ii) the
12 following:

13 “(iii) is an alien who qualifies for clas-
14 sification under clause (iii), (iv), (v), or (vi)
15 of section 204(a)(1)(A) or clause (ii), (iii),
16 or (iv) of section 204(a)(1)(B), or who
17 qualifies for relief under section
18 240A(b)(2), or 244(a)(3) (as in effect be-
19 fore the date of enactment of the Illegal
20 Immigration Reform and Immigrant Re-
21 sponsibility Act of 1996).”; and

22 (B) in paragraph (3)(D)—

23 (i) by inserting “(i) IN GENERAL.—”
24 before “Any alien”; and

1 (ii) by adding at the end the follow-
2 ing:

3 “(ii) WAIVER AUTHORIZED.—The At-
4 torney General may waive clause (i) in the
5 case of an alien who qualifies for classifica-
6 tion under clause (iii), (iv) (v), or (vi) of
7 section 204(a)(1)(A) or clause (ii), (iii), or
8 (iv) of section 204(a)(1)(B), or who quali-
9 fies for relief under section 240(A)(b)(2),
10 or 244(a)(3) (as in effect before the date
11 of enactment of the Illegal Immigration
12 Reform and Immigrant Responsibility Act
13 of 1996).”.

14 (d) PUBLIC CHARGE.—Section 212(a)(4) of the Im-
15 migration and Nationality Act (8 U.S.C. 1182(a)(4)) is
16 amended by adding at the end the following:

17 “(E) EXCEPTION.—The following aliens
18 are not subject to public charge determinations
19 under this paragraph:

20 “(i) An alien who qualifies for classi-
21 fication as a spouse, parent, child, son, or
22 daughter of a United States citizen or law-
23 ful permanent resident under clause (iii),
24 (iv) (v), or (vi) of section 204(a)(1)(A) or

1 clause (ii), (iii), or (iv) of section
2 204(a)(1)(B).

3 “(ii) An alien who qualifies for classi-
4 fication as the spouse, child, son, or
5 daughter of a United States citizen or law-
6 ful permanent resident under clause (i) or
7 (ii) of section 204(a)(1)(A) or section
8 204(a)(1)(B)(i) and who has been battered
9 or subjected to extreme cruelty.

10 “(iii) Any derivatives or immediate
11 relative children of aliens under clause (i)
12 or (ii) of this subparagraph.”.

13 (e) ACCESS TO NATURALIZATION FOR DIVORCED
14 VICTIMS OF ABUSE.—Section 319(a) of the Immigration
15 and Nationality Act (8 U.S.C. 1430(a)) is amended—

16 (1) by inserting “, or any person who obtained
17 status as a lawful permanent resident by reason of
18 his or her status as a spouse, child, son, or daughter
19 of a United States citizen who battered him or her
20 or subjected him or her to extreme cruelty,” after
21 “United States” the first place such term appears;
22 and

23 (2) by inserting “(except in the case of a person
24 who obtained lawful permanent residence because he
25 or she was the spouse, child, son, or daughter of a

1 United States citizen who battered or subjected him
2 or her to extreme cruelty)” after “has been living in
3 marital union with the citizen spouse”.

4 (f) WORK AUTHORIZATION.—The Attorney General
5 may authorize an alien who has properly filed an applica-
6 tion for relief under clause (iii), (iv), (v), or (vi) of section
7 204(a)(1)(A) or clause (ii), (iii), or (iv) of section
8 204(a)(1)(B) (8 U.S.C. 1154(a)(1)(B)), section
9 240A(b)(2) (8 U.S.C. 1229b(b)(2)), or section 244(c)(3)
10 (8 U.S.C. 1254(c)(3)) (as in effect before the date of en-
11 actment of the Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996) of the Immigration and Na-
13 tionality Act to engage in employment in the United
14 States during the pendency of such application and may
15 provide the alien with an employment authorized endorse-
16 ment or other appropriate document signifying authoriza-
17 tion of employment. The Attorney General shall authorize
18 such employment in all cases in which an application has
19 been pending for a period exceeding 180 days and has not
20 been denied.

21 (g) FILING FEES.—

22 (1) PETITIONS FOR CLASSIFICATION.—Section
23 204(a)(1)(A)(iii)(I) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1154(a)(1)(A)(iii)(I)), as amend-

1 ed by section 635(c), is amended by adding at the
2 end the following:

3 “No fee shall be charged for the filing or processing of
4 any application under clause (iii), (iv) (v), or (vi) of section
5 204(a)(1)(A) or clause (ii), (iii), or (iv) of subparagraph
6 (B), or any application for work authorization or renewal
7 thereof where such applications formed the basis for the
8 alien’s work authorization eligibility.”.

