

107TH CONGRESS
2D SESSION

H. R. 3828

To provide additional protections for battered immigrant families.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2002

Ms. SCHAKOWSKY (for herself, Ms. JACKSON-LEE of Texas, Mr. FRANK, Ms. LOFGREN, Ms. BALDWIN, Mr. PLATTS, Mrs. MINK of Hawaii, Ms. MILLENDER-McDONALD, Mr. KUCINICH, Ms. WOOLSEY, Ms. KAPTUR, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. OWENS, Ms. NORTON, Mr. FROST, Mr. JACKSON of Illinois, Mr. WAXMAN, Mr. GONZALEZ, Mr. UNDERWOOD, Ms. MCCOLLUM, Mrs. JONES of Ohio, Mr. McDERMOTT, Mr. BLAGOJEVICH, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. SERRANO, Mr. FARR of California, Mr. GUTIERREZ, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Energy and Commerce, and Agriculture, 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 additional protections for battered immigrant families.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Battered Immigrant Family Relief Act of 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Eligibility for certain public benefits of aliens suffering from domestic abuse.
- Sec. 3. Ensuring that battered immigrants have access to food stamps and SSI.
- Sec. 4. Effect on other goals.
- Sec. 5. Reducing an abuser's control over a battered immigrant's immigration case.
- Sec. 6. Access to legal services with non-LSC funds for any abuse victim and access to LSC funds for VAWA cases.
- Sec. 7. Access to VAWA relief for battered immigrants brought into the United States on fiancée visas.
- Sec. 8. Exemption for battered immigrant women who entered the United States on fiancée visas from conditional residency status requirement.
- Sec. 9. Self-petitioning parents.
- Sec. 10. Self-petitioning son or daughter.
- Sec. 11. General discretionary waivers for inadmissibility and removal grounds.
- Sec. 12. Exceptional circumstances.
- Sec. 13. Access to VAWA for visa waiver applicants.
- Sec. 14. Collection of information concerning violence against women funding.
- Sec. 15. Adjustment of status for certain battered spouses and children of asylees.
- Sec. 16. Effective dates.

3 **SEC. 2. ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS OF**
 4 **ALIENS SUFFERING FROM DOMESTIC ABUSE.**

5 (a) EXEMPTION FROM SSI AND FOOD STAMPS
 6 BAN.—Section 402(a)(2) of the Personal Responsibility
 7 and Work Opportunity Reconciliation Act of 1996 (8
 8 U.S.C. 1612(a)(2)) is amended by adding at the end the
 9 following:

10 “(L) BATTERED ALIENS.—With respect to
 11 eligibility for benefits for a specified Federal
 12 program (as defined in paragraph (3)), para-
 13 graph (1) shall not apply to an alien who—

14 “(i) is described in section 431(c),

1 “(ii) is described in section 431(b)
 2 and also is described in section 431(c),
 3 other than paragraphs (1)(B), (2)(B), and
 4 (3)(B), or
 5 “(iii) is described in section
 6 431(b)(8).”.

7 (b) EXEMPTION FROM TANF, MEDICAID, AND
 8 SSBG BAN.—Section 402(b)(2) of the Personal Responsi-
 9 bility and Work Opportunity Reconciliation Act of 1996
 10 (8 U.S.C. 1612(b)(2)) is amended by adding after sub-
 11 paragraph (F) the following new subparagraph:

12 “(G) BATTERED ALIENS.—An alien who—
 13 “(i) is described in section 431(c),
 14 “(ii) is described in section 431(b)
 15 and also is described in section 431(c),
 16 other than paragraphs (1)(B), (2)(B), and
 17 (3)(B), or
 18 “(iii) is described in section
 19 431(b)(8).”.

20 (c) EXEMPTION FROM 5-YEAR BAN FOR FEDERAL
 21 MEANS-TESTED PUBLIC BENEFITS.—Section 403(b) of
 22 the Personal Responsibility and Work Opportunity Rec-
 23 onciliation Act of 1996 (8 U.S.C. 1613(b)) is amended
 24 by adding at the end the following:

25 “(3) BATTERED ALIENS.—An alien who—

1 “(i) is described in section 431(c),

2 “(ii) is described in section 431(b) and also
3 is described in section 431(c), other than para-
4 graphs (1)(B), (2)(B), and (3)(B), and

5 “(iii) is described in section
6 431(b)(8).”.

