To provide protections against violence against immigrant women, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2012

Ms. SCHAKOWSKY (for herself, Ms. CHU, Ms. CLARKE of New York, Mr. GRIJALVA, Ms. HAHN, Ms. LEE of California, Ms. MOORE, Mr. POLIS, Ms. LORETTA SANCHEZ of California, and Ms. WATERS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Financial Services and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide protections against violence against immigrant women, and for other purposes.

1 Be it enacted by the Senate and House of Represen-
2 tatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Violence Against Immi-
5 grant Women Act of 2012”.
TITLE I—RULEMAKINGS

SEC. 101. RULEMAKING AND FINDINGS WITH REGARD TO RULEMAKING.

(a) Rulemaking.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall make rules to implement this Act and the amendments carried out by this Act. To the extent necessary to ensure that such rules are made in a timely manner, the rules shall take effect on an interim basis, at the same time that notice and opportunity for public comment are offered. Access to the relief provided by this Act and previous Acts listed in subsection (b) is in the public interest, as necessary to protect health and safety and promulgation of regulations that take effect on an interim basis falls within the good cause exception in the Administrative Procedure Act.

(b) Findings.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate interim regulations to implement the provisions not amended or repealed from the Victims of Trafficking and Violence Prevention Act of 2000 (Public Law 106–386), the Violence Against Women Act and Department Justice Reauthorization Act of 2006 (Public
Law 109–162) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457). Insofar as required to carry out the previous sentence in a timely manner, such regulations shall be promulgated to take effect on an interim basis, at the same time that notice and opportunity for public comment are offered.

**TITLE II—PROTECTIONS FOR VICTIMS**

**SEC. 201. EMPLOYMENT AUTHORIZATION FOR IMMIGRANT VICTIMS.**

(a) FINDINGS.—Congress finds as follows:

(1) Congress created immigration protections for immigrant victims of domestic violence, sexual assault, stalking, dating violence, human trafficking, and other crime victims for two important purposes—to facilitate prosecution of perpetrators and to enhance victim safety.

(2) The safety of immigrant victims applying for protection under the Violence Against Women Act or the Trafficking Victims Protection Act is undermined when government agencies delay in providing legal work authorization. Immigrant victims’ ability to seek help and to cooperate in the detection, investigation or prosecution crimes committed
against them is enhanced when victims can work lawfully and sever their economic dependence on the perpetrator.

(3) When victims know that they will receive legal work authorization within 180 days of filing their for victim related immigration relief, victims and their advocates can develop safety plans that will focus on steps the victim can take to keep herself and her children safe during the work authorization waiting period. This can include stays in an emergency shelter and transitional housing, obtaining legal custody of her children and learning skills that will enhance her employability.

(4) The economic stability that comes from the ability to work lawfully in the United States reduces victims’ vulnerability to abuse, exploitation and coercion from crime perpetrators.

(5) Congress in VAWA 2000 and VAWA 2005 took steps to encourage DHS to grant immigrant crime victims swift access to legal work authorization. However, as of 2011 73.9% of VAWA self-petitioners and 93.9% of U-visa applicants endure delays of longer than 6 months before receiving legal work authorization. Of these many wait well over a year after filing before receiving work authoriza-
tion—36.7% of VAWA self-petitioners and 32% of U-visa applicants. These delays harm criminal prosecutions and endanger victims and their children.

(b) Employment Authorization for Immigrant Victims.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by adding at the end the following:

“(M) Notwithstanding any provision of this Act restricting eligibility for employment in the United States, the Secretary of Homeland Security may grant employment authorization to an alien who has filed a petition for status as a VAWA self-petitioner or a nonimmigrant described in section 101(a)(15)(U) on the date that is the earlier of—

“(i) the date the alien’s petition for such status is approved; or

“(ii) 180 days after the date the alien filed a petition for such status.”.

SEC. 202. PROTECTIONS FOR TRAFFICKING VICTIMS.

(a) Death of a Family Member.—

(A) by striking “or who” the first place it appears and inserting “, who”;

(B) by inserting “who was a child of a United States citizen parent (i)(I) who died within the past 2 years; or (II) who died when the child was under 18 years of age and the child filed a petition under this subsection not later than 2 years after the child reached the age of 18 years, or (ii) whose marriage to the child’s alien parent was terminated, including by divorce, annulment, or by death of the alien parent or the United States citizen parent” before “, and who is a person of good moral character,”; and

(C) by striking “(and any child of the alien)” and inserting “(and any spouse or child of the alien)”.

(2) Lawful permanent residents.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended—

(A) in clause (iii)—

(i) by striking “or who” and inserting “who”;

(ii) by inserting “or who was a child of a lawful permanent resident parent
(I)(aa) who within the past 2 years; or (II) who died when one child was under 18 years of age and the child filed a petition under this subsection no later than 2 years after the child reached the age of 18” before “, and who is a person of good moral character,”; and

(iii) by striking “(and any child of the alien)” and inserting “(and any spouse or child of the alien)”;

(B) in clause (ii)(II)(aa)(CC)—

(i) in subsubitem (aaa), by striking “or”;

(ii) in subsubitem (bbb), by striking the semicolon at the end and inserting “; or”;

(iii) by adding at the end the following:

“(ccc) whose spouse died within the past 2 years.”.

(3) SELF PETITIONING BY MINORS.—Section 204(a)(1)(D)(v) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(v)) is amended by inserting after “who is not less than 21 years of age,”
the following: “(and the individual’s spouse and children)”.

(4) SURVIVING RELATIVES.—Section 204(l) of the Immigration and Nationality Act (8 U.S.C. 1165(l)) is amended—

(A) in paragraph (1), by striking “who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States”; and

(B) in paragraph (2)(E), to read as follows:

“(E)(i) an alien described in section 101(a)(15)(T)(ii) whose qualifying relative has been admitted in nonimmigrant status described in section 101(a)(15)(T)(i);

“(ii) an alien described in section 101(a)(15)(U)(ii) whose qualifying relative has been admitted in nonimmigrant status described in section 101(a)(15)(U)(i); or

“(iii) an alien who is a VAWA self-petitioner.”.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraphs (1) and (2) shall take effect on the
date of enactment of this Act and shall apply to petitions filed on or after that date.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen or lawful permanent resident parent died during the period beginning on the date that is 2 years prior to the date of enactment of Violence Against Women Reauthorization Act of 2005, and ending on the date of enactment of this Act—

(i) section 204(a)(1)(A)(iv) and section 204(a)(1)(B)(iii) of the Immigration and Nationality Act shall each be applied as though the phrase “within the past two years” were “the period described in section 202(d)(5)(B) of the Violence Against Immigrant Women Act of 2012”;  

(ii) a petition under either such section shall be filed not later than the later of—

(I) 2 years after the date of enactment of this Act; or
(II) the 2 years after the date
the alien attains 18 years of age; and

(iii) the determination of eligibility of
an alien child for benefits under either
such section (including under section
204(a)(1)(D) of such Act, by reason of a
petition authorized under such section)
shall be determined as of the date of the
death of the citizen or lawful permanent
resident parent.

(b) UNACCOMPANIED ALIEN CHILD REDEFINED.—
Section 462(g) of the Homeland Security Act of 2002 (6
U.S.C. 279(g)) is amended—

(1) in paragraph (2)(C)—

(A) in clause (i), by striking “or” at the
end;

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

(C) by adding at the end the following:

“(iii) was apprehended without a par-
ent or legal guardian and is not reunified
with a parent or legal guardian within 72
hours thereafter.”; and

(2) by adding at the end the following:
“(h) Reunification with a parent or legal guardian or next friend does not affect the child’s unaccompanied status for the duration of the child’s immigration proceedings.”

(c) Providing Safe and Secure Placements for Children.—Section 235(c)(2) of the Trafficking Victims Protection Reauthorization Act of 2008 is amended by adding at the end the following: “The Secretary of Homeland Security shall permit the continuation of care plans developed by the Office of Refugee Resettlement’s division of Unaccompanied Children’s Services to ensure their continued protected status after they turn 18, in an arrangement that is the least restrictive possible. The provisions of this paragraph apply to an unaccompanied alien child until such child attains 21 years of age, including those provisions providing for continued authorization of placement of that child.”

(d) Providing Safe and Secure Placements for Children.—Section 235(c)(1) of the Trafficking Victims Protection Reauthorization Act of 2008 is amended to read as follows:

“(1) Policies and Programs.—

“(A) In general.—The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Sec-
Secretary of State shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

“(B) CONFIDENTIALITY OF INFORMATION.—In order to protect unaccompanied alien children in the United States, information acquired by any person, including officers or employees of the Department of Health and Human Services, case managers, or others in connection with providing services or treatment to children in the custody of the Secretary of Health and Human Services, including any contracted social service entity, shall have be afforded confidentiality protections under VAWA confidentiality (8 U.S.C. 1367) and the Health Insurance Portability and Accountability Act.”.

(e) ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE STATUS.—

(1) AGE AND COURT JURISDICTION.—Section 235(d)(6) of the Trafficking Victims Protection Re-
authorization Act of 2008 is amended to read as fol-

ows:

“(6) TRANSITION RULE.—Notwithstanding any
other provision of law, an alien described in section
101(a)(27)(J) of the Immigration and Nationality
Act (8 U.S.C. 1101(a)(27)(J)) may not be denied
special immigrant status under such section or have
such status revoked after the date of the enactment
of this Act based on age or whether the alien con-
tinues to be under State or juvenile court jurisdic-
tion if the alien was a child and under State or juve-
nile court jurisdiction on the date on which the alien
applied for such status.”.

(2) SINGLE PARENTS.—Section

101(a)(27)(J)(i) of the Immigration and Nationality
Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended—

(A) by striking “1 or both” and inserting
“at least one”;

(B) by inserting after “State law” the fol-
lowing: “regardless of whether the immigrant
lives with the non-offending parent;”; and

(C) by inserting after “custody of” the fol-
lowing: “a non-offending parent of the immi-
grant”.

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(f) **COUNTING OF TRAFFICKING VICTIMS AND BENEFITS FOR U-Visa HOLDERS AND FAMILIES.**—Section 107(b)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended by adding “and victims of human trafficking who qualify for other forms of immigration relief” after “101(a)(15)(T)(ii)”. 

(g) **PASSPORT RETENTION.**—Section 1592 of title 18, United States Code, is amended—

1. (1) in subsection (a)(2) by deleting “or” at the end;

2. (2) in subsection (a)(3) by adding “or” at the end; and

3. (3) by inserting after paragraph (3) of subsection (a) the following:

   “(4) for more than 32 hours shall be subject to a rebuttable presumption that they are withholding the passport of another person against that persons will in violation of this section, but it is not a violation of this section to obtain a person’s passport for up 32 hours for the purpose of complying with Federal or State government requirements;”.
SEC. 203. PROTECTIONS FOR VICTIMS OF CRIMINAL ACTIVITY.

(a) In General.—Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended—

(1) by inserting “stalking; dating violence; abuse; endangerment; or exploitation of a person who is a child, elderly, or disabled;” after “perjury;”; and

(2) by adding at the end the following:

“(iv) the terms ‘domestic violence’, ‘sexual assault’, ‘dating violence’, and ‘stalking’ have the meaning given such terms in the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));”.

(b) Protection for Incapacitated Sons and Daughters of Victims.—(1) Section 101(a)(15)(T)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(ii)) is amended—

(A) in subclause (I) by inserting “, incapacitated siblings,” after “under such clause”; and

(B) in subclause (III) by inserting “, incapacitated sibling,” after “parent”.

(A) in subclause (I)—

(i) by inserting “or incapacitated” after “under 21 years of age”;

(ii) by inserting “son or daughter,” after “children,”; and

(iii) by inserting “any children of the siblings,” after “under such clause”; and

(B) in subclause (II)—

(i) by inserting “under 21 years of age on the date on which such alien applied for status under such clause” after “children”; and

(ii) by inserting “, and any children of the children” after “such alien”.

(3) Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(A) in subparagraph (A)(ii), by inserting “or incapacitated sons or daughters” after “alien’s children”;

(B) in subparagraph (A)(iii), in the matter preceding item (aa), by inserting “or incapacitated son or daughter” after “child”;

(C) in subparagraph (A)(iii)(I)(bb), by striking “or a child” inserting “, an incapacitated son or daughter of the alien, or a child”;
(D) in subparagraph (A)(iv), by inserting “, or incapacitated son or daughter,” after “child” the first and second places it appears;

(E) in subparagraph (A)(vi), by striking “or child” and inserting “, incapacitated son or daughter, or child”;

(F) in subparagraph (B)(ii)(I)(bb), by inserting “, an incapacitated son or daughter of the alien, or” before “a child of the alien”; and

(G) in subparagraph (B)(iii), by inserting “incapacitated son or daughter” after “child” the first, second, and third places it appears.