9 (2) CANCELLATIONS OF REMOVAL.—Section
10 240A(b)(2) of the Immigration and Nationality Act
11 (8 U.S.C. 1229b), as amended by section 637(c), is
12 amended by adding at the end the following:

13 “No fee shall be charged for the filing or processing
14 of any application under this subsection or any ap-
15 plication for work authorization or renewal thereof,
16 if the application forms the basis for the alien’s
17 work authorization eligibility.”.

18 (3) SUSPENSION OF DEPORTATION.—No fee
19 shall be charged for the filing or processing of any
20 application under section 244(a)(3) of the Immigra-
21 tion and Nationality Act (as in effect before the date
22 of enactment of the Illegal Immigration Reform and
23 Immigrant Responsibility Act of 1996) (8 U.S.C.
24 1254(a)(3)), or any application for work authoriza-

1 tion or renewal thereof, if the applications forms the
2 basis for the alien's work authorization eligibility.

3 (h) ACCESS TO FOOD STAMPS AND SSI FOR QUALI-
4 FIED BATTERED ALIENS.—Section 402(a)(2) of the Per-
5 sonal Responsibility and Work Opportunity Reconciliation
6 Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding
7 at the end the following:

8 “(L) EXCEPTION FOR CERTAIN BATTERED
9 ALIENS.—With respect to eligibility for benefits
10 for the specified Federal program described in
11 paragraph (3), paragraph (1) shall not apply to
12 any individual who has been battered or sub-
13 jected to extreme cruelty (as defined under
14 guidance issued by the Attorney General in ac-
15 cordance with section 431) in the United States
16 and is a qualified alien under section 431(c).”.

17 (i) ACCESS TO HOUSING FOR QUALIFIED IMMI-
18 GRANTS.—Section 214 of the Housing and Community
19 Development Act of 1980 (42 U.S.C. 1436(a)) is amended
20 by adding at the end the following:

21 “(j) ELIGIBILITY FOR HOUSING ASSISTANCE FOR
22 QUALIFIED BATTERED ALIENS.—Notwithstanding any
23 other provision of this section—

24 “(1) the restrictions on use of assisted housing
25 by aliens under this section shall not apply to any—

1 “(A) qualified alien under subsection (b) or
2 (c) of section 431 of the Personal Responsibility
3 and Work Opportunity Reconciliation Act of
4 1986 (8 U.S.C. 1641); or

5 “(B) child included in the application for
6 lawful immigration status of an alien described
7 in subparagraph (A); and

8 “(2) no private, government, or nonprofit orga-
9 nization providing shelter or services to battered
10 women or abused children receiving any Federal
11 funds shall deny, restrict, or condition assistance to
12 any applicant based on alienage.”.

13 (j) CLARIFYING WELFARE REPORTING REQUIRE-
14 MENTS FOR BENEFIT APPLICANTS.—The Social Security
15 Act (42 U.S.C. 301 et seq.) is amended—

16 (1) in section 411(a)(1)(A) (42 U.S.C.
17 611(a)(1)(A)), by adding after clause (xviii) the fol-
18 lowing:

19 “Collection of information about, and inquiries
20 into, the immigration status of an individual
21 who is a parent applying on behalf of his or her
22 child who is a United States citizen or a quali-
23 fied alien (as defined in section 431(b) of the
24 Personal Responsibility and Work Opportunity
25 Reconciliation Act of 1996 (8 U.S.C. 1641(b))

1 for assistance under the State program funded
2 under this part, shall not be made if the indi-
3 vidual is not applying for benefits for them-
4 selves, whether or not the individual is deter-
5 mined, under Federal or State law, to be part
6 of a family unit receiving assistance under that
7 program.”; and

8 (2) in section 1631(e)(9) (42 U.S.C.
9 1383(e)(9)), by adding at the end the following:
10 “Collection of information about, and inquiries into,
11 the immigration status of an individual who is a par-
12 ent applying on behalf of his or her child who is a
13 United States citizen or a qualified alien (as defined
14 in section 431(b) of the Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996 (8
16 U.S.C. 1641(b))) for benefits under this title (or for
17 benefits supplemented by a State with an agreement
18 under section 1616), shall not be made if the indi-
19 vidual is not applying for benefits for themselves,
20 whether or not the individual is determined, under
21 Federal or State law, to be part of a family unit re-
22 ceiving such benefits.”.