7 (d) EXPANSION OF DEFINITION OF BATTERED
8 ALIENS.—

9 (1) IN GENERAL.—Section 431(c) of the Per-
10 sonal Responsibility and Work Opportunity Rec-
11 onciliation Act of 1996 (8 U.S.C. 1641(c)) is
12 amended—

13 (A) in paragraphs (1)(A), (2)(A), and
14 (3)(A) by inserting “or the benefits to be pro-
15 vided would alleviate the harm from such bat-
16 tery or cruelty or would enable the alien to
17 avoid such battery or cruelty in the future” be-
18 fore the semicolon; and

19 (B) in the matter following paragraph (3),
20 by inserting “and for determining whether the
21 benefits to be provided under a specific Federal,
22 State, or local program would alleviate the
23 harm from such battery or extreme cruelty or
24 would enable the alien to avoid such battery or

1 extreme cruelty in the future” before the pe-
2 riod.

3 (2) CONFORMING AMENDMENT REGARDING
4 SPONSOR DEEMING.—Section 408(f)(6) of the Social
5 Security Act (42 U.S.C. 608(f)(6)) is amended—

6 (A) in subparagraph (B), by striking “or”
7 at the end;

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting “; or”; and

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

12 “(D) described in subsection (b)(8) or (c)
13 of section 431 of the Personal Responsibility
14 and Work Opportunity Reconciliation Act of
15 1996 (8 U.S.C. 1641).”.

16 (e) STATUS AS QUALIFIED ALIEN FOR NON-
17 IMMIGRANT “U” VISA HOLDERS.—Section 431(b) of the
18 Personal Responsibility and Work Opportunity Reconcili-
19 ation Act of 1996 (8 U.S.C. 1641(b)) is amended—

20 (A) by striking ‘or’ at the end of para-
21 graph (6);

22 (B) by striking the period at the end of
23 paragraph (7) and inserting “, or”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(8) an alien who is a nonimmigrant under sec-
2 tion 101(a)(15)(U) of the Immigration and Nation-
3 ality Act.”.

4 (f) CONFORMING DEFINITION OF “FAMILY” USED IN
5 LAWS GRANTING FEDERAL PUBLIC BENEFIT ACCESS
6 FOR BATTERED ALIENS TO STATE FAMILY LAW.—Sec-
7 tion 431(c) of the Personal Responsibility and Work Op-
8 portunity Reconciliation Act of 1996 (8 U.S.C. 1641(c))
9 is amended—

10 (1) in paragraph (1)(A), by striking “by a
11 spouse or a parent, or by a member of the spouse
12 or parent’s family residing in the same household as
13 the alien and the spouse or parent consented to, or
14 acquiesced in, such battery or cruelty,” and insert-
15 ing “by a spouse, parent, son, or daughter, or by
16 any individual having a relationship with the alien
17 covered by the civil or criminal domestic violence
18 statutes of the State or Indian country where the
19 alien resides, or the State or Indian country in
20 which the alien, the alien’s child, or the alien child’s
21 parents received a protection order, or by any indi-
22 vidual against whom the alien could obtain a protec-
23 tion order,”; and

24 (2) in paragraph (2)(A), by striking “by a
25 spouse or parent of the alien (without the active par-

1 ticipation of the alien in the battery or cruelty), or
 2 by a member of the spouse or parent’s family resid-
 3 ing in the same household as the alien and the
 4 spouse or parent consented or acquiesced to such
 5 battery or cruelty,” and inserting “by a spouse, par-
 6 ent, son, or daughter of the alien (without the active
 7 participation of alien in the battery or cruelty) or by
 8 any individual having a relationship with the alien
 9 covered by the civil or criminal domestic violence
 10 statutes of the State or Indian county where the
 11 alien resides, or the State or Indian country in
 12 which the alien, the alien’s child, or the alien child’s
 13 parent received a protection order, or by any indi-
 14 vidual against whom the alien could obtain a protec-
 15 tion order,”.