(1) in clause (i)—

(A) in subclause (I), by inserting after “the alien” the following: “or a child of the alien”; 

(B) in subclause (II), by striking “an alien” before the word “child” and inserting “a”; and
(C) in subclause (III), by striking “an alien” before the word “child” and inserting “a”; and

(2) in clause (ii), by inserting after subclause (II) the following:

“(III) in the case of an alien described in clause (i) who is 21 years of age or older and incapacitated, the parents and siblings of such alien.”.

(d) REQUIREMENTS APPLICABLE TO U VISAS.—

(1) Recapture of unused U visas.—Section 214(p)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(2)) is amended—

(A) in subparagraph (A), by striking “The number” and inserting “Except as provided in subparagraph (C), the number”; and

(B) by adding at the end the following:

“(C) Beginning in fiscal year 2012, if the numerical limitation set forth in subparagraph (A) is reached before the end of the fiscal year, up to 5,000 additional visas, of the aggregate number of visas that were available and not issued to nonimmigrants described in section 101(a)(15)(U) in fiscal years 2006 through
2011, may be issued until the end of the fiscal year.”.

(2) SUNSET DATE.—The amendments made by paragraph (1) are repealed on the date on which the aggregate number of visas that were available and not issued in fiscal years 2006 through 2011 have been issued pursuant to section 214(p)(2)(C) of the Immigration and Nationality Act.

(3) AGE DETERMINATIONS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

“(7) AGE DETERMINATIONS.—

“(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent’s petition was filed but while it was pending.

“(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien de-
scribed in clause (ii)(I) of such section if the alien attains 21 years of age after the alien’s application for status under such clause (i) is filed but while it is pending.”.

(4) Petitioning Procedures for U Visas.—

Section 214(p)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(p)) is amended by inserting “Certifications may be signed by the head of the agency or any agency staff member designated by such agency head to sign certifications.” before “The certification may also”.


SEC. 204. BATTERED SPOUSE AND FAMILY MEMBER PROTECTIONS AND NONIMMIGRANTS.

(a) Exception From Foreign Residence Requirement for Educational Visitors.—

(1) In general.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by
inserting “unless the alien is a VAWA self-petitioner or an applicant for nonimmigrant status under 101(a)(15)(T) or (U)” after “for an aggregate of at least two years following departure from the United States”.

(2) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act, before, on, or after the date of enactment of this Act.

(b) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(1) in subclause (I)(bb), by inserting “or to conclude in a valid marriage” after “intended by the alien to be legally a marriage”;  

(2) in subclause (II)(aa)—

(A) by striking “or” at the end of subitem (BB);  

(B) by inserting “or” at the end of subitem (CC); and  

(C) by adding at the end the following new subitem:
“(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty by the United States citizen who filed the petition to accord status under such section;”;

(3) in subclause (II)(cc)—

(A) by striking “or who” and inserting “, who”; and

(B) by inserting “, or who is described in subitem (aa)(DD)” before the semicolon; and

(4) in subclause (II)(dd) by inserting “or who is described in subitem (aa)(DD)” before the period.

(c) EXCEPTION FROM REQUIREMENT TO DEPART.—

Section 214(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(d)(1)) is amended by inserting before the period at the end the following: “unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter
into a valid marriage and the alien or child was battered or subjected to extreme cruelty by the United States citizen who filed the petition to accord status under such section”.

(d) **Effective Date.**—The amendments made by this subsection shall apply to aliens admitted before, on, or after the date of enactment of this Act.

(e) **Relief for Abused Fiancés.**—

(1) **Conforming application in cancellation of removal.**—Section 240A(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking “or” at the end of subclause (II);

(B) by adding “or” at the end of subclause (III); and

(C) by adding at the end the following new subclause:

“(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty by
the United States citizen who filed the
petition to accord status under such
section;’’.

(2) Exception to restriction on adjustment
of status.—The second sentence of section
245(d) of the Immigration and Nationality Act (8
U.S.C. 1255(d)) is amended by inserting before the
period the following: ‘‘, unless the alien is described
in section 204(a)(1)(A)(iii)(II)(aa)(DD)’’.

(3) Application under suspension of de-
portation.—Section 244(a)(3) of such Act (8
U.S.C. 1254(a)(3)) (as in effect on March 31, 1997)
shall be applied (as if in effect on such date) as if
the phrase ‘‘is described in section
240A(b)(2)(A)(i)(IV) or’’ were inserted before ‘‘has
been battered’’ the first place it appears.

(4) Effective date.—The amendments made
by this subsection shall take effect on the date of the
enactment of this Act and shall apply to aliens ad-
mitted before, on, or after such date.

(f) Visa Waiver Entrants.—

(1) In general.—Section 217(b)(2) of the Im-
migration and Nationality Act (8 U.S.C. 1187(b)(2))
is amended by inserting ‘‘as a VAWA self-petitioner
or for relief under section 101(a)(15)(T) or (U),
under section 240A(b)(2), or under section
244(a)(3) (as in effect on March 31, 1997),” after
“asylum,.”

(2) **Effective date.**—The amendment made
by paragraph (1) shall take effect on the date of the
enactment of this Act and shall apply to waivers
provided under section 217(b)(2) of the Immigration
and Nationality Act before, on, or after such date as
if it had been included in such waivers.

(g) **Abused Derivatives Accessing VAWA Self-**
**Petitioning.**—Section 204(a)(1)(B)(ii)(I) of the Immi-
**gration and Nationality Act (8 U.S.C.**
1154(a)(1)(B)(ii)(I)) is amended—

(1) in subitem (CC) by inserting “or” at the
end; and

(2) by adding a new subitem (DD) as follows:

“(DD) who is or was
the bona fide spouse of an
alien who is now a Lawful
Permanent Resident.”.

**SEC. 205. Batterered Spouse and Family Member Pro-**
**Tections.**

(a) **Self-Petitioning for Abandoned**
**Spouses.**—
(1) ABANDONED SPOUSES OF U.S. CITIZENS.—
Section 204(a)(1)(A)(iii)(I)(bb) of the Immigration
and Nationality Act (8 U.S.C.
1154(a)(1)(A)(iii)(I)(bb)) is amended by inserting
“abandoned,” before “battered”.

(2) ABANDONED SPOUSES OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(B)(ii)(I)(bb)
of the Immigration and Nationality Act (8 U.S.C.
1154(a)(1)(B)(ii)(I)(bb)) is amended by inserting
“abandoned,” before “battered”.

(b) IMPROVED ACCESS TO VAWA SELF-PETITIONING.—

(1) ABUSED IMMIGRANT SPOUSES OF UNITED STATES CITIZENS.—Section 204(a)(1)(A) of the Im-
migration and Nationality Act (8 U.S.C.
1154(a)(1)(A)) is amended—

(A) in clause (iii)(I)(bb) by striking “during the marriage or relationship intended by the alien to be legally a marriage,”;

(B) in clause (iii)(II)(aa)(CC)(bbb) by striking “related to an incident of domestic vio-

ence”;

(C) in clause (iii)(II)(aa)—

(i) by striking subitem (CC)(ccc); and
(ii) by inserting after (CC) the following:

“(DD) who was a bona fide spouse of a United States citizen whose marriage was legally terminated. Applications under this subsection must be filed within 2 years beginning on the date that the alien spouse receives actual notice of the final court order legally terminating the marriage;”;

and

(D) in clause (iii)(II)(dd) by inserting “at any time” before “resided with”.

(2) ABUSED IMMIGRANT SPOUSES OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended—

(A) in clause (ii)(I)(bb) by striking “during the marriage or relationship intended by the alien to be legally a marriage,”;

(B) in clause (ii)(II)(aa), by striking subitem (CC), and inserting the following:
“(CC) who was a bona fide spouse of a lawful permanent resident within the past two years and whose spouse lost status within the past 2 years due to an incident of battering or extreme cruelty; or

“(DD) who was a bona fide spouse of a lawful permanent resident whose marriage was legally terminated. Applications under this subsection must be filed within 2 years beginning on the date that the alien spouse receives actual notice of the final court order legally terminating the marriage;”;

and

(C) in clause (ii)(II)(dd) is amended by inserting “at any time” before “resided with”.

(e) SURVIVAL OF RIGHTS TO SELF-PETITION.—Section 204(h) of the Immigration and Nationality Act (8
U.S.C. 1154(h)) is amended by striking “was approved” and inserting “has been filed”.

(d) Expansion of Protections.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. (d)(5)) is amended by adding at the end the following:

“(C) The Secretary of Homeland Security shall grant parole under subparagraph (A) to the following:

“(i) A VAWA self-petitioner whose petition was approved based on the petitioner or a child of the petitioner having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter.

“(ii) A VAWA self-petitioner whose petition was approved based on the petitioner or a child of the petitioner having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent.

“(iii) An alien whose petition was approved or who qualifies to be classified as a nonimmigrant described in section 101(a)(15)(U)(ii).
“(iv) The child of an alien described in clauses (i), (ii), (iii), or (iv) of this subsection who is outside of the United States.

“(v) The child of an alien described in clauses (v) of this subsection who is outside of the United States.

“(D) The grant of parole under clause (i), (ii), or (iii) of subparagraph (C) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such clauses shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245(a) and (c). The grant of parole under subparagraph clause (iv) or (v) of such subparagraph shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(U)(ii) has been finally adjudicated. Failure by any alien covered by subparagraph (C) to exercise due diligence in filing a visa pe-
tition on the alien’s behalf may result in revocation of parole.”.

(c) SELF-PETITIONING BY CHILDREN OF BIGAMY.—

(1) Section 201(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

“(iv) An alien may file a petition with the Secretary under this subparagraph for classification of the alien (and any spouse or child of the alien) if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s citizen parent and that the alien—

“(I)(aa) is the child or incapacitated son or daughter of a citizen of the United States;

“(bb) was a child or incapacitated son or daughter of a United States citizen parent who within the past 2 years lost or renounced citizenship status;

“(cc) who believed that he or she was the child of a citizen of the United States—
“(AA) because a marriage ceremony was actually performed between the U.S. citizen and alien’s other parent; and

“(BB) the alien’s other parent otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but the marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

“(dd) was a child of a United States citizen parent—

“(AA) who within the past 2 years (or, if later, 2 years after the date the child attains 18 years of age) died; or

“(BB) whose marriage to the alien’s parent was terminated, including by divorce, annulment, or by death of the natural parent or the abusive stepparent;
“(II) is a person of good moral character;

“(III) is eligible to be classified as an immediate relative under section 1151(b)(2)(A)(i) of this title; and

“(IV) resides, or has resided in the past, with the citizen parent (for purposes of this clause, residence includes any period of visitation).”.

(2) Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(b)(iii)) is amended to read as follows:

“(iii) An alien may file a petition with the Secretary under this subparagraph for classification of the alien (and any spouse or child of then alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s permanent resident parent and that the alien—

“(I)(aa) is the child or incapacitated son or daughter of an alien lawfully admitted for permanent residence;
“(bb) was the child or incapacitated son or daughter of a lawful permanent resident who within the past 2 years lost lawful permanent resident status;

“(cc) believed that he or she was a child of an alien stepparent lawfully admitted for permanent residence—

“(AA) because a marriage ceremony was actually performed between the lawful permanent resident and alien’s other parent; and

“(BB) the alien’s other parent otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of marriage, but the marriage is not legitimate solely because of the bigamy of such alien lawfully admitted for permanent residence; or

“(dd) was a child of a lawful permanent resident—
“(AA) who within the past 2 years (or, if later, 2 years after the date the child attains 18 years of age) died; or

“(BB) whose marriage to the alien child’s parent was terminated, including by divorce, annulment, or by death of the natural parent or the abusive stepparent;

“(II) is a person of good moral character, who is eligible for classification under section 1153(a)(2)(A) of this title; and

“(III) resides, or has resided in the past, with the alien’s permanent resident alien parent (for purposes of this clause, residence includes any period of visitation).”.

(f) Protection for Children of VAWA Self-Petitioners.—Section 204(l)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(2)) is amended—

(1) in subparagraph (E), by striking “or” at the end;
(2) by redesignating subparagraph (F) as sub-
paragraph (G); and

(3) by inserting after subparagraph (E) the fol-
lowing:

“(F) a child of an alien who filed a pend-
ing or approved petition for classification or ap-
plication for adjustment of status or other ben-
efit specified in section 101(a)(51) as a VAWA
self-petitioner; or”.