23 (k) CONFORMING DEFINITION OF “FAMILY” USED
24 IN LAWS GRANTING WELFARE ACCESS FOR BATTERED
25 IMMIGRANTS TO STATE FAMILY LAW.—Section 431(c) of

1 or by any person having a relationship with the alien
2 covered by the civil or criminal domestic violence
3 statutes of the State or Indian country where the
4 alien resides, or the State or Indian country in
5 which the alien, the alien's child or the alien child's
6 parent received a protection order, or by any individ-
7 ual against whom the alien could obtain a protection
8 order,".

9 (1) ENSURING THAT BATTERED IMMIGRANTS HAVE
10 ACCESS TO FOOD STAMPS AND SSI.—

11 (1) QUALIFYING QUARTERS.—Section 435 of
12 the Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (8 U.S.C. 1645) is
14 amended in paragraph (2) by striking “and the alien
15 remains married to such spouse or such spouse is
16 deceased” and inserting “if such spouse is deceased
17 or if the alien remains married to such spouse (ex-
18 cept that qualified aliens covered by section 431(c)
19 may continue after divorce to count the qualifying
20 quarters worked by their spouse during the mar-
21 riage)”.

22 (2) FOOD STAMPS ACCESS FOR BATTERED IM-
23 MIGRANT QUALIFIED ALIENS AND THEIR CHIL-
24 DREN.—Section 741 of the Personal Responsibility
25 and Work Opportunity Reconciliation Act of 1996

1 (42 U.S.C. 1751 note) is amended by adding at the
2 end the following:

3 “(c) FOOD STAMPS.—Section 7 of the Food Stamp
4 Act of 1977 (7 U.S.C. 2016) is amended by adding at
5 the end the following:

6 ““(k) BATTERED IMMIGRANT QUALIFIED ALIEN
7 ELIGIBILITY FOR FOOD STAMPS.—Qualified alien bat-
8 tered immigrants under subsection (c) of the Personal Re-
9 sponsibility and Work Opportunity Reconciliation Act of
10 1996 (8 U.S.C. 1641) and their children are eligible to
11 receive food stamps.’ ”.

12 (3) CERTAIN BATTERED IMMIGRANT WOMEN
13 AND CHILDREN.—Section 403(b) of the Personal
14 Responsibility and Work Opportunity Reconciliation
15 Act of 1996 (8 U.S.C. 1613(b)) is amended by add-
16 ing at the end the following:

17 “(3) CERTAIN BATTERED IMMIGRANT WOMEN
18 AND CHILDREN.—Qualified alien battered immi-
19 grants as defined in section 431(c)(1)(B).”.

20 (m) TECHNICAL CORRECTION TO QUALIFIED ALIEN
21 DEFINITION FOR BATTERED IMMIGRANTS.—

22 (1) Clause (iii) of section 431(c)(1)(B) of the
23 Personal Responsibility and Work Opportunity Rec-
24 onciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is
25 amended by inserting “(as in effect before the date

1 of the enactment of the Illegal Immigration Reform
 2 and Immigrant Responsibility Act of 1996)” after
 3 “pursuant to section 244(a)(3) of such Act”

4 **[NOTE: The phrase “pursuant...” does not**
 5 **appear in the law].**

6 (2) Section 431(c)(1)(B) of such Act (8 U.S.C.
 7 1641(c)(1)(B)) is amended by adding at the end the
 8 following:

9 “(vi) cancellation of removal and ad-
 10 justment of status pursuant to section
 11 240A(b)(2) of such Act;”

12 (3) Section 431(c)(2)(B) of such Act (8 U.S.C.
 13 1641(c)(2)(B)) is amended by striking “clause (ii) of
 14 subparagraph (A)” **[NOTE: The material to be**
 15 **struck is not in the law]** and inserting “clause
 16 (i), (ii), (iii), (iv), (v), or (vi) of paragraph (1)(A)”.
 17 (v) of subparagraph (1)(B) of this subsection”.