16 (g) TREATMENT OF FAMILY-SPONSORED BATTERED
 17 ALIENS UNDER THE PUBLIC CHARGE PROVISIONS OF
 18 SECTION 212 OF THE INA.—Section 212(a)(4)(A) of the
 19 Immigration and Nationality Act (8 U.S.C.
 20 1182(a)(4)(A)) is amended—

21 (1) by inserting “(i)” before “Any alien”;

22 (2) by adding at the end the following:

23 “(ii) The provisions of this paragraph
 24 shall not apply to an alien who is—

1 “(I) described in section 431(c)
 2 of the Personal Responsibility and
 3 Work Opportunity Reconciliation Act
 4 of 1996,

5 “(II) described in section 431(b)
 6 of such Act and also is described in
 7 section 431(c) of such Act, other than
 8 paragraphs (1)(B), (2)(B), and
 9 (3)(B), or

10 “(III) described in section
 11 431(b)(8) of such Act.”; and

12 (3) by indenting clause (i) (as designated by
 13 paragraph (1) of this subsection) and aligning such
 14 clause (i) with clause (ii) of such subparagraph (as
 15 added by paragraph (2) of this subsection).

16 (h) BENEFITS PROVIDED TO BATTERED ALIENS
 17 NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of
 18 the Personal Responsibility and Work Opportunity Rec-
 19 onciliation Act of 1996 is amended by adding after para-
 20 graph (11) the following:

21 “(12) Benefits provided to an alien who—

22 “(i) is described in section 431(c),

23 “(ii) is described in section 431(b) and also
 24 is described in section 431(c), other than para-
 25 graphs (1)(B), (2)(B), and (3)(B), or

1 “(iii) is described in section
2 431(b)(8).”.

3 (i) EFFECTIVE DATE.—The amendments made by
4 this section apply to public benefits provided on or after
5 the date of enactment of this Act.

6 **SEC. 3. ENSURING THAT BATTERED IMMIGRANTS HAVE AC-**
7 **CESS TO FOOD STAMPS AND SSI.**

8 Section 435(2) of the Personal Responsibility and
9 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
10 1645(2)) is amended by striking “and the alien remains
11 married to such spouse or such spouse is deceased” and
12 inserting “if such spouse is deceased or if the alien re-
13 mains married to such spouse (except that qualified aliens
14 covered by section 431(c) may continue after divorce to
15 count the qualifying quarters worked by their spouse dur-
16 ing the marriage)”.

17 **SEC. 4. EFFECT ON OTHER GOALS.**

18 Section 287(g) of the Immigration and Nationality
19 Act (8 U.S.C. 1357(g)) is amended by adding at the end
20 the following new paragraph:

21 “(11) Notwithstanding any other provision of this
22 Act, no investigating or adjudicatory authority shall in the
23 context of investigating, prosecuting, or adjudicating inci-
24 dents of domestic violence or criminal activity make in-

1 quiry of any victim, witness, or any governmental author-
 2 ity relating to an individual’s citizenship or alienage.”.

3 **SEC. 5. REDUCING AN ABUSER’S CONTROL OVER A BAT-**
 4 **TERED IMMIGRANT’S IMMIGRATION CASE.**

5 Section 205 of the Immigration and Nationality Act
 6 (8 U.S.C. 1155) is amended by adding at the end the fol-
 7 lowing: “Whenever a beneficiary of a petition filed under
 8 section 204 provides the Attorney General with credible
 9 evidence of battery or extreme cruelty as described in sec-
 10 tion 216(c)(4)(C), clause (iii), (iv), (v), (vii), or (viii) of
 11 section 204(a)(1)(A), or clause (ii), (iii), (iv), or (vi) of
 12 section 204(a)(1)(B), the Attorney General shall adju-
 13 dicate the petition filed under section 204
 14 notwithstanding—

15 “(1) the withdrawal by the petitioner of the pe-
 16 tition;

17 “(2) the failure of the petitioner to appear at
 18 the interview;

19 “(3) the failure of the petitioner to file an affi-
 20 davit of support; or

21 “(4) a prior revocation or denial based on with-
 22 drawal of, or failure to prosecute, the petition or any
 23 other determination based on the petitioner’s actions
 24 that could result or have resulted in the denial or
 25 revocation of the petition (but for this section).”.