(g) SELF-PETITIONING RIGHTS UNDER SECTION
203 OF NACARA.—Section 309 of the Illegal Immig-
ration and Reform and Immigrant Responsibility Act of
1996 (division C of Public Law 104–208; 8 U.S.C. 1101
note), as amended by section 203(a) of the Nicaraguan
Adjustment and Central American Relief Act (8 U.S.C.
1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as
amended by section 1510(b) of the Violence Against
Women Act of 2000—

(A) by striking “or” at the end of subitem

(BB);

(B) by striking “and” at the end of
subitem (CC) and inserting “or”; and

(C) by adding at the end the following new
subitem:
“(DD) at the time at
which the spouse or child
files an application for sus-
pension of deportation or
cancellation of removal;
and”;

(2) in subsection (f), in paragraph (1), by in-
serting “including subsections (VI) and (VII)” after
“the alien is described in subsection (c)(5)(C)(i) of
this section”; and

(3) in subsection (g)—

(A) by inserting “(1)” before “Notwith-
standing”; 

(B) by inserting “subject to paragraph
(2),” after “section 101(a) of the Immigration
and Nationality Act),”; and

(C) by adding at the end the following new
paragraph:
“(2) There shall be no limitation on a motion
to reopen removal or deportation proceedings in the
case of an alien who is described in subclause (VI)
or (VII) of subsection (c)(5)(C)(i). Motions to re-
open removal or deportation proceedings in the case
of such an alien shall be handled under the proce-
dures that apply to aliens seeking relief under sec-
tion 204(a)(1)(A)(iii) of the Immigration and Na-
tionality Act.”.

SEC. 206. BATTERED SPOUSE WAIVERS AND CONDITIONAL
RESIDENTS.

(a) GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL
PERMANENT RESIDENCE FOR INTENDED
SPUSES.—Section 216(c)(4) of the Immigration and Na-
tionality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) in subparagraph (B)—

(A) by inserting after “(other than through
the death of the spouse)” the following: “, or
the alien has filed for termination of marriage
and shall furnish proof of termination prior to
the time of adjudication,”; and

(B) by striking “or” at the end;

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

(3) after subparagraph (C) by inserting the
following new subparagraph:

“(D) the alien meets the requirements
under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
following the marriage ceremony has been bat-
tered by or was subject to extreme cruelty per-
pertrated by his or her intended spouse and was
not at fault in failing to meet the requirements of paragraph (1).”.

(b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)), as amended by subsection (a), is further amended—

(1) in the matter preceding subparagraph (A), by striking “The Attorney General, in the Attorney General’s” and inserting “The Secretary of Homeland Security, in the Secretary’s”; and

(2) in the undesignated paragraph at the end—

(A) in the first sentence, by striking “Attorney General” and inserting “Secretary of Homeland Security’’;

(B) in the second sentence, by striking “Attorney General” and inserting “Secretary”;

(C) in the third sentence, by striking “Attorney General.” and inserting “Secretary.”;

and

(D) in the fourth sentence, by striking “Attorney General” and inserting “Secretary”.

(c) GROUNDS FOR RELIEF.—Such section is further amended by adding at the end the following: “An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through
(D) and may be amended at any time to change the
ground or grounds for such relief without the application
being resubmitted.”.

(d) Conforming Amendment.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))
is amended by inserting before the period at the end the
following: “or qualifies for a waiver under section 216(c)(4)”.

(e) Proof of Termination of the Marriage Due
at Final Adjudication the Hardship Waiver.—Sec-
tion 216(c)(4)(B) is amended by inserting “or the alien
has filed for termination of marriage and will furnish
proof of termination by the time of adjudication” after
“terminated (other than through the death of the
spouse)”;

(f) Children of Conditional Residents.—In the
case of an alien who meets the requirements of subsection
(e) the Secretary may adjust the status of any child of
the alien as immediate relatives under section

(g) Effective Dates.—

(1) The amendments made by subsection (a)
shall apply as if included in the enactment of the Vi-
(2) The amendments made by subsections (b) and (e) shall apply to applications for relief pending or filed on or after April 10, 2003.

(3) The amendments made by subsections (d) and (e) shall take effect upon enactment.

SEC. 207. ASYLUM PROTECTIONS FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following:

“For purposes of determinations under this Act, any group whose members share a characteristic that is either immutable or fundamental to identity, conscience, or the exercise of one’s human rights such that the person should not be required to change it, shall be deemed a particular social group, without any additional requirement.”.

(b) Section 208(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)) is amended by inserting a new clause (iii), as follows, and renumbering thereafter:

“(iii) SUPPORTING EVIDENCE ACCEPTED.—Direct or circumstantial evidence, including evidence that the State is unable to protect the applicant or that the State, legal or social norms tolerate such persecu-
tion against persons like the applicant, may establish that persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.”.

(c) Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended—

(1) by inserting “(A) IN GENERAL—” after “(6)”; and

(2) by adding at the end the following:

“(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is otherwise eligible for classification or status as a VAWA self-petitioner, as described in section 101(a)(51) of this Act, or who is otherwise eligible for status either under section 101(a)(15)(T) or section 101(a)(15)(U) of this Act.”.

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:
“(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted; or

“(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was filed,”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)(B)), as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act (8 U.S.C. 1159(b)(3)(C)), as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) CHILDREN OF REFUGEE OR ASYLEE SPOUSES AND CHILDREN.—A child of an alien who qualifies for admission as a spouse or child under section 207(e)(2)(A) or 208(b)(3) of the Immigration and Nationality Act (8
U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to the same admission status as such alien if the child—

(1) is accompanying or following to join such alien; and

(2) is otherwise admissible under such section 207(c)(2)(A) or 208(b)(3).

(f) E LIMINATION OF ARBITRARY TIME LIMITS ON ASYLUM APPLICATIONS.—Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(3) in subparagraph (B), as redesignated, by striking “(D)” and inserting “(C)”;

(4) by striking subparagraph (C), as redesignated, and inserting the following:

“(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General, the existence of changed circumstances that materially affect the applicant’s eligibility for asylum.”; and

(5) by striking subparagraph (E).
(g) Protections for Minors Seeking Asylum.—

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(D) Applicability to minors.—Subparagraphs (A) and (B) do not apply to an applicant who is younger than 18 years of age on the earlier of—

“(i) the date on which the asylum application is filed; or

“(ii) the date on which any Notice to Appear is issued.”; and

(2) in subsection (b)(3)(C), by striking “unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))),” and inserting: “applicant who is younger than 18 years of age on the earlier of—

“(i) the date on which the asylum application is filed; or

“(ii) the date on which any Notice to Appear is issued,”.

SEC. 208. PROTECTIONS FROM REMOVAL FOR VICTIMS.

(a) Exception for VAWA Self-Petitioners.—
tionality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended—

(1) by inserting “(I)” after “(6)(A)(ii)”; and

(2) by striking “if ‘violation of the terms of the alien’s nonimmigrant visa were substituted for un-
lawful entry into the United States’ in subclause (III) of that paragraph”.

(b) W AIVERS FOR ABUSED ALIENS.—Section 212(a)(9)(C)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(iii)) is amended—

(1) by inserting “or the Attorney General” after “Secretary of Homeland Security”; and

(2) by striking the language following “clause (i)” and inserting “for humanitarian purposes, to assure family unity, when it is otherwise in the pub-
lic interest, or in the case of an alien who is apply-
ing for or has a claim of relief as a VAWA self-pet-
tioner”.

(c) E XEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of the Im-
migration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR QUALIFIED ALIEN VICTIMS.—Subparagraphs (A) through
(C) shall not apply to an alien who is a VAWA
self-petitioner, is an applicant or has been
granted status under section 101(a)(15)(U), or
is a qualified alien described in section 431(c)
of the Personal Responsibility and Work Oppor-
tunity Reconciliation Act of 1996.”.

(2) **Conforming Amendment.—**Section
212(a)(4)(C)(i) of such Act (8 U.S.C.
1182(a)(4)(C)(i)) is amended to read as follows:

“(i) the alien is described in subpara-
graph (E); or”.

(3) **Effective Date.—**The amendments made
by this section shall take effect on the date of the
enactment of this Act and shall apply regardless of
whether the alien’s application was filed before, on,
or after such date.

(d) **Waiver for False Claims to United States
Citizenship.—**Section 212(a)(6)(C)(ii) of the Immigra-
tion and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is
amended—

(1) by adding at the end the following new sub-
clause:

“(III) Exception.—An alien
who is a VAWA self-petitioner shall
not be considered to be inadmissible
under any provision of this subsection based on such representation.”.

(2) Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(A) in the last sentence of this subsection, by striking “,” after “or violation that he or she was a citizen”; and

(B) by inserting “; or the alien is a VAWA self-petitioner;” after “violation that he or she was a citizen”.

(e) Waiver for Certain VAWA Self-Petitioners.—Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by adding at the end the following: “The Attorney General may waive the application of clause (i) of subsection (a)(6)(E) in the case of an alien who is a VAWA self-petitioner.”.

(f) Waiver Authorized.—Section 212(a)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(A)) is amended by adding at the end the following new clause:

“(iv) Waiver for VAWA self-petitioner.—The Attorney General or the Secretary may waive the application of
clauses (i) or (ii) if the alien is applying
for relief as a VAWA self-petitioner.

(g) **Conforming Relief in Suspension of De-
portation Parallel to the Relief Available in
the Violence Against Women Act of 2000 Can-
cellation for Bigamy.**—

(1) **In General.**—Section 244(a)(3) of the Im-
migration and Nationality Act (8 U.S.C.
1254a(a)(3)) (as in effect before the title III–A ef-
fective date in section 309 of the Illegal Immigration
Reform and Immigrant Responsibility Act of 1996)
shall be applied as if “or by a United States citizen
or lawful permanent resident whom the alien in-
tended to marry, but whose marriage is not legiti-
mate because of that United States citizen’s or per-
manent resident’s bigamy” were inserted after “by a
spouse or parent who is a United States citizen or
lawful permanent resident”.

(2) **Effective Date.**—The provisions of para-
graph (1) shall apply as if included in the enactment

(h) **Application of VAWA Motions To Reopen
Rules Crime Victims.**—Section 240(c)(7)(C)(iv) of the
Immigration and Nationality Act (8 U.S.C.
1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)
of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in the first clause by deleting “and parents—” and adding “parents, trafficking victims and crime victims—”;

(2) by amending subclause (I) to read as follows:

“(I) if the basis for this motion is to apply for relief under sections 101(a)(15)(T), 101(a)(15(U), 245(a), 245(c), 245(l), 245(m), 240A(b)(2), and section 244(a)(3) (as in effect on March 31, 1997) or as a VAWA self-petitioner;”;

(3) by amending subclause (II) to read as follows:

“(II) if the motion is accompanied by a cancellation of removal or adjustment of status application to be filed with the Attorney General or by a copy of the self-petition, or the application for relief under 101(a)(15)(T) or (U), that has been or will be filed with the Department of Homeland Security upon the grant-
ing of the motion to reopen; and”;

and

(4) in the last paragraph of this section—

(A) by inserting “or an alien who qualifies for classification under 101(a)(15(U)” after “Act of 1996 (8 U.S.C. 1641(c)(1)(B))”; and

(B) by inserting “or an alien that qualifies for classification under 101(a)(15(U)”.

(i) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by adding at the end the following new subsection:

“(h) Any alien with a pending application under 101(a)(15)(T)(i) or T(i), 101(a)(15)(U)(i) or (U)(ii), 101(a)(51), 240A(b)(2), or 244(a)(3) (as in effect on March 31, 1997), shall not be ordered removed under this section.”.

SEC. 209. NATURALIZATION.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended to read as follows:

“(a)(1) Any person who is—

“(A) a spouse of citizen of the United States;

or

“(B) any person who obtained status as a lawful permanent resident and who was battered or sub-
jected to extreme cruelty by a United States citizen who is or was a spouse, parent, son or daughter; and
“(2) may be naturalized—
“(A) upon compliance with all the requirement of this title except the provisions of paragraph (1) of section 316(a);
“(B) if such person immediately preceding the date of filing his or her application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years;
“(C)(i) during the three years immediately preceding the date of filing his or her application has been living in marital union with the citizen spouse who has been a United States citizen during all of such period; and
“(ii) in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse, parent, son or daughter, the requirement of subsection (C)(i) shall not apply regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty;
“(D) has been physically present in the United States for periods totally at least half of the time;
“(E)(i) has resided within the State or district of the Services in the United States in which the applicant filed his or her application for at least three months; or

“(ii) applications for naturalization filed under paragraph (a)(1)(B) of this section shall be handled under the procedures that apply to aliens seeking relief under section 101(a)(51) of the Immigration and Nationality Act; and

“(F) the provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 210. GENERAL PROVISIONS.