18 **SEC. 639. ACCESS TO LEGAL SERVICES CORPORATION**

19 **FUNDS.**

20 (a) STATUTORY CONSTRUCTION ON LEGAL ASSIST-
 21 ANCE FUNDS.—

22 Section 502 of the Departments of Commerce, Jus-
 23 tice, and State, the Judiciary and Related Agencies Appro-
 24 priations Act, 1998 (Public Law 105–119) is amended by
 25 adding at the end the following:

1 “(c) This section shall not be construed to prohibit
2 a recipient from—

3 “(1) using funds derived from a source other
4 than the Legal Services Corporation to provide relat-
5 ed legal assistance (as that term is defined in sub-
6 section (b)(2)) to any alien who has been battered
7 or subjected to extreme cruelty by a person with
8 whom the alien has a relationship covered by the do-
9 mestic violence laws of the State in which the alien
10 resides or in which an incidence of violence occurred;

11 “(2) using Legal Services Corporation funds to
12 provide related legal assistance to any alien who has
13 been battered or subjected to extreme cruelty who
14 qualifies for relief under clause (iii), (iv), (v), or (vi)
15 of section 204(a)(1)(A) or clause (ii), (iii), or (iv) of
16 section 204(a)(1)(B) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1154(a)(1)(B)).”.

18 **SEC. 640. VIOLENCE AGAINST WOMEN ACT TRAINING FOR**
19 **INS OFFICERS, IMMIGRATION JUDGES, AND**
20 **CIVIL AND CRIMINAL COURT JUSTICE SYS-**
21 **TEM PERSONNEL.**

22 (a) VIOLENCE AGAINST WOMEN.—

23 (1) MILITARY TRAINING CONCERNING DOMES-
24 TIC VIOLENCE.—The Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)

1 is amended by adding after section 2006 (42 U.S.C.
2 3796gg-5) the following new section:

3 **“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC**
4 **VIOLENCE.**

5 “Each branch of the United States military is re-
6 quired to train its supervisory military officers on domestic
7 violence, the dynamics of domestic violence in military
8 families, the types of protection available for battered im-
9 migrant women and children in the Violence Against
10 Women Act, and the problems of domestic violence in fam-
11 ilies in which a United States citizen or lawful permanent
12 resident member of the military is married to a non-
13 United States citizen.”.

14 (2) TECHNICAL.—Section 2001(a) of the Omni-
15 bus Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3795gg(a)) is amended by inserting “the Im-
17 migration and Naturalization Service and the Execu-
18 tive Office of Immigration Review,” after “Indian
19 tribal governments,”.

20 (3) TECHNICAL.—Section 2001(b)(1) of the
21 Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3796gg(b)(1)) is amended by in-
23 serting “, immigration and asylum officers, immigra-
24 tion judges,” after “law enforcement officers”.

1 **[NOTE: Review the amendments**
2 **made by section 102(C) which are dupli-**
3 **cative of this]** (4) TRAINING.—Section 2001(b)

4 of the Omnibus Crime Control and Safe Streets Act
5 of 1968 (42 U.S.C. 3796gg(b)(1)) is amended—

6 (A) at the end of paragraph (6) by striking
7 “and”;

8 (B) at the end of paragraph (7) by striking
9 the period and inserting “; and”; and

10 (C) by inserting after paragraph (7) the
11 following new paragraph:

12 “(8) training justice system personnel on the
13 immigration provisions of the Violence Against
14 Women Act of 1994 and their ramifications for vic-
15 tims of domestic violence appearing in civil and
16 criminal court proceedings and potential immigra-
17 tion consequences for the perpetrators of domestic
18 violence.”.

19 (b) POWERS OF IMMIGRATION OFFICERS AND EM-
20 PLOYEES.—

21 Section 287(g)(10) of the Immigration and National-
22 ity Act (8 U.S.C. 1357(g)(10)) is amended by adding at
23 the end the following: “It is the intent of the Congress
24 that none of the provisions of this section have the effect
25 of discouraging crime victim cooperation with law enforce-

1 ment and prosecutors. Public policy favors encouraging
2 prosecution of criminals and nothing in this section shall
3 be construed to discourage crime victims and domestic vio-
4 lence victims from reporting crimes committed against
5 them to police, from cooperating in criminal prosecutions,
6 or from obtaining from courts protection orders or other
7 legal relief needed to protect crime victims from ongoing
8 violence under State or Federal laws.”.