1 **SEC. 6. ACCESS TO LEGAL SERVICES WITH NON-LSC FUNDS**
2 **FOR ANY ABUSE VICTIM AND ACCESS TO LSC**
3 **FUNDS FOR VAWA CASES.**

4 (a) IN GENERAL.—Section 502 of the Departments
5 of Commerce, Justice, and State, the Judiciary, and Re-
6 lated Agencies Appropriations Act, 1998 (Public Law
7 105–119; 111 Stat. 2510) is amended—

8 (1) in subsection (a)(2), by striking subpara-
9 graph (C) and inserting the following:

10 “(C) subsection (a)(11) of such section
11 504 shall not be construed to prohibit a recipi-
12 ent from using funds derived from a source
13 other than the Corporation to provide related
14 legal assistance to—

15 “(i) an alien who has been battered or
16 subjected to extreme cruelty, or who has
17 been subjected to violence from which the
18 alien is protected under the civil or crimi-
19 nal domestic violence laws (including crimi-
20 nal and civil or family violence laws) or
21 family violence laws of the jurisdiction in
22 which the recipient is located;

23 “(ii) an alien whose child has been
24 battered or subjected to extreme cruelty, or
25 who has been subjected to violence from
26 which the child is protected under the do-

1 mestic violence laws or family violence laws
2 described in clause (i), in a case in which
3 the alien did not actively participate in
4 such battery, cruelty, or violence;

5 “(iii) any alien who has been battered
6 or subjected to extreme cruelty who quali-
7 fies for classification under clause (iii),
8 (iv), (v), (vii), or (viii) of section
9 204(a)(1)(A) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1154(a)(1)(A)),
11 clause (ii), (iii), (iv), or (vi) of section
12 204(a)(1)(B) of such Act (8 U.S.C.
13 1154(a)(1)(B)), or subsection (b)(2) of
14 section 240A of such Act (8 U.S.C. 1229b)
15 or section 244(b)(3) of such Act (as in ef-
16 fect before the title III–A effective date in
17 section 309 of the Illegal Immigration Re-
18 form and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1101 note) to prevent or
20 obtain relief from such battery or cruelty;
21 or

22 “(iv) any other alien who qualifies for
23 classification as a crime victim under sec-
24 tion 101(a)(15)(T) or 101(a)(15)(U) of

1 the Immigration and Nationality Act.”;
2 and

3 (2) in subsection (b)(2), by striking “battery or
4 cruelty” and inserting “battery, cruelty, or other do-
5 mestic or family violence”.

6 (b) USE OF REMAINING BALANCES.—Any funds ap-
7 propriated for the Legal Services Corporation for fiscal
8 year 1999, 2000, or 2001 and remaining available on the
9 date of the enactment of this Act shall be subject to the
10 terms and conditions set forth in section 502 of the De-
11 partments of Commerce, Justice, and State, the Judiciary,
12 and Related Agencies Appropriations Act, 1998 (as
13 amended by subsection (a)) rather than such section 502
14 as in effect before the date of the enactment of this Act.

15 **SEC. 7. ACCESS TO VAWA RELIEF FOR BATTERED IMMI-**
16 **GRANTS BROUGHT INTO THE UNITED STATES**
17 **ON FIANCÉE VISAS.**

18 Section 214(d) of the Immigration and Nationality
19 Act (8 U.S.C. 1184(d)) is amended by adding at the end
20 the following: “For aliens who entered the country on
21 fiancée visas, failure to marry the sponsor within 90 days
22 as required under section 101(a)(15)(K) shall not bar ac-
23 cess to relief under clause (iii) or (iv) of section
24 204(a)(1)(A), under clause (ii) or (iii) of section
25 204(a)(1)(B), under section 240A(b)(2), or under section

1 244(a)(3) (as in effect before the enactment of the Illegal
 2 Immigration Reform and Immigrant Responsibility Act of
 3 1996) to aliens who otherwise qualify.”.