(a) EXPANSION OF FEE WAIVERS TO CONSULAR FEES AND ANY FEES IN REMOVAL PROCEEDINGS.—Section 245(l)(7) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(7)) is amended to insert “the Secretary of State, an immigration judge, and the Board of Immigra-
tion Appeals” after “The Secretary of Homeland Secu-
ity”.

(b) REVIEW OF EXTREME CRUELTY.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

“(M) For the purposes of this section and in all cases described in section 101(a)(51), under section 106, under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997), the determination of the existence of extreme cruelty is a question of law applied ot facts and not a discretionary determination.”.

(e) ALLOWING JUDICIAL REVIEW IN VAWA CASES.—Section 242(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(e)(4)) is amended in sub-
paragraph (A)—

(1) by striking “or”;

(2) by inserting “or” after “under section 208,”; and

(3) by adding at the end the following new sub-
section:

“(C) is a VAWA self-petitioner, an appli-
cant for relief under section 101(a)(15)(T) or (U), an applicant for relief under section
240A(b)(2), or an applicant for relief under section 244(a)(3) (as in effect on March 31, 1997),”.

(d) VAWA UNIT ADJUDICATIONS.—Section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) is amended by adding at the end the following new paragraph:

“(52) Applications for relief, adjustment of status, employment authorization, parole, deferred action, or naturalization, and all administrative determinations relating to such applications under paragraphs (15)(T), (15)(U), (27)(J), and (51) of this section, or under section 106 shall be adjudicated at the VAWA Unit of Vermont Service Center.”.

SEC. 211. TECHNICAL CORRECTIONS.
(a) TECHNICAL CORRECTION.—Effective as if included in the enactment of section 1505(c)(2) of Violence Against Women Act of 2000, section 237(a)(1)(H)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(i)(II)) is amended by striking the period at the end and inserting “; or”.


•HR 5331 IH
(c) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by the United States citizen spouse”;

(2) in subparagraph (A)(iv), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by such parent”;

(3) in subparagraph (A)(vii)(I), as added by section 816 of VAWA–2005, is amended by striking “related to an incident of domestic violence” and inserting “related to battering or extreme cruelty by the United States citizen son or daughter”; and

(4) in subparagraph (B)(ii)(II)(aa)(CC)(aaa), by striking “due to an incident of domestic violence” and inserting “related to battering or extreme cruelty by the lawful permanent resident spouse”; and

(5) in subparagraph (B)(iii), by striking “due to an incident of domestic violence” and inserting “related to battering or extreme cruelty by such parent”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enact-
ment of the Violence Against Women Act of 2000, except
that the amendment made by subsection (a)(3) shall apply
as if included in the enactment of VAWA–2005.

(e) Correction of Cross-Reference to Credible Evidence Provisions.—

(1) VAWA Suspension of Deportation.—
Section 309(c)(5)(C)(iii) of the Illegal Immigration
and Reform and Immigrant Responsibility Act of
1996 (division C of Public Law 104–208; 8 U.S.C.
1101 note), as amended by section 1510(b)(2) of the
Violence Against Women Act of 2000, is amended
by striking “204(a)(1)(H)” and inserting
“204(a)(1)(J)”.

(2) Effective Date.—The amendments made
by this section shall take effect as if included in the
enactment of the Violence Against Women Act of
2000.

(f) Miscellaneous Corrections to VAWA–2005.—

(1) In General.—Section 204(a)(1)(D) of the
Immigration and Nationality Act (8 U.S.C.
1154(a)(1)(D)), is amended by striking “a petitioner
for preference status under paragraph (1), (2), or
(3) of section 203(a), whichever paragraph is appli-
cable” and inserting “to continue to be treated as an
immediate relative under section 201(b)(2)(A)(i), or to be a petitioner for preference status under section 203(a)(3) if subsequently married or a petitioner for preference status under section 203(a)(2)(A), whichever is applicable”.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications filed before, on, or after the date of the enactment of the Violence Against Women Act of 2000.

TITLE III—VAWA CONFIDENTIALITY

SEC. 301. VAWA CONFIDENTIALITY IMPROVEMENTS.

(a) VAWA CONFIDENTIALITY MOVED FROM IIRIRA.—

(1) IN GENERAL.—The Illegal Immigration Reform and Immigration Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(a)) is amended by striking section 384.


•HR 5331 IH
(b) Insertion of VAWA Confidentiality in the INA.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 245A the following:

“SEC. 245B. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO BATTERED ALIENS.

“(a) In General.—Except as provided in subsection (c) of this section, enforcement official may not—

“(1) make an adverse determination, using information furnished by a VAWA perpetrator, on—

“(A) admissibility of an alien,

“(B) deportability of an alien,

“(C) detention of an alien,

“(D) any application for immigration relief of an alien, or

“(E) whether or not to initiate an enforcement action against an alien,

unless the alien has been convicted of a crime or crimes listed in section 237; or

“(2) permit use by or disclosure to anyone (other than a sworn officer or employee of the Department, or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of any information which relates to an alien who is the beneficiary of an application for relief under—
“(A) paragraph (15)(T), (15)(U), or (51) of section 101(a);

“(B) section 106;

“(C) section 240A(b)(2);

“(D) section 287(h); or

“(E) section 244(a)(3) (as in effect prior to March 31, 1997).

“(b) Duration of Limitation on Disclosure.—Notwithstanding section 552 of title 5, United States Code, the limitation under paragraph (2) ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

“(c) Exceptions to Nondisclosure.—

“(1) In the same manner as census information.—The Attorney General may provide, in the Attorney General’s discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

“(2) For law enforcement purposes.—The Attorney General may provide in the discretion of the Attorney General for the disclosure of information to Federal law enforcement officials to be used solely for a legitimate law enforcement purpose.

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“(3) For purposes of judicial review.—Subsection (a) of this section shall not be construed as preventing disclosure of information in connection with judicial review of a determination in an immigration case described in subsection (a) of an alien protected by this section in a manner that protects the confidentiality of such information.

“(4) In accordance with explicit waiver by victims.—Subsection (a)(2) of this section shall not apply if all the battered individuals in the case are adults and they have all waived the restrictions of such subsection.

“(5) For purposes of determining eligibility for benefits.—The Attorney General and the Secretary of Homeland Security are authorized to disclose information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)), in a manner that protects the confidentiality of such information.

“(6) For purposes of congressional oversight.—Subsection (a) of this section may not be
construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

“(7) FOR PURPOSES OF ASSISTING VICTIMS IN OBTAINING SERVICES.—Government entities adjudicating applications for relief under subsection (a)(2) of this section, and government personnel carrying out mandated duties under section 101(i)(1), may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims’ service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through
whom governmental agencies may communicate with
the applicant.

“(d) Penalties for Violation.—Anyone who
knowingly uses, publishes, or permits information to be
disclosed in violation of this section or who knowingly
makes a false certification under section 239(e) shall be
subject to appropriate disciplinary action and subject to
a civil money penalty of not more than $5,000 for each
such violation.

“(e) Guidance.—The Attorney General and the Sec-
retary of Homeland Security shall provide guidance to of-
ficers and employees of the Department of Justice or the
Department of Homeland Security who have access to in-
formation covered by this section regarding the provisions
of this section, including the provisions to protect victims
of domestic violence from harm that could result from the
inappropriate disclosure of covered information.

“(f) Requirement to Provide Information
About Eligibility for Immigration Relief.—When
information is furnished by a VAWA perpetrator, the Fed-
eral, State, or local agency receiving the information shall,
within 24 hours, provide to the alien to whom the informa-
tion pertains informational materials about eligibility for
relief under sections 101(a)(51), 101(a)(15)(T),
101(a)(15)(U), 287(h), 106, 240A(b)(2), 244(a)(3) (as in
effect on March 31, 1997) along with referrals to local
victim services agencies.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘enforcement officer’ means—

“(A) the Attorney General;

“(B) the Secretary of Homeland Security;

“(C) the Secretary of State;

“(D) any other official or employee of the
Department of Homeland Security, the Depart-
ment of Justice, or the Department of State
(including any bureau or agency of either of
any such Department); or

“(E) any other State or Federal Govern-
ment officer or employee.

“(2) The term ‘VAWA perpetrator’ means, with
regard to an alien—

“(A) a spouse, parent, son, or daughter
who has battered the alien or subjected the
alien to extreme cruelty;

“(B) a member of the family of the spouse,
parent, son, or daughter of the alien, who has
battered the alien or subjected the alien to ex-
treme cruelty;

“(C) a spouse, parent, son, or daughter of
the alien who has battered the alien’s child or
subjected the alien’s child to extreme cruelty
(without the active participation of the alien in
the battery or extreme cruelty);

“(D) a member of the family of the spouse,
parent, son, or daughter of the alien who has
battered the alien’s child or subjected the
alien’s child to extreme cruelty when the
spouse, parent, son, or daughter consented to
or acquiesced in such battery or cruelty and the
alien did not actively participate in such battery
or cruelty;

“(E) in the case of an alien subjected to
criminal activities listed in section
101(a)(15)(U)(iii), or an alien applying for sta-
tus under section 101(a)(15)(U), the perpe-
trator of the criminal activity;

“(F) in the case of an alien subjected to a
severe form of human trafficking or applying
for status—

“(i) under section 101(a)(15)(T),

“(ii) under section
7105(b)(1)(E)(i)(II)(bb) of title 22, United
States Code,
“(iii) under section 244(a)(3) of this Act (as in effect prior to March 31, 1999), or

“(iv) as a VAWA self-petitioner (as defined in section 101(a)(51)),

the trafficker or perpetrator; or

“(G) in the case of an alien who is—

“(i) a VAWA self petitioner (as defined in section 101(a)(51)), or

“(ii) an alien described in section 106, 240A(b)(2), 287(h), or 244(a)(3) (as in effect on March 31, 1997), a spouse, parent, son or daughter of the alien or a member of the family of such spouse, parent, son or daughter who battered the alien (or the alien’s child) or subjected the alien (or the alien’s child) to battering or extreme cruelty.”.

(e) VAWA CONFIDENTIALITY IN REMOVAL PROCEEDINGS.—Section 239(e) of the Immigration and Nationality Act (8 U.S.C. 1229(e)) is amended—

(1) in paragraph (1), by inserting after “an alien at” the following: “or within 500 yards of”; and

(2) in paragraph (2)(A), by inserting after “supervised visitation center” the following: “hospital,
Federally qualified health center, governmental and nongovernmental child, elder and adult protective services agency, school and head start program, religious or faith-based organization”.

(d) Expansion of Definition of VAWA Self-Petitioner.—Section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) is amended—

(1) in subparagraph (F), by striking “or” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting the following: “;”;

(3) by adding at the end the following:

“(H) section 106; and

“(I) special immigrant juveniles described in section 287(h).”.

(e) Additional Requirements for Section 287(g) Agreements.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by adding at the end the following:

“(11)(A) All agreements (new or renewed) under this subsection executed by the Attorney General after the date of enactment of this subparagraph shall require that an officer or employee of a State or political subdivision of a State performing
a function under the agreement shall, as a term of
the agreement—

“(i) comply with policies, procedures and
practices established by that State or subdivi-
sion that are publicized in the jurisdictions the
officer or employee serves;

“(ii) issue certifications for non-citizen vic-
tims under section 101(a)(15)(U); and

“(iii) comply with and not violate the re-
quirements of section 245B in the same manner
and subject to the same sanctions as an em-
ployee of the Department of Homeland Secu-
ry.

“(B) Not later than 180 days after entering
into an agreement under this subsection, and annu-
ally thereafter, the State or subdivision shall report
to the Department of Homeland Security the fol-
lowing—

“(i) the number of requests for certifi-
cation under section 101(a)(15)(U);

“(ii) the number of U-visa certifications
issued;

“(iii) the number of T-visa endorsements
requests received; and
“(iv) the number of T-visa certifications issued.

“(C) The Secretary of Homeland Security shall submit an annual report to Congress listing the name of each State or subdivision and the information provided under subparagraph (B).”.

TITLE IV—TRAINING IMPROVEMENTS

SEC. 401. TRAINING.