9 (c) REPORT.—Not later than 6 months after the date
10 of enactment of this Act, the Attorney General shall sub-
11 mit a report to the Committees on the Judiciary of the
12 Senate and House of Representatives on—

13 (1) the number of and processing times of peti-
14 tions under clauses (iii) and (iv) of section
15 204(a)(1)(A) (8 U.S.C. 1154(a)(1)(A)) and clauses
16 (ii) and (iii) of section 204(a)(1)(B) (8 U.S.C.
17 1154(a)(1)(B)) at district offices of the Immigration
18 and Naturalization Service and at the regional office
19 of the Service in St. Albans, Vermont;

20 (2) the policy and procedures of the Immigra-
21 tion and Naturalization Service by which an alien
22 who has been battered or subjected to extreme cru-
23 elty who is eligible for suspension of deportation or
24 cancellation of removal can place such alien in de-
25 portation or removal proceedings so that such alien

1 may apply for suspension of deportation or cancella-
2 tion of removal, the number of requests filed at each
3 district office under this policy and the number of
4 these requests granted broken out by District; and

5 (3) the average length of time at each Immigra-
6 tion and Naturalization office between the date that
7 an alien who has been subject to battering or ex-
8 treme cruelty eligible for suspension of deportation
9 or cancellation of removal requests to be placed in
10 deportation or removal proceedings and the date
11 that immigrant appears before an immigration judge
12 to file an application for suspension of deportation
13 or cancellation of removal.

14 **SEC. 641. PROTECTION FOR CERTAIN VICTIMS OF CRIMES**
15 **AGAINST WOMEN.**

16 (a) DEFINITION.—

17 Section 101(a)(27) of the Immigration and National-
18 ity Act (8 U.S.C. 1101(a)(27)) is amended by adding at
19 the end the following:

20 “(M)(i) an immigrant who—

21 “(I) is a victim of one of the following
22 crimes committed in the United States: rape,
23 torture, incest, battery or extreme cruelty, sex-
24 ual assault, female genital mutilation, forced

1 prostitution, trafficking, being held hostage, or
2 any other violent crime where—

3 “(aa) the perpetrator has been ar-
4 rested;

5 “(bb) the victim has filed a complaint,
6 the complaint has been investigated by a
7 law enforcement agency that referred the
8 case to a prosecutor;

9 “(cc) a prosecutor has filed a case
10 charging the perpetrator;

11 “(dd) a Federal or State administra-
12 tive agency has brought an enforcement
13 action against the perpetrator based upon
14 actions that would constitute a crime listed
15 in section 101(a)(27)(v)(I); or

16 “(ee) a Federal or State court has
17 made a judicial finding in a civil or crimi-
18 nal case that actions that would constitute
19 a crime listed in section 101(a)(27)(v)(I)
20 occurred;

21 “(II) is a person of good moral character;

22 and

23 “(III) can demonstrate that their deporta-
24 tion will cause extreme hardship to themselves

1 or their children or (in the case of an alien who
2 is a child) to the alien's parent; and

3 “(IV) who submits to the Attorney General
4 certification from a Federal or State law en-
5 forcement officer, prosecutor, judge or a Fed-
6 eral or State administrative staff person respon-
7 sible for bringing enforcement actions that the
8 alien is willing to cooperate and has cooperated
9 in a criminal or civil court action or Federal or
10 State administrative agency enforcement action.

11
12 “(ii) For purposes of making good moral char-
13 acter determinations under this subparagraph, the
14 Attorney General is not limited by the criminal court
15 record and may waive the bar to issuing a finding
16 of good moral character under subsection (f) in the
17 case of an immigrant who otherwise qualifies for re-
18 lief under clause (i) despite the existence of any dis-
19 qualifying act or criminal conviction.

20 “(iii) For the purposes of this section, traffick-
21 ing consists of all acts involved in the recruitment,
22 transportation, or holding of persons within or
23 across borders, involving deception, coercion or
24 force, abuse of authority, debt bondage, or fraud for
25 the purpose of placing persons in situations of abuse

1 or exploitation such as forced prostitution, battering
2 and extreme cruelty, sweatshop labor, or exploitative
3 domestic servitude.”.

4 (b) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS
5 OF CRIMES.—Section 245 of the Immigration and Nation-
6 ality Act (8 U.S.C. 1255) is amended by adding at the
7 end the following:

8 “(1) SPECIAL IMMIGRANT UNDER SECTION
9 101(a)(27)(v).—In applying this section to a special immi-
10 grant described in section 101(a)(27)(v)—

11 “(1) such an immigrant shall be deemed, for
12 purposes of subsection (a), to have been paroled into
13 the United States; and

14 “(2) none of the provisions of subsection (c)
15 shall apply with the exception of subsections (c)(5)
16 and (c)(6).”.