4 **SEC. 8. EXEMPTION FOR BATTERED IMMIGRANT WOMEN**
 5 **WHO ENTERED THE UNITED STATES ON**
 6 **FIANCÉE VISAS FROM CONDITIONAL RESI-**
 7 **DENCY STATUS REQUIREMENT.**

8 Section 245(d) of the Immigration and Nationality
 9 Act (8 U.S.C. 1255(d)) is amended by adding at the end
 10 the following: “The previous provisions of this subsection
 11 shall not apply to aliens who seek adjustment of status
 12 on the basis of an approved self-petition for classification
 13 under clause (iii) or (iv) of section 204(a)(1)(A) or clause
 14 (ii) or (iii) of section 204(a)(1)(B).”.

15 **SEC. 9. SELF-PETITIONING PARENTS.**

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

19 “(vii) An alien who—

20 “(I) is the parent of a citizen of the United
 21 States or was a parent of a citizen of the United
 22 States who within the past two years died or lost im-
 23 migration or renounced citizenship status related to
 24 an incident of domestic violence;

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

1 “(III) is eligible to be classified as an imme-
2 diate relative under section 201(b)(2)(A)(i), and

3 “(IV) resides, or has resided in the past, with
4 the citizen daughter or son,
5 may file a petition with the Attorney General under this
6 subparagraph for classification of the alien under such
7 section if the alien demonstrates to the Attorney General
8 that the alien has been battered by or has been the subject
9 of extreme cruelty perpetrated by the alien’s citizen son
10 or daughter.”.

11 **SEC. 10. SELF-PETITIONING SON OR DAUGHTER.**

12 (a) IN GENERAL.—Section 204(a)(1)(A) of the Im-
13 migration and Nationality Act (8 U.S.C. 1154(a)(1)(A)),
14 as amended by section 9, is further amended by adding
15 at the end the following new clause:

16 “(viii) An alien who—

17 “(I) is the son or daughter of a citizen of the
18 United States or was the son or daughter of a cit-
19 izen of the United States who within the past two
20 years died or lost immigration or renounced citizen-
21 ship status related to an incident of domestic vio-
22 lence;

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

24 “(III) is eligible for classification by reason of
25 a relationship described in section 203(a)(1), and

1 “(IV) who resides or has resided in the past
2 with the citizen parent,
3 may file a petition with the Attorney General under this
4 subparagraph for classification of the alien (and any child
5 of the alien) under such section if the alien demonstrates
6 to the Attorney General that the alien has been battered
7 by, or has been the subject of extreme cruelty perpetrated
8 by, the alien’s citizen parent and 1 or more incidents of
9 battery or extreme cruelty occurred before the son or
10 daughter reached the age of 21.”.

11 (b) CONFORMING AMENDMENTS FOR THIS SECTION
12 AND PREVIOUS SECTION.—

13 (1) Section 201(b)(2)(B)(i) of the Immigration
14 and Nationality Act (8 U.S.C. 1151(b)(2)(B)(i)) is
15 amended—

16 (A) by striking “or (iv)” and inserting
17 “(iv), or (viii)”; and

18 (B) by striking “citizen spouse or parent”
19 and inserting “citizen spouse, parent, son, or
20 daughter”.

21 (2) Section 204(a)(1)(A)(v)(I) of such Act (8
22 U.S.C. 1154(a)(1)(A)(v)(I)) is amended by striking
23 “intended spouse, or child” and inserting “intended
24 spouse, child, son, or daughter”.

1 (3) Section 204(a)(1)(A)(v)(II) of such Act (8
2 U.S.C. 1154(a)(1)(A)(v)(II)) is amended by striking
3 “or (iv),” and inserting “, (iv), or (viii),”.

4 (4) Section 204(a)(1)(A)(vi) of such Act (8
5 U.S.C. 1154(a)(1)(A)(vi)) is amended by striking
6 “or (iv),” and inserting “, (iv), (vii), or (viii),”.

7 (5) Section 204(a)(1)(B)(iv)(I) of such Act (8
8 U.S.C. 1154(a)(1)(B)(iv)(I)) is amended—

9 (A) by striking “or child” and inserting
10 “child, son, or daughter”; and

11 (B) by striking “ or (iii)” and inserting “,
12 (iii), or (vi)”.

13 (6) Section 204(a)(1)(B)(v) of such Act (8
14 U.S.C. 1154(a)(1)(B)(v)) is amended by striking “or
15 (iii)” and inserting “, (iii), or (vi)”.