(a) Training of Immigration Judges in the Executive Office of Immigration Review.—Personnel of the Department of Homeland Security, the Department of Justice and the State Department who are in a position to come in contact with alien victims of crime shall be trained in identifying, making determinations regarding and providing for the protection of crime victims who have or may be eligible to apply for relief under Immigration and Nationality Act sections 101(a)(15)(T), 101(a)(15)(U), 101(a)(51), 106, 240A(b)(2), 244(a)(3) (as in effect on March 31, 1999) or section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 710). Trainings developed under this paragraph shall include information on the range of forms of immigration relief available to help immigrant crime victims and the requirements of VAWA.

Officials to receive ongoing training include but are not limited to—

(1) Department of Justice—

(A) immigration judges;

(B) the Board of Immigration Appeals;

and

(C) officials responsible for investigating, prosecuting and adjudicating VAWA confidentiality violations of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367);

(2) Department of Homeland Security—

(A) the Administrative Appeals Unit employees;

(B) VAWA Unit employees;

(C) officials responsible for investigating, prosecuting and adjudicating VAWA confidentiality violations of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367);

(D) personnel involved in immigration enforcement at Immigration and Customs Enforcement and Customs and Border Patrol;
(E) Immigration and Customs Enforcement trial attorneys; and

(F) all personnel involved in managing or supervising the VAWA Unit or ICE trial attorneys; and

(3) Department of State—

(A) consular officials; and


(b) Any training program conducted in satisfaction of the requirement of paragraph (a) has been or will be developed with input from and in collaboration nonprofit, nongovernmental experts with experience working with immigrant victims of domestic violence, sexual assault, or human trafficking.

(c) Within 180 days after the effective date of this act, the Secretary of the Department of Homeland Security, the Attorney General, and the Department of State shall in consultation with the Office of Policy and Strategy
of U.S. Citizenship and Immigration Services shall estab-
lish program for ongoing training described in paragraph
(a) and shall craft and implement policies and protocols
on the appropriate handling of cases involving victims de-
scribed in or who have filed cases under Immigration and
Nationality Act sections 101(a)(15)(T), 101(a)(15)(U),
101(a)(51), 106, 240A(b)(2), 244(a)(3) (as in effect on
March 31, 1999) or section 107(b)(1)(E)(i)(II)(bb) of the
Trafficking Victims Protection Act of 2000 (22 U.S.C.
710). All policies and procedures developed pursuant to
this section shall be made publically available and posted
on the DHS website.

(d) ACCREDITED REPRESENTATIVE-VICTIM CLIENT
PRIVILEGE.—

(1) EXTENDING STATE VICTIM-ADVOCATE
PRIVILEGE LAWS TO ACCREDITED REPRESENTA-
TIVES.—It is the Sense of Congress that all States
should promulgate victim-advocate privilege laws and
that State victim-advocate privilege laws should be
implemented in a manner that extends victim-advoc-
ate privilege to accredited representatives working
for community-based organizations recognized by the
Board of Immigration Appeals in the representation
of victims in cases filed with the Department of
Homeland Security, the Board of Immigration Appeals or immigration judges.

(2) Regulations amended to offer accredited representative privilege.—Within 180 days of enactment, the Board of Immigration Appeals shall amend 8 C.F.R. 292.1(a)(4) to extend privilege co-extensive with attorney client privilege to accredited representatives and qualified recognized organizations to whom the Board of Immigration Appeals has provided recognition or accreditation.

SEC. 402. SERVICES FOR TRAFFICKING VICTIMS.

(a) Access to victim’s services.—

(1) Subsection 107(c) of the Trafficking Victims Protection Act of 2000 is amended—

(A) by deleting paragraph (2) and replacing it with the following new paragraph:

“(2) Access to information and services.—Victims and potential victims of severe forms of trafficking shall have access to information about their legal rights and shall be provided translation services. A list of victim services agencies shall be provided within 24 hours of discovery of a potential victim. Potential victims shall not be placed in any local, State, or Federal jail or detention facility unless it has clearly been ascertained that an individual
is not a victim of a severe form of trafficking in persons.”.

(B) in paragraph (3) by deleting “Federal law enforcement officials” and inserting “Any Federal and local law enforcement agents authorized to investigate trafficking in persons crimes”.

(2) Section 103 of the trafficking victims protection act of 2000 is amended by adding at the end the following new subsection:

“(15) the term ‘victim services’ means a non-profit, nongovernmental organization that assists trafficking victims, including trafficking, battered women and sexual assault crisis centers, trafficking and battered women’s shelters, and other trafficking, sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting trafficking victims through the legal process.”.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS FOR PUBLIC AND ASSISTED HOUSING.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—
(1) by amending subsection (a) to read as such
subsection would have read if the amendments to
such subsection made by section 3(b) of Public Law
106–504 were made to such subsection rather than
to section 214(a) of the Housing Community Devel-
opment Act of 1980;

(2) in subsection (a), as amended by paragraph
(1) of this subsection—

(A) in paragraph (6), by striking “or” at
the end;

(B) by redesignating paragraph (7) as
paragraph (8); and

(C) by inserting after paragraph (6) the
following new paragraph:
“(7) a qualified alien, as such term is defined
in section 431 of the Personal Responsibility and
Work Opportunity Reconciliation Act of 1996 (8
U.S.C. 1641); or”; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking “(6)”
and inserting “(8)”; and

(B) in paragraph (2)(A), in the matter
preceding clause (i), by inserting “(other than
a qualified alien, as such term is defined in sec-

Work Opportunity Reconciliation Act of 1996
(8 U.S.C. 1641)” after “any alien”.

(c) IMPROVING ACCESS TO BENEFITS FOR IMMIGRANT VICTIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Housing and Urban Development and Secretary of Department of Agriculture and the Secretary of the Department of Education, shall develop an information pamphlet, as described in paragraph (2), on legal rights for immigrant victims to access public benefits and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Health and Human Services shall consult with nongovernmental organizations with expertise on the legal rights to public benefits access for immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) INFORMATION PAMPHLET.—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) Definition of Qualified Immigrants eligible for Federal public benefits.

(B) Housing rights of qualified immigrant.
(C) Federal- and State-funded housing programs open to all immigrants including emergency shelter and transitional housing for up to two years.

(D) Qualified immigrant access to post-secondary financial aid, grants and loans.

(E) Qualified immigrant access to Federal means tested public benefits including access to—

(i) Medicaid;

(ii) Medicaid and SCHIP for qualified immigrant children and pregnant women;

(iii) food stamps;

(iv) food stamps for qualified immigrant children;

(v) SSI;

(vi) TANF;

(vii) child care; and

(viii) foster care/adoption assistance, child support services.

(F) Legal rights of immigrants to access programs, resources and services that are—

(i) necessary to protect life and safety;

(ii) medical assistance under title XIX of the Social Security Act;
(iii) short-term, non-cash, in-kind emergency disaster relief;

(iv) public health assistance for immunizations and treatment for symptoms of communicable diseases;

(v) programs for housing or community development assistance or financial assistance administered by the secretary of HUD;

(vi) HHS HRSA funded health care programs; and

(vii) State-funded benefits.

(G) Resources through which victims can obtain referrals to programs in their community and/or State that provide advocacy, social services, legal services and other supportive services to immigrant victims of domestic violence, sexual assault, human trafficking, elder abuse or crime victims.

(3) TRANSLATION.—In order to best serve the language groups having the greatest concentration of immigrants seeking public benefits, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of Health and Human Services into foreign
languages that at a minimum include the top 15 lan-
guages of legal permanent residents and shall be re-
sponsible for reviewing these languages every 5 years
and adding additional languages accordingly such
other languages as the Secretary of State, in the
Secretary’s discretion, may specify.

(4) AVAILABILITY AND DISTRIBUTION.—The in-
formation pamphlet developed under paragraph (1)
shall be made available and distributed as follows:

(A) The Federal agencies described in sub-
paragraph (C) shall distribute the pamphlet de-
veloped under subparagraph (1) to all—

(i) agency grantees;

(ii) State agencies responsible for

granting Federal public benefits; and

(iii) public housing authorities.

(B) POSTING ON FEDERAL WEBSITES.—
The pamphlet developed under paragraph (1)
shall be accessibly posted on the Websites of
each of the Federal Government agencies listed
in subparagraph (C).

(C) RESPONSIBLE FEDERAL AGENCIES.—

(i) Department of Health and Human

Services;

(ii) Department of Agriculture;
(iii) Department of Housing and Urban Development;
(iv) Department of Education; and

(5) **Deadline for Pamphlet Development and Distribution.**—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 180 days after the date of the enactment of this Act.

(d) **Effective Date.**—The amendments made by this section apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act without regard to whether regulations to carry out such amendments are implemented.

**SEC. 403. ENCOURAGING CUSTODY DETERMINATIONS AND VAWA CONFIDENTIALITY PROTECTIONS IN STATE COURTS.**

Subtitle J of title IV of the Violence Against Women Act of 1994 (42 U.S.C. 14043 et seq.) is amended—

(1) in paragraph (2) of section 41002, by inserting “(including under 8 U.S.C. 1367), U-visa certification under the Immigration and Nationality Act Section 214(p),” after “confidentiality”; and
(2) in section 41003—

(A) in paragraph (2)(B), by striking “and” after the semicolon;

(B) in paragraph (C), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(3) Priority should give to applicants in which the grantee’s trainings and organizational policies, practices, procedures, and rules encourage judges issuing protection orders to include child custody provisions in the protection order when the parties before the court have a child in common.”.

SEC. 404. IMPROVING LANGUAGE ACCESS TO SERVICES PROVIDED UNDER THE VIOLENCE AGAINST WOMEN’S ACT OF 1994 FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

(a) GOALS.—

(1) To improve access to programs, activities, and services for victims of violence and other individuals who, as a result of national origin, are limited in their English proficiency.

(2) To ensure that the programs, activities, and services for victims of violence that are normally provided in English are accessible to victims and other individuals with Limited English Proficiency.
and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.

(3) To confirm that violation of language access rights for Limited English Proficient individuals is a violation of the protections against discrimination based on national origin protected by the Civil Rights Act of 1964.

(4) To restore the right of Limited English Proficient individuals to a private right of action to enforce all Title VI protection including disparate impact protections.

(5) To provide a statutory definition of “limited English proficient” that is consistent with the definition set forth by the DOJ LEP Guidance, 67 Fed. Reg. 41455, 41459 (June 18, 2002).

(b) DEFINITION.—Limited English Proficient—

(1) “Limited English Proficient” means individuals who—

(A) who do not speak English as their primary language; and

(B) who have a limited ability to

(i) read;

(ii) write;
(iii) speak; or

(iv) understand English.

(2) If an individual described in subsection (A) meets any one of the requirements of subsections (B)(i), B(ii), B(iii), or B(iv) the individual is limited English proficient without regard to the fact that the individual may speak some English.

(c) Enforcement With Regard to Government Entities.—

(1) Civil actions for injunctive relief.—

(A) Victims aggrieved; intervention by attorney general; legal representation; commencement of action without payment of fees, costs, or security.—
Whenever there are reasonable grounds to believe that a Federal, State or local government entity has denied a person access to programs, activities, or services on the basis of their limited English Proficiency and in violation of title VI of the Civil Rights Act of 1964, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the Attorney General may intervene.
in such civil action. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

(B) ATTORNEY’S FEES; LIABILITY OF UNITED STATES FOR COSTS.—In any action commenced pursuant to this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(C) STATE OR LOCAL ENFORCEMENT PROCEEDINGS; NOTIFICATION OF STATE OR LOCAL AUTHORITY; STAY OF FEDERAL PROCEEDINGS.—In the case of an alleged act or practice prohibited by this subchapter which occurs in a State, or political subdivision of a State, no civil action may be brought under subsection (a) of this section before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered
mail or in person, provided that the court may
stay proceedings in such civil action pending
the termination of State or local enforcement
proceedings.

(D)(i) Civil Rights Act of 1964.—Section 601 of the Civil Rights Act of 1964 (42
U.S.C. 2000d) is amended—

(I) by striking “No” and insert-
ing “(a) No”; and

(II) by adding at the end the fol-
lowing:

“(b)(1)(A) Discrimination (including exclusion from
participation and denial of benefits) based on disparate
impact is established under this title only if—

“(i) a person aggrieved by discrimination
on the basis of race, color, or national origin
(referred to in this title as an ‘aggrieved per-
son’) demonstrates that an entity subject to
this title (referred to in this title as a ‘covered
entity’) has a policy or practice that causes a
disparate impact on the basis of race, color, or
national origin and the covered entity fails to
demonstrate that the challenged policy or prac-
tice is related to and necessary to achieve the
nondiscriminatory goals of the program or ac-
tivity alleged to have been operated in a dis-

"(ii) the aggrieved person demonstrates

(consistent with the demonstration required

under title VII with respect to an ‘alternative

employment practice’) that a less discriminatory

alternative policy or practice exists, and the

covered entity refuses to adopt such alternative

policy or practice.”.