17 (c) CANCELLATION OF REMOVAL FOR CERTAIN VIC-
18 TIMS OF CRIMES.—Section 240A(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1229b(b)) is amended by
20 redesignating paragraph (3) as paragraph (4) and insert-
21 ing after paragraph (2) the following:

22 “(3) SPECIAL RULE FOR CERTAIN VICTIMS OF
23 CRIME.—The Attorney General may cancel removal
24 of, and adjust to the status of an alien lawfully ad-
25 mitted for permanent residence, an alien who—

1 “(A) is inadmissible or deportable from the
2 United States;

3 “(B) meets the qualifications for designa-
4 tion as a special immigrant as described in sec-
5 tion 101(a)(27)(v);

6 “(C) has been physically present in the
7 United States for a continuous period of not
8 less than 3 years immediately preceding the
9 date of such application;

10 “(D) the alien has been a person of good
11 moral character during such period;

12 “(E) the alien is not admissible under sec-
13 tion 212(a)(3), is not deportable under para-
14 graph (1)(G), (3) or (4) of section 237(A) and
15 has not been convicted of an aggravated felony;
16 and

17 “(F) the removal would result in extreme
18 hardship to the alien, the alien’s child, or (in
19 the case of an alien who is a child) to the
20 alien’s parent.”.

Keep Receipts + give to Essance.

**PROPOSED AGENDA
(DRAFT)**

NATIONAL NETWORK ON BEHALF OF BATTERED IMMIGRANT WOMEN

**FIFTH - ANNUAL MEETING, JUNE 3-5, 1999
MINNEAPOLIS, MINNESOTA**

THURSDAY

Morning

Introduction
Expanding legal advocacy resources
Expanding access to domestic violence services
Funding advocacy & strategy

Afternoon

Track I Welfare and Family Law Strategies

Track II Strategies for Selected Immigration Problems

Responding to denials
Adjustment barriers
Strategies for those who don't qualify under VAWA
Challenging INS/EOIR cooperation with abusers ✓

FRIDAY

**Public Policy Discussion (all day)
Panels with Government Decision Makers**

Immigration issues
Accessing grants
Public benefits problems ✓

SATURDAY (half day)

National conference on immigrant & refugee women's rights, 2001
Millenium conference
Legislative and advocacy priorities
VAWA II
Follow-up from Track discussions:
coordinating family law and immigration advocacy
helping non-VAWA victims gain immigration status

May 19, 1999

NOTE TO ESSENCE:

I have been invited to speak at a conference in Minneapolis, MN on Friday, June 4, 1999. I spoke to Paul and he thought it would be okay for me to attend and that I should discuss with you to make the plans. Attached is a copy of the invitation. Please let me know what you info you need from me or what I need to do.

Thanks.

Irene

April 22, 1999

Irma Buena
Domestic Policy Council
Old Executive Office Building
Room 217
1111 and G Streets, NW
Washington, D.C. 20502

Dear Ms. Buena,

We write to invite you to attend a special meeting at the fifth annual conference of the National Network on Behalf of Battered Immigrant Women. Advocates for battered immigrants around the country will attend this year's conference in Minneapolis, to be held from June 3-5.

We hope to devote the second day, Friday, June 4, to a conversation between advocates and government officials implementing various federal laws that affect battered immigrants. The morning session, 9-noon, will focus on access to immigration status under the Violence Against Women Act, and the afternoon session will focus on benefits access and funding issues. On Saturday morning, we would also like you to join us for a VAWA II policy discussion.

The conference will take place at the Holiday Inn Metrodome, 1500 Washington Avenue South in Minneapolis. A block of rooms is being held for participants at the rate of \$81.50/day. The hotel's phone numbers are (612) 333-4646 and (800) 448-3663. If you have trouble making a reservation, please call Monica Arenas at the Family Violence Prevention Fund, who is coordinating the conference logistics. Her phone number is (415) 252-8900, extension 49.

Exchanging questions before the conference resulted in an extremely useful panel last year. I would like to talk with you in advance of the conference to discuss ongoing issues that we expect to address at the conference. This will allow you to mull them over and be prepared to answer concerns raised by conference participants. Similarly, if you have suggestions, concerns, or issues you would like us to think about before the conference, call me or fax them to me at (202) 387-0324.

On behalf of the Network, we thank you for all your work ensuring that battered immigrants receive the benefits intended by Congress. We look forward to seeing you in Minneapolis.

