

HR 1870 IH

111th CONGRESS

1st Session

**H. R. 1870**

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

**IN THE HOUSE OF REPRESENTATIVES****April 2, 2009**

Mr. MCGOVERN (for himself, Mr. MARKEY of Massachusetts, Mr. BILBRAY, Mr. GRIJALVA, Mr. SIRES, Mr. NADLER of New York, Mr. MCMAHON, Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Mr. WU, Ms. BORDALLO, Mr. DANIEL E. LUNGREN of California, Mr. GARRETT of New Jersey, Mr. GONZALEZ, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

**A BILL**

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

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

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

(a) In General- The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting ` (or, if married for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit)' after ` for at least 2 years at the time of the citizen's death'.

(b) Applicability-

(1) IN GENERAL- The amendment made by subsection (a) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act pending on or after the date of the enactment of this Act.

(2) TRANSITION CASES-

(A) IN GENERAL- In the case of an alien described in subparagraph (B) who seeks immediate relative status pursuant to the amendment made by subsection (a), the alien shall have until the date that is 2 years after the date of the enactment of this Act to file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)), notwithstanding any other provision of law.

(B) ALIENS DESCRIBED- An alien is described in this subparagraph if--

- (i) the alien's United States citizen spouse died before the date of the enactment of this Act;
- (ii) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and
- (iii) the alien has not remarried.

END