(2) Civil actions by the Attorney Gen-

eral.—

(A) Complaint.—Whenever the Attorney

General has reasonable cause to believe that a

Federal, State or local government entity or

any employee or group of employees is engaged

in a pattern or practice of denying access to

programs, activities, or services provided to vic-
tims under the Violence Against Women's Act

of 1994 or under any other State or Federal

law, on the basis of their limited English Pro-

ficiency and in violation of title VI of the Civil

Rights Act of 1964, and that the pattern or

practice is of such a nature and is intended to
deny access to programs, activities, or services

provided to victims on the basis of their limited
English Proficiency and in violation of title VI of the Civil Rights Act of 1964, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint—

(i) signed by the Attorney General (or in the Attorney General’s absence the Acting Attorney General);

(ii) setting forth facts pertaining to such pattern or practice; and

(iii) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full availability of programs, activities, and services provided under the to limited English proficient victims.

(B) In order to ensure full enforcement under this section, the provisions of this section do not limit the ability of the Attorney General to use existing authority to bring litigation and to enforce Title VI by any another other means available to him or her under the law.
(3) JURISDICTION; THREE-JUDGE DISTRICT COURT FOR CASES OF GENERAL PUBLIC IMPORTANCE: HEARING, DETERMINATION, EXPEDITION OF ACTION, REVIEW BY SUPREME COURT; SINGLE JUDGE DISTRICT COURT: HEARING, DETERMINATION, EXPEDITION OF ACTION.—

(A) The district courts of the United States shall have and shall exercise jurisdiction in proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at
least one shall be a circuit judge and another
of whom shall be a district judge of the court
in which the proceeding was instituted, to hear
and determine such case, and it shall be the
duty of the judges so designated to assign the
case for hearing at the earliest practicable date,
to participate in the hearing and determination
thereof, and to cause the case to be in every
way expedited. An appeal from the final judg-
ment of such court will lie to the Supreme
Court.

(B) If no three-judge panel has been re-
quested, the handling of the case shall be expe-
dited. It shall be the duty of the chief judge of
the district (or in his absence, the acting chief
judge) in which the case is pending to imme-
diately designate a judge in such district to
hear and determine the case. In the event that
no judge in the district is available to hear and
determine the case, the chief judge of the dis-
trict, or the acting chief judge, as the case may
be, shall certify this fact to the chief judge of
the circuit (or in his absence, the acting chief
judge) who shall then designate a district or
circuit judge of the circuit to hear and deter-
mine the case. It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(d) Enforcement With Regard to Governmental and Non-Governmental Entities.—

(1) Language access plans required—

(A) all recipients of Federal grant funding shall provide a copy of the agency’s language access plan to the Federal agency that provided their grant no later than one year after receipt of funding; and

(B) a copy of the agencies language access plan shall be submitted as an attachment along with the first grant report due to the Federal grant maker falling after the date of the six-month anniversary of the grant award.

(2) Language access plan must address at a minimum the following:

(A) The types of language services available.

(B) How staff can obtain those services.

(C) How to respond to LEP callers.
(D) How to respond to written communications from LEP individuals.

(E) How to respond to LEP individuals who have in-person contact with recipient staff.

(F) How to ensure competency of interpreter and translation services.

(G) How staff will receive training on the requirements of the policy.

(H) How the agency provides outreach and notice of the language services available.

(I) How to respond to complaints by LEP individuals.

(J) How the plan will be monitored and updated.

(3) REVOCATION OF FUNDING.—

(A) Whenever the Department of Justice (DOJ) or the Department of Health and Human Services (HHS) has reasonable cause to believe that any grant recipient is engaged in a pattern or practice of denying access to programs, activities, or services provided to victims on the basis of their limited English Proficiency and in violation of title VI of the Civil Rights Act of 1964, the DOJ or HHS shall require the grant recipient to prepare a plan demonstrating
how it to improve access to its government-funded programs, activities, and services for victims with limited English Proficiency. Each plan shall include the steps the grant recipient will take to ensure that eligible limited English Proficiency persons can meaningfully access the grantee’s programs, activities, and services. If such a grantee fails to develop an acceptable plan with 120 days of the request, the DOJ or HHS may revoke that grantee’s funding.

(B) The requirement provided by subsection (1) are in addition to the requirements set forth in 42 U.S.C. 2000d–1.

(4) All recipients and subrecipients of Federal grants shall comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons and for persons without regard to their alienage status.

(e) NONDISCRIMINATION.—All relief and assistance activities, including justice system assistance and immigration relief, offered to victims of domestic violence, sexual assault, dating violence, stalking, elder abuse and human trafficking shall be accomplished in an equitable and impartial manner, without discrimination on the
grounds of race, ethnicity, or, religion, nationality, sex, age, disability, English proficiency, alienage status, or economic status.

(f) **INTERPRETERS FOR COURT PROCEEDINGS UNDER THIS SECTION.**—

(1) **CIVIL ACTIONS.**—In any civil action brought pursuant to this section, the court shall be required to provide a foreign language interpreter.

(2) **CONFORMING AMENDMENTS.**—The Court Interpreters Act of 1978, 28 U.S.C. 1827 is amended by adding at the end the following: “Interpreters shall be provided in court proceedings brought to enforce section 404 of the Violence Against Women Act of 2011 for civil actions brought by an individual or the United States.”.

**TITLE V—ACCESS TO SERVICES**

**SEC. 501. ENSURING ISSUANCE OF U- AND T-VISA CERTIFICATIONS AND ACCESS TO SERVICES.**

(a) **GRANT CONDITIONS.**—Section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) is amended in subsection (b) by adding at the end the following:

“(12) **CIVIL RIGHTS.**—

“(A) **NONDISCRIMINAT**ION. —No person in the United States shall on the basis of actual
or perceived race, color, religion, national origin, alienage status, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2011, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

“(B) EXCEPTION.—If gender segregation or gender-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program
or activity from consideration of an individual’s
gender. In such circumstances, alternative rea-
sonable accommodations are sufficient to meet
the requirements of this paragraph.

“(C) DISCRIMINATION.—The provisions of
paragraphs (2) through (4) of section 809(c) of
the Omnibus Crime Control and Safe Streets
Act of 1968 (42 U.S.C. 3789d(c)) apply to vio-
lations of subparagraph (A).

“(D) CONSTRUCTION.—Nothing contained
in this paragraph shall be construed, inter-
preted, or applied to supplant, displace, pre-
empt, or otherwise diminish the responsibilities
and liabilities under other State or Federal civil
rights law, whether statutory or common.

“(13) COMPLIANCE WITH TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964.—An entity applying for
funding under this title shall certify to the Office on
Violence Against Women that the entity will comply
with their obligations under Title VI of the Civil
Rights Act of 1964, including taking reasonable
steps to ensure meaningful access to its programs
and activities by persons who are limited in their
English proficiency, in order to avoid discrimination
on the basis of national origin.
“(14) CONTENT OF APPLICATIONS.—All grant applications submitted for funding shall contain documentation in the text of the grant application and a line item in the budget that provides for language access to the services being provided or documentation about local demographics justifying why the budget does not address language access.”.

(b) STOP GRANTS.—

(1) DEVELOPMENT OF TRAINING.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(A) in paragraph (13), by striking “and” at the end of subparagraph (D);

(B) in paragraph (14), by striking the period at the end of subparagraph (C) and inserting “; and”;

(C) by adding after paragraph (14) the following new paragraph:

“(15) the development and implementation of procedures, policies, or protocols and training within courts, prosecutors’ offices, and law enforcement agencies to ensure that agency personnel have received training on and are not encouraging, promoting or facilitating the violation of Section 384 of
the Illegal Immigration Reform and Immigrant Re-
sponsibility Act of 1996 (8 U.S.C. 1367) and that
agencies receiving funding are issuing certifications
in U-visa and T-visa cases for victims applying for
relief under Section 101(a)(15)(T) and (U) of Immi-
gration and Nationality Act.”.

(2) FUNDING PRIORITY.—Section 2001(d) of
the Omnibus Crime Control and Safe Streets Act of
1968 (42 U.S.C. 3796gg(d)) is amended by insert-
ing at the end the following:

“(5) Priority in funding shall be given to pro-
grams whose applications demonstrate that the ap-
plicant has or is willing to implement within 6
month after receipt of funding protocols, policies, or
practices that—

“(A) ensure compliance with Title VI of
the Civil Rights Act of 1964 and Executive
Order 13166;

“(B) ensure that the agency does not vio-
late, facilitate or encourage the violation of
VAWA confidentiality as defined in section 387
of the Immigration and Nationality Act (8
U.S.C. 1367); and

“(C) result in the agency issuing certifi-
cations for noncitizen victims applying for relief
under sections 101(a)(15)(U) or 101(a)(15)(T) of the Immigration and Nationality Act if the applicant agency is eligible to sign certifications in T- or U-visa cases.”.

(c) GRANTS TO ENCOURAGE ARREST POLICIES.—

(1) GRANT AUTHORITY.—Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended by adding at the end the following:

“(14) To develop or strengthen policies, protocols and training for law enforcement, prosecutors, and the judiciary in recognizing, detecting, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of T and U visas (8 U.S.C. 1101(a)(15) (T) and (U)) and providing training on and are not encouraging, promoting or facilitating the violation of Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

“(15) To develop or strengthen policies, protocols, and training for law enforcement, prosecutors and the judiciary on language access under Executive Order No. 13166 65 Fed. Reg. 50, 121 (Aug. 16, 2000).”.
(2) ELIGIBILITY.—Section 2101(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)) is amended—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(6) Priority in funding shall be given to programs whose applications demonstrate that the applicant has or is willing to implement within 6 months after receipt of funding protocols, policies, or practices that—

“(A) ensure compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166;

“(B) ensure that the agency does not violate, facilitate or encourage the violation of VAWA confidentiality as defined in section 387 of the Immigration and Nationality Act (8 U.S.C. 1367); and

“(C) result in the agency issuing certifications for noncitizen victims applying for relief under sections 101(a)(15)(U) or 101(a)(15)(T) of the Immigration and Nationality Act if the
applicant agency is eligible to sign certifications
in T- or U-visa cases.”.

(d) TRANSITIONAL HOUSING ASSISTANCE

GRANTS.—Section 40299 of the Violence Against Women
Act of 1994 (42 U.S.C. 13975) is amended in subsection
(d)(2)(B) by—

(1) inserting “— (i)” after “provide assurances
that”; and

(2) adding at the end the following:

“(ii) applicants are able to prove eligi-

bility for the housing program funded
under this grant using any credible evi-
dence (as defined in section 204(a)(1)(J)
of the Immigration and Nationality Act (8
U.S.C. 1154(a)(1)(J))); and

“(iii) the program serves underserved
victims and is compliant with title VI of
the Civil Rights Act of 1964, and Execu-
tive Order 13166 (65 Fed. Reg. 50,
121).”.

(e) CAMPUS GRANTS AVAILABLE FOR VICTIMS WITH
LIMITED ENGLISH PROFICIENCY.—Section 304 of the Vi-
olence Against Women and Department of Justice Reau-
thorization Act of 2005 (42 U.S.C. 14045b) is amended—
(1) in subsection (b)(4), by inserting “and lan-
guage access to such services” after “physiological
counseling,”;

(2) in subsection (c)(2)(C), by inserting “pro-
portion, demographics, and language needs of inter-
national students,” after “demographics of the popu-
lation,”; and

(3) in subsection (d)(1), by inserting “trans-
lation,” after “technical,”.

SEC. 502. VAWA UNIT ADJUDICATIONS.