Sincerely,

Leslye Orloff

Leslye E. Orloff
Ayuda

Leri Marin
Family Violence Prevention Fund

Gail Pendleton
National Immigration Project
National Lawyer's Guild

Co-Chaired by:

Ayuda Inc.
1736 Columbia Road, NW
Washington, DC 20009
(202) 387-0434 Tel.
(202) 387-0324 Fax

Family Violence Prevention Fund
383 Rhode Island Avenue
San Francisco, CA 94103
(415) 252-8900 Tel.
(415) 252-8900 Fax

National Immigration Project
National Lawyer's Guild
14 Beacon Street
Boston, MA 02106
(617) 227-9727 Tel.
(617) 227-5495 Fax

National
Network on
Behalf of
Battered
Immigrant
Women

EASYLINK 3513853S001 28MAY99 10:19/10:20 EST
FROM: 62029160
AMERICAN EXPRESS TRAVEL
TO: 2024567028

SALES PERSON: 74
CUSTOMER NBR: 1695000023

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RQPTII

DATE: 28 MAY 99
PAGE: 01

TO: ESSENCE

Electronic
Ticket

FOR: BUENO/IRENE MS

04 JUN 99 - FRIDAY

AIR	NORTHWEST AIRLINES	FLT:841	COACH	BREAKFAST
	LV WASHINGTON REAGAN		615A	EQP: BOEING 757
	DEPART: MAIN TERMINAL			02HR 47MIN
	AR MINNEAPOLIS ST PL		802A	NON-STOP
	ARRIVE: MAIN TERMINAL			REF: 8Z3MZH
	BUENO/IRENE MS	SEAT-20F		

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RATE-99.50 PER NIGHT

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4646 62854832

05 JUN 99 - SATURDAY

AIR	NORTHWEST AIRLINES	FLT:150	COACH	SNACK/BRUNCH
	LV MINNEAPOLIS ST PL		110P	EQP: BOEING 757
	DEPART: MAIN TERMINAL			02HR 28MIN
	AR WASHINGTON REAGAN		438P	NON-STOP
	ARRIVE: MAIN TERMINAL			REF: 8Z3MZH

24 NOV 99 - WEDNESDAY

OTHER WASHINGTON

HAVE A GREAT TRIP.

Continued
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CONTINUED ON PAGE 2

SALES PERSON: 74
CUSTOMER NBR: 1695000023

ITINERARY
RQPTII

DATE: 28 MAY 99
PAGE: 02

TO: ESSENCE

FOR: BUENO/IRENE MS

THE FARE AS OF 28MAY IS 460.00.

AIR FARE SUBJECT TO CHANGE. PLEASE CALL FOR CORRECT
FARE BEFORE PROCESSING TRAVEL AUTHORIZATION.

. SECURITY ALERT INFORMATION

DUE TO THE FAA MANDATED INCREASE IN AIRPORT SECURITY
YOU MAY BE REQUIRED TO PRODUCE A PHOTO IDENTIFICATION
AT AIRPORT CHECKIN.

. REMINDER

ALL FREQUENT FLYER BENEFITS EARNED ON OFFICIAL TRAVEL
ARE THE SOLE PROPERTY OF THE U.S. GOVERNMENT AND CANNOT
BE REDEEMED FOR PERSONAL USE.

.
ALL UNUSED TICKETS ARE TO BE RETURNED TO AMERICAN
EXPRESS OR YOUR TRAVEL COORDINATOR IMMEDIATELY UPON
RETURN FROM TRAVEL OR WHEN TRIP HAS BEEN CANCELED.

.....

AMERICAN EXPRESS TRAVEL

OEOB ROOM 87

WASHINGTON DC 20502

TEL 202-456-2250/FAX 202-456-6670

.....

FOR AFTER HOURS EMERGENCIES

CALL 800-847-0242/YOUR HOTLINE CODE IS KC52

.....

THANK YOU FOR TRAVELING WITH AMERICAN EXPRESS.

MUST CALL W/CHARGE CARD NUMBER TO GARANTEE HOTEL PASS 6P

Kinko's

612 WASHINGTON AVE S
MINNEAPOLIS, MN 55414

(612) 379-2452

QTY/LIST	DISC	PRICE	AMOUNT
180	ES B&W S/S WHITE STD		
0.08	0.00	0.08	14.40
1	Supplies/ Stat MISC		
0.99	0.00	0.99	0.99

SUB	15.39	TX	1.08	TOT	16.47
				Visa	16.47
				CHG	0.00

XXXXXXXXXXXX2832 08/99 AF015035

I agree to pay the above amount
according to the card issuer agreement.

Sign Here: X _____

CM 99 TR 383214 RG 2A 06/04/99 14:03
Visit us @ <http://www.kinkos.com>

4112 9100 0981 2832

DO NOT CIRCLE EXPIRATION DATE

USE BOX BELOW

IRENE BUEHO

08/99 V

EXPIRATION

☒ DATE

CHECKED

DATE	SERVER/CASIER
AUTHORIZATION NO.	REFERENCE NO.
CHECK NO./FOLIO NO.	

HOLIDAY INNS

2622000285 MINPLS 060499

3.20100101 MN

156 20 0002 996

5525538

PURCHASER SIGN HERE

[Signature]

SALES SLIP

Cardholder acknowledges receipt of goods and/or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer.

	PURCHASES
	TAX
	SERVER
	OTHER
162.04	TOTAL

MERCHANT COPY

Guest Account



Room	Rate	Arrival	Depart	Folio No.	Account	Affiliation	PF	ID	Page
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902 85.00 6/ 4/99 6/ 5/99 281729 2-CBANK 3 VTC9 11 EML 1
 IRENE BUENO

Date	Code	Reference	ID	Description	Charges	Payments	Balance
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1-800-Holiday

6 4 412	185	XXX	202-456-8755	31.00		.00	31.00
6 4 211	21	ZZ1	GRILL RM BKFST	14.77		.00	45.77
6 4 412	439	XXX	202-514-4810	3.54		.00	49.31
6 4 412	440	XXX	202-395-3863	3.54		.00	52.85
6 4 412	440	XXX	703-607-0317	3.47		.00	56.32
6 4 113	0604000	AUD	CORPORATE ROOM	85.00		.00	141.32
6 4 611	0604001	AUD	ROOM TAX	10.20		.00	151.52
6 5 211	221	ZZ1	GRILL RM BKFST	10.52		.00	162.04
6 5 914	0603000	EML	VISA/MASTERCARD	.00	-162.04		.00
TOTAL							\$.00



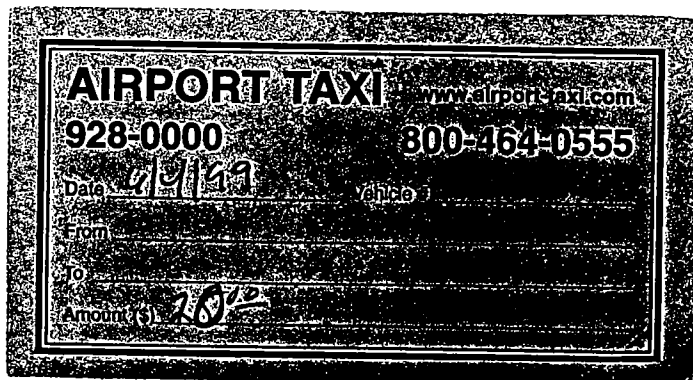
Metrodome
 1500 Washington Ave. South
 Minneapolis, MN 55454
 (612) 333-4646
 FAX (612) 333-7910

I AGREE THAT MY LIABILITY FOR THIS BILL IS NOT WAIVED AND AGREE TO BE HELD PERSONALLY LIABLE IN THE EVENT THAT THE INDICATED PERSON, COMPANY OR ASSOCIATION FAILS TO PAY THE FULL AMOUNT OF THESE CHARGES.

GUEST SIGNATURE

Date 6/4/99 \$ 500
 Recv'd of _____
 From Kinbo
 To H. L. L.
 Cab No. _____ Driver I.D.# _____

Date 6/4/77 \$ 7⁰⁰
 Recv'd of _____
 From Hbkl
 To Kinkos
 Cab No. _____ Driver I.D.# _____



THANK YOU FOR RIDING WITH US!

Cab No. 75 Date 6-03-99
From Roanoke
To Norton Airport
Fare 7.00 Time 5:35
T. AHMED
Owner/Operator's Name

UNITED
Airport Services
991-8876

DATE 6/5/99

RECEIVED OF _____

THE SUM OF \$22.00 FOR CAB SERVICE RENDERED

FROM: Hotel
TO: Airport
CAB NO. _____ DRIVER _____

THANK YOU • YOUR PATRONAGE IS APPRECIATED

Irene Bueno

 05/27/99 01:21:03 PM

Record Type: Record

To: Essence P. Washington/OPD/EOP

cc:

Subject: Arrangements for my trip to MN on 6/4

Essence -

I left you a note about my trip to Minneapolis, MN next Friday, 6/4. Here are some details.

FLIGHTS - I would like to leave early morning on Friday 6/4 and return late morning or early afternoon on Saturday, 6/5.

HOTEL - I would only need a hotel for one night at the Holiday Inn Metrodome in Minneapolis (1500 Washington Avenue South) for Friday night 6/4.

Will you follow up? Please let me know what I need to do . Thanks.

Irene