(a) Transfer of All VAWA Confidentiality
and VAWA-Related Cases to the VAWA Unit.—Sec-
tion 101(a) of the Immigration and Nationality Act (8
U.S.C. 1101(a)) is amended by adding at the end the fol-
lowing new subsection:

“(52) Applications under sections 101(a)(51),
101(a)(15)(T), 101(a)(15)(U), 106, section
216(c)(4), and parole for children of VAWA can-
cellation recipients and the full range of adjudica-
tions related to such cases including adjustments,
work authorizations, parole, fax-back benefits au-
thorizations, employment verification, and natu-
ralization, for applicants and derivative beneficiaries
shall be adjudicated at the VAWA Unit of Vermont
Service Center.”.
(b) Authorization of Appropriations.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for the Violence Against Women Act Unit at the Vermont Service Center of the United States Citizenship and Immigration Services which shall be responsible for processing consistent with VAWA confidentiality requirements the full range of adjudications, adjustments, work authorizations, parole, fax-back benefits and employment verification, and naturalization, for applicants and derivative beneficiaries related to VAWA self-petitions (INA section 101(a)(51); T visas (INA section 101(a)(15)(T), U visas (INA section 101(a)(15)(U); battered spouse waivers (INA section 216(e)(4)); abused immigrant work authorizations (INA section 106) and parole for children of VAWA cancellation recipients (Public Law 103–222, reauthorized Public Laws 106–326, 108–193; 109–162; 109–164) and any other VAWA confidentiality protected matters. Nothing in this section shall preclude DHS placement at the VAWA Unit of other victim related adjudications. Subject the authority of immigration judges adjudicate adjustment of status applications from aliens in proceedings who have been
granted VAWA self-petition, T visas or U visas, no official in the Department of Homeland Security or the Department of Justice is authorized to adjudicate any matter related that is directed by this section to be determined by the VAWA Unit.

(2) The Department of Homeland Security shall include in its budget each year a specific line item describing funding included to support the VAWA Unit.

SEC. 503. VICTIMS OF CRIME ACT IMPROVEMENTS.

(a) Crime Victim Compensation.—Section 1403(b)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(4)) is amended by inserting “or non-citizens of the United States” after “nonresidents of the State”.

(b) Crime Victim Assistance.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking “spousal abuse,” and inserting “domestic violence, dating violence, stalking, elder abuse,”;

(B) in subparagraph (B), by inserting “(i) are based on the definition of ‘underserved populations’ as defined in section 40002(a) of the
Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), and (ii)” after “implement this section that”;

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(D) by inserting after subparagraph (B) the following new subparagraph:

“(C) ensure that programs receiving funds are open to crime victims on a non-discriminatory basis without regard to language proficiency or alienage status.”;

(2) in subsection (b)(1)—

(A) in subparagraph (E), by striking “and” after the semicolon;

(B) by moving subparagraph (F) two ems to the left, and by striking the period at the end of such subparagraph and inserting “; and”;

and

(C) by adding at the end the following new subparagraph:

“(G) does not discriminate against, and offers services and assistance to, victims who do not unreasonably refuse to provide assistance in a criminal investigation or prosecution. For
purposes of this paragraph the definition of ‘do not unreasonably refuse to provide assistance’ shall be the same as the used under section 245(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m)).’’;

(3) in subsection (c)(1)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking “victim service organizations” and all that follows and inserting “victim service organizations, legal services programs, and coalitions to improve outreach and services to victims of crime, including immigrant, limited English proficient, and underserved victims; and”; and

(C) by adding at the end the following new subparagraph:

“(D) for improving language access to victim services and the civil, criminal, immigration, and family justice systems.”; and

(4) in subsection (d)—

(A) in paragraph (2), by amending subparagraph (C) to read as follows:

“(C) assistance in participating in criminal, civil, family, and immigration justice sys-
tem proceedings relating to prevention of, obtaining relief from, escaping, ameliorating the effects of, or offering future protection against, victimization; and"

(B) in paragraph (4), by inserting ", and assistance to crime victims in obtaining protection orders and in obtaining immigration relief” after “of crime”.

SEC. 504. RESEARCH ON VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—Each of the research grant programs listed in subsection (b) shall include as a purpose and permitted use of Federal funding research—

(1) on victimization by domestic violence, sexual assault, stalking, dating violence and elder abuse including dynamics;

(2) intervention, impact, prevention, and effectiveness of—

(A) victim services;

(B) the civil and criminal justice system;

(C) health care;

(D) mental health care;

(E) immigration relief,

(F) legal assistance; and

(G) other interventions,

(3) outcomes for victims; and
(4) victim’s access to services and protections,
including the needs of underserved, immigrant and
limited English proficient victims.

(b) APPLICATION.—Subsection (a) shall apply to re-
search under the following:

(1) NATIONAL INSTITUTE OF JUSTICE.—Sec-
tion 202(c)(2) of the Omnibus Crime Control and

(2) CENTERS FOR DISEASE CONTROL AND PRE-
VENTION; STUDY BY NATIONAL CENTER FOR INJURY
PREVENTION AND CONTROL.—Section 402(a) of the
Violence Against Women and Department of Justice
Reauthorization Act of 2005 (42 U.S.C. 280b–4(a)).

(3) INTERPERSONAL VIOLENCE WITHIN FAMI-
lIES AND AMONG ACQUAINTANCES.—Section 393 of
the Public Health Service Act (42 U.S.C. 280b–1a).

(4) AGENCY FOR HEALTHCARE RESEARCH AND
QUALITY—RESEARCH, EVALUATIONS, AND DEM-
ONSTRATION PROJECTS ON HEALTH CARE FOR PRI-
ORITY POPULATIONS.—Subparagraph (B) of section
901(c)(1) of the Public Health Service Act (42
U.S.C. 299(c)(1)).

(5) RESEARCH ON HEALTH DISPARITIES.—Sec-
tion 903 of the Public Health Service Act (42
U.S.C. 299a–1).
(6) Substance abuse and mental health services administration—office for substance abuse prevention.—Subsection (b) of section 515 of the Public Health Service Act (42 U.S.C. 290bb–21(b)).

(7) Center for mental health services.—Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31(b)).

(8) National institute of drug abuse.—Subsection (b) of section 464L of the Public Health Service Act (42 U.S.C. 285o).

(9) National drug abuse research centers.—Subparagraph (F) of section 464N of the Public Health Service Act (42 U.S.C. 285o–2(e)(2)).

(10) National institute of mental health.—Paragraph (2) of section 464R(e) of the Public Health Service Act (42 U.S.C. 285p(e)).

(11) Office of research on womens health.—Subsection (b) of section 486 of the Public Health Service Act (42 U.S.C. 287d).

(12) Office of research on womens health advisory committee.—Paragraph (4) of section 486(d) of the Public Health Service Act (42 U.S.C. 287d).
TITLE VI—MARRIAGE VISA PROTECTIONS

SEC. 601. PROTECTIONS FOR A FIANCEÉ OR FIANÇÉ OF A CITIZEN.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking “crime.” and inserting “crime described in paragraph (3)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in paragraph (3)(B)(i).”;

(B) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking “a consular officer” and inserting “the Secretary of Homeland Security”; and

(ii) by striking “the officer” and inserting “the Secretary”; and

(C) in paragraph (3)(B)(i), by striking “abuse, and stalking.” and inserting “abuse, stalking, or an attempt to commit any such crime.”; and

(2) in subsection (r)—
(A) in paragraph (1), by striking “crime.” and inserting “crime described in paragraph (5)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in subsection (5)(B)(i).”; and

(B) by amending paragraph (4)(B)(ii) to read as follows:

“(ii) To notify the beneficiary as required by clause (i), the Secretary of Homeland Security shall provide such notice to the Secretary of State for inclusion in the mailing to the beneficiary described in section 833(a)(5)(A)(i) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(a)(5)(A)(i)).”; and

(3) in paragraph (5)(B)(i), by striking “abuse, and stalking.” and inserting “abuse, stalking, or an attempt to commit any such crime.”.

(b) Provision of Information to K Non-Immigrants.—Section 833 of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a) is amended—

(1) in subsection (a)(5)(A)—

(A) in clause (iii)—
(i) by striking “State any” and inserting “State, for inclusion in the mailing described in clause (i), any”; and

(ii) by striking the last sentence; and

(B) by adding at the end the following:

“(iv) The Secretary of Homeland Security shall conduct a background check of the National Crime Information Center’s Protection Order Database on each petitioner for a visa under subsection (d) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184). Any appropriate information obtained from such background check—

“(I) shall accompany the criminal background information provided by the Secretary of Homeland Security to the Secretary of State and shared by the Secretary of State with a beneficiary of a petition referred to in clause (iii); and

“(II) shall not be used or disclosed for any other purpose unless expressly authorized by law.
“(v) The Secretary of Homeland Security shall create a cover sheet or other mechanism to accompany the information required to be provided to an applicant for a visa under subsection (d) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) by clauses (i) through (iv) of this paragraph or by clauses (i) and (ii) of subsection (r)(4)(B) of such section 214, that calls to the applicant’s attention—

“(I) whether the petitioner disclosed a protection order, a restraining order, or criminal history information on the visa petition;

“(II) the criminal background information and information about any protection order obtained by the Secretary of Homeland Security regarding the petitioner in the course of adjudicating the petition; and

“(III) whether the information the petitioner disclosed on the visa petition regarding any previous petitions filed under subsection (d) or (r) of
such section 214 is consistent with the
information in the multiple visa track-
ing database of the Department of
Homeland Security, as described in
subsection (r)(4)(A) of such section
214.”; and
(2) in subsection (b)(1)(A), by striking “or”
after “orders” and inserting “and”.

SEC. 602. REGULATION OF INTERNATIONAL MARRIAGE
BROKERS.

(a) IMPLEMENTATION OF THE INTERNATIONAL MAR-
RIAGE BROKER ACT OF 2005.—

(1) FINDINGS.—Congress finds the following:

(A) The International Marriage Broker
Act of 2005 (subtitle D of Public Law 109–
162; 119 Stat. 3066) has not been fully imple-
mented with regard to investigating and pros-
ceuting violations of the law, and for other pur-
poses.

(B) Six years after Congress enacted the
International Marriage Broker Act of 2005 to
regulate the activities of the hundreds of for-
profit international marriage brokers operating
in the United States, the Attorney General has
not determined which component of the Depart-
ment of Justice will investigate and prosecute violations of such Act.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report that includes the following:

(A) The name of the component of the Department of Justice responsible for investigating and prosecuting violations of the International Marriage Broker Act of 2005 (subtitle D of Public Law 109–162; 119 Stat. 3066) and the amendments made by this Act.

(B) A description of the policies and procedures of the Attorney General for consultation with the Secretary of Homeland Security and the Secretary of State in investigating and prosecuting such violations.

(b) TECHNICAL CORRECTION.—Section 833(a)(2)(H) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(a)(2)(H)) is amended by striking “Federal and State sex offender public registries” and inserting “the National Sex Offender Public Website”.

(e) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—Section 833(d) of the International Marriage
Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) Prohibition on marketing of or to children.—

“(A) In general.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

“(B) Compliance.—To comply with the requirements of subparagraph (A), an international marriage broker shall—

“(i) obtain a valid copy of each foreign national client’s birth certificate or other proof of age document issued by an appropriate government entity;

“(ii) indicate on such certificate or document the date it was received by the international marriage broker;

“(iii) retain the original of such certificate or document for 7 years after such date of receipt; and
“(iv) produce such certificate or docu-
ment upon request to an appropriate au-
thority charged with the enforcement of
this paragraph.”;

(2) in paragraph (2)—

(A) in subparagraph (A)(i)—

(i) in the heading, by striking “REG-
ISTRIES.—” and inserting “WEBSITE.—”;

and

(ii) by striking “Registry or State sex
offender public registry,” and inserting
“Website,”; and

(B) in subparagraph (B)(i), by striking
“permanent civil” and inserting “final”;

(C) in subparagraph (B)(ii)—

(i) by inserting “or endangerment,
elder abuse or neglect or exploitation”
after “child abuse or neglect”; and

(ii) by striking “or stalking.” and in-
serting “stalking, or an attempt to commit
any such crime.”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “Registry,
or of the relevant State sex offender public
registry for any State not yet participating
in the National Sex Offender Public Reg-
istry, in which the United States client has
resided during the previous 20 years,” and
inserting “Website”; and
(ii) in clause (iii)(II), by striking
“background information collected by the
international marriage broker under para-
graph (2)(B);” and inserting “signed cer-
tification and accompanying documentation
or attestation regarding the background in-
formation collected under paragraph
(2)(B);”; and
(B) by striking subparagraph (C);
(4) in paragraph (5)—
(A) in subparagraph (A)(ii), by striking “A
penalty may be imposed under clause (i) by the
Attorney General only” and inserting “At the
discretion of the Attorney General, a penalty
may be imposed under clause (i) either by a
Federal judge, or by the Attorney General”;
(B) by amending subparagraph (B) to read
as follows:
“(B) FEDERAL CRIMINAL PENALTIES.—
“(i) Failure of international marriage brokers to comply with obligations.—Except as provided in clause (ii), an international marriage broker that, in circumstances in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

“(I) except as provided in sub-clause (II), violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both; or

“(II) knowingly violates or attempts to violate paragraphs (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

“(ii) Misuse of information.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of a requirement under paragraph
(2) or (3) for any purpose other than the disclosures required under paragraph (3) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both.

“(iii) FRAUDULENT FAILURES OF UNITED STATES CLIENTS TO MAKE REQUIRED SELF-DISCLOSURES.—A person who knowingly and with intent to defraud another person outside the United States in order to recruit, solicit, entice, or induce that other person into entering a dating or matrimonial relationship, makes false or fraudulent representations regarding the disclosures described in clause (i), (ii), (iii), or (iv) of subsection (d)(2)(B), including by failing to make any such disclosures, shall be fined in accordance with title 18, United States Code, imprisoned for not more than 1 year, or both.

“(iv) RELATIONSHIP TO OTHER PENALTIES.—The penalties provided in clauses (i), (ii), and (iii) are in addition to any other civil or criminal liability under Federal or State law to which a person may be
subject for the misuse of information, in-
cluding misuse to threaten, intimidate, or
harass any individual.

“(v) CONSTRUCTION.—Nothing in
this paragraph or paragraph (3) or (4)
may be construed to prevent the disclosure
of information to law enforcement or pur-
suant to a court order.”; and

(C) in subparagraph (C), by striking the
period at the end and inserting “including equi-
table remedies.”;

(5) by redesignating paragraphs (6) and (7) as
paragraphs (7) and (8), respectively; and

(6) by inserting after paragraph (5) the fol-
lowing:

“(6) ENFORCEMENT.—

“(A) AUTHORITY.—The Attorney General
shall be responsible for the enforcement of the
provisions of this section, including the prosecu-
tion of civil and criminal penalties provided for
by this section.

“(B) CONSULTATION.—The Attorney Gen-
eral shall consult with the Director of the Office
on Violence Against Women of the Department
of Justice to develop policies and public edu-
cation designed to promote enforcement of this section.”.

(d) GAO Study and Report.—Section 833(f) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(f)) is amended—

(1) in the subsection heading, by striking “STUDY AND REPORT.—” and inserting “STUDIES AND REPORTS.—”; and

(2) by adding at the end the following:

“(4) Continuing Impact Study and Report.—

“(A) Study.—The Comptroller General shall conduct a study on the continuing impact of the implementation of this section and of section of 214 of the Immigration and Nationality Act (8 U.S.C. 1184) on the process for granting K nonimmigrant visas, including specifically a study of the items described in subparagraphs (A) through (E) of paragraph (1).

“(B) Report.—Not later than 2 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2012, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of
Representatives a report setting forth the results of the study conducted under subparagraph (A).

“(C) DATA COLLECTION.—The Attorney General, the Secretary of Homeland Security, and the Secretary of State shall collect and maintain the data necessary for the Comptroller General to conduct the study required by paragraph (1)(A).”.

TITLE VII—SEXUAL ABUSE IN PRISONS

SEC. 701. SEXUAL ABUSE IN CUSTODIAL SETTINGS.

(a) SUITS BY PRISONERS.—Section 7(e) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(e)) is amended by inserting before the period at the end the following: “or the commission of a sexual act (as defined in section 2246 of title 18, United States Code)”.

(b) UNITED STATES AS DEFENDANT.—Section 1346(b)(2) of title 28, United States Code, is amended by inserting before the period at the end the following: “or the commission of a sexual act (as defined in section 2246 of title 18)”.

(e) ADOPTION AND EFFECT OF NATIONAL STANDARDS.—Section 8 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607) is amended—
(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

“(c) APPLICABILITY TO DETENTION FACILITIES OPERATED BY THE DEPARTMENT OF HOMELAND SECURITY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the Secretary of Homeland Security shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of aliens detained for a violation of the immigration laws of the United States.

“(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to detention facilities operated by the Department of Homeland Security and to detention facilities operated under contract with the Department.

“(3) COMPLIANCE.—The Secretary of Homeland Security shall—
“(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

“(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Homeland Security.

“(4) Considerations.—In adopting standards under paragraph (1), the Secretary of Homeland Security shall give due consideration to the recommended national standards provided by the Commission under section 7(e).

“(5) Definition.—As used in this section, the term ‘detention facilities operated under contract with the Department’ includes, but is not limited to, contract detention facilities and detention facilities operated through an intergovernmental service agreement with the Department of Homeland Security.

“(d) Applicability to Custodial Facilities Operated by the Department of Health and Human Services.—

“(1) In general.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the Secretary
of Health and Human Services shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

“(2) Applicability.—The standards adopted under paragraph (1) shall apply to facilities operated by the Department of Health and Human Services and to facilities operated under contract with the Department.

“(3) Compliance.—The Secretary of Health and Human Services shall—

“(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

“(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Health and Human Services.

“(4) Considerations.—In adopting standards under paragraph (1), the Secretary of Health and Human Services shall give due consideration to the
recommended national standards provided by the Commission under section 7(e).”.

TITLE VIII—DATA COLLECTION

SEC. 801. ANNUAL REPORT ON IMMIGRATION APPLICATIONS MADE BY VICTIMS OF ABUSE.

(a) IN GENERAL.—Not later than December 1, 2013, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

(1) The number of aliens who—

(A) submitted an application for non-immigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year;

(B) were granted such nonimmigrant status during such fiscal year; or

(C) were denied such nonimmigrant status during such fiscal year.

(2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.

(3) The mean amount of time and median amount of time between the receipt of an application
for such nonimmigrant status and the issuance of
work authorization to an eligible applicant during
the preceding fiscal year.

(4) The number of aliens granted continued
presence in the United States under section
107(c)(3) of the Trafficking Victims Protection Act
of 2000 (22 U.S.C. 7105(c)(3)) during the pre-
ceding fiscal year.

(5) A description of any actions being taken to
reduce the adjudication and processing time, while
ensuring the safe and competent processing, of an
application described in paragraph (1) or a request
for continued presence referred to in paragraph (4).

(6) The numbers of adjudicators and managers
working in the VAWA Unit, the length each has
served on the unit, and the years of experience each
has on domestic violence, sexual assault, human
trafficking and crime victimization issues.

(7) A description of the training VAWA Unit
adjudicators and managers received that fiscal year
on domestic violence, sexual assault, human traf-
ficking and crime victimization and VAWA confiden-
tiality issues.

(8) A description of the training Immigration
and Customs Enforcement and Customs and Board-
er Patrol enforcement agents and Immigration and Custom’s Enforcement trial attorneys and chief counsel mandatorily receive and optionally receive on—

(A) VAWA confidentiality;

(B) screening to identify immigrants eligible for—

(i) humanitarian release;

(ii) favorable exercise of prosecutorial discretion; or

(iii) U visas, T visas, and VAWA self-petitions or other forms of VAWA confidentiality protected relief;

(C) the Department of Homeland Security broadcast message on VAWA confidentiality and the Central Index System’s new 384 class of admission code;

(D) U-visa certification and T-visa endorsement by Department of Homeland Security officials and State law enforcement; and

(E) collaboration with local law enforcement and victim services programs on VAWA self-petitioning, VAWA cancellation of removal, U-visa and T-visa cases.
(9) The number of VAWA confidentiality violation complaints filed including—

(A) the data on the types of complaints filed;

(B) each division in which the employee works against whom the complaint was filed;

(C) the outcome, including any action taken on the complaint;

(D) the mean and median time between receipt of the complaint and culmination of action on the complaint; and

(E) the report shall not include any personally identifying information about the complainant, the person against whom the complaint was filed, or any witnesses.

(10) The degree of compliance with the Prison Rape Elimination Act of 2003, as amended by this Act, achieved by each detention facility operated by the Department of Homeland Security and each detention facility operated under contract with the Department during the preceding fiscal year.

(11) The number of reports alleging sexual abuse filed at each detention facility operated by the Department of Homeland Security and each detention facility operated under contract with the De-
partment during the preceding fiscal year, including
an indication of the number of reports sustained at
each facility.

(b) REPORTING REQUIREMENT.—Not later than De-
cember 1, 2012, and annually thereafter, the Legal Serv-
ices Corporation shall submit a report to the Senate Com-
mittee on the Judiciary and the House Committee on the
Judiciary identifying the following:

(1) Steps taken to consult with and include pro-
grams serving victims of domestic violence, dating
violence, sexual assault, and stalking, population
specific programs, culturally specific programs, and
representatives from underserved populations in
community consultations used to determine what
services each Legal Services Corporation funded pro-
gram provides.

(2) Steps taken by the Corporation to imple-
ment and provide training to programs funded by
the Corporation on the provisions of section 104 of
the Violence Against Women and Department of

(3) The number and proportion of programs re-
ceiving funding from the Corporation that have im-
plemented policies and procedures (including those
for intake and screening) designed to ensure that
victims described in section 104 of the Violence
Against Women and Department of Justice Reau-
thorization Act of 2005 are able to access legal as-
stance from the program.

(c) STUDY.—The Comptroller General of the United
States shall conduct a study—

(1) on the impact of section 384 of the Illegal
Immigration Reform and Immigration Responsibility
Act (IIRAIRA) (8 U.S.C. 1367) and section
239(e)(1) of the Immigration and Nationality Act (8
U.S.C. 1229(e)(1)) and the VAWA confidentiality
protections generally, including in particular—

(A) the annual number of aliens receiving
certification subject to 239(e)(1) of the Immi-
gration and Nationality Act (8 U.S.C.
1229(e)(1)); and

(B) the annual number of aliens described
in section 384 of IIRAIRA and cases contained
in the computerized section 384 confidentiality
system who—

(i) have been issued notices to appear
by the Department of Homeland Security;

(ii) have pending cases in immigration
proceedings;
(iii) have orders of removal issued against them;

(iv) have been issued immigration detainers; or

(v) have been placed in detention by the Department of Homeland Security;

(2) that examines the extent to which the Attorney General, the Secretary of Homeland Security, the Secretary of State, and local law enforcement agencies participating in the program under section 287(g) of the Immigration and Nationality Act, have implemented policies, practices, or protocols that—


(B) provide potential victims with information about the forms of immigration relief listed in subparagraph (A);

(C) result in T- and U-visa certification;
(D) are designed to ensure that immigrant victims are not subjected to immigration enforcement related to the perpetrator’s actions or communications;

(3) that reports on the number of section 298(g) jurisdictions that have memoranda of understanding with the Secretary of Homeland Security requiring practices that result in T- and U-visa certifications and compliance with VAWA confidentiality protections by officers and departments participating in the section 287(g) program; and

(4) that reports on the proportion of Federal, State and local law enforcement agencies that—

(A) have designated an individual to sign U-visa certifications;

(B) have U-visa certification policies or protocols; and

(C) have received training in—

(i) U-visa certification; and

(ii) T-visa endorsement.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Rep-
resentatives a report setting forth the results of the study conducted under subsection (b).

(c) **Effective Date.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 802. DATA COLLECTION AND REPORTING.

(a) **Annual Report to Congress.**—Not later than December 1, 2012, and annually thereafter, the Secretary shall submit a report to the Senate Committee on the Judiciary and the House Committee on the Judiciary a report stating—

(1) the number of persons (primary applicants and derivative beneficiaries, total and by State) who have applied for, been granted, or been denied a visa or a petition, adjustment of status, work authorization, parole, naturalization or otherwise provided status under paragraphs (15)(T)(i), (15)(U)(i), (27)(J), and (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) and section 106 of such Act, during the preceding fiscal year;

(2) the number of requests for further evidence issued for each case type described in subparagraph (1) during the preceding fiscal year;
(3) the mean and median time in which it takes
to adjudicate applications for relief, and adjustments
of status submitted under subparagraph (T)(i) or
(U)(i), of section 101(a)(15), section 101(a)(27)(J),
section 101(a)(51), and section 106 of the Immigra-
tion and Nationality Act (8 U.S.C. 1101) during the
preceding fiscal year;

(4) the mean and median time between the re-
ceipt of applications for visas submitted under sub-
paragraph (T) or (U) of section 101(a)(15), section
101(a)(27)(J), or section 101(a)(51) of the Immi-
gration and Nationality Act (8 U.S.C. 1101) and the
issuance of work authorization to eligible applicants
during the preceding fiscal year;

(5) the number of victims granted continued
presence in the United States under section
107(c)(3) of the Trafficking Victims Protection Act
of 2000 during the preceding fiscal year; and

(6) any efforts being taken to reduce the adju-
dication and processing time, while ensuring the safe
and competent processing of the applications de-
dcribed in subsections (a), (b), (c), and (d) of this
section.