16 (7) Section 204(a)(1)(C)(v) of such Act (8
17 U.S.C. 1154(a)(1)(C)(v)) is amended by striking
18 “(B)(ii), or (B)(iii)” and inserting “(A)(vii),
19 (A)(viii), (B)(ii), (B)(iii), or (B)(iv)”.

20 (8) Section 204(a)(1)(D)(i)(I) of such Act (8
21 U.S.C. 1154(a)(1)(D)(i)(I)) is amended by striking
22 “a petitioner” and inserting “an approved self-peti-
23 tioner”.

24 (9) Section 204(a)(1)(D)(ii) of such Act (8
25 U.S.C. 1154(a)(1)(D)(ii)) is amended by striking

1 “(B)(ii), or (B)(iii)” and inserting “(A)(vii),
2 (A)(viii), (B)(ii), (B)(iii), or (B)(iv)”.

3 (10) Section 204(a)(1)(J) of such Act (8 U.S.C.
4 1154(a)(1)(J)) is amended—

5 (A) by striking “or (iv)” and inserting
6 “(iv), (vii), or (viii)”; and

7 (B) by striking “or (iii)” and inserting “,
8 (iii), or (vi)”.

9 (11) Section 212(a)(4)(C)(i) of such Act (8
10 U.S.C. 1182(a)(4)(C)(i)) is amended—

11 (A) in subclause (I), by striking “or (iv)”
12 and inserting “(iv), (vii), or (viii)”; and

13 (B) in subclause (II), by striking “or (iii)”
14 and inserting “, (iii), or (vi)”.

15 (12) Section 212(a)(6)(A)(ii) of such Act is
16 amended—

17 (A) in the heading, by striking “WOMEN
18 AND CHILDREN” and inserting “FAMILY MEM-
19 BERS”;

20 (B) in subclause (I), by striking “(B)(ii),
21 or (B)(iii)” and inserting “(A)(vii), (A)(viii),
22 (B)(ii), (B)(iii), or (B)(vi)”;

23 (C) in subclause (II), by striking “or par-
24 ent or by a member of the spouse’s or parent’s
25 family” and inserting “, parent, son, or daugh-

1 ter or by a member of the spouse's, parent's,
2 son's, or daughter's family"; and

3 (D) in subclause (II), by striking "or par-
4 ent's family residing in the same household as
5 the alien when the spouse or parent" and in-
6 serting " , parent's, son's, or daughter's family
7 residing in the same household as the alien
8 when the spouse, parent, son, or daughter".

9 (13) Section 212(a)(9)(B)(iii)(IV) of such Act
10 (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by
11 striking "WOMEN AND CHILDREN" and inserting
12 "FAMILY MEMBERS".

13 (14) Section 212(a)(9)(C)(ii) of such Act (8
14 U.S.C. 1182(a)(9)(C)(ii)) is amended—

15 (A) by striking "or (v)" and inserting "(v),
16 (vii), or (viii)"; and

17 (B) by striking "or (iv)" and inserting
18 "(iv), or (vi)".

19 (15) Section 212(g)(1)(C) of such Act (8
20 U.S.C. 1182(g)(1)(C)) is amended—

21 (A) by striking "or (iv)" and inserting " ,
22 (iv), (vii), or (viii)"; and

23 (B) by striking "or (iii)" and inserting " ,
24 (iii), or (vi)".

1 (16) Section 212(h)(1)(C) of such Act (8
2 U.S.C. 1182(h)(1)(C)) is amended—

3 (A) by striking “or (iv)” and inserting “,
4 (iv), (vii), or (viii)”; and

5 (B) by striking “or (iii)” and inserting “,
6 (iii), or (vi)”.

7 (17) Section 212(l)(1) of such Act (8 U.S.C.
8 1182(l)(1)) is amended—

9 (A) by striking “or (iv)” and inserting “,
10 (iv), (vii), or (viii)”; and

11 (B) by striking “or child” and inserting “,
12 child, son, or daughter”.

13 (18) Section 237(a)(1)(H)(ii) of such Act (8
14 U.S.C. 1227(a)(1)(H)(ii)) is amended—

15 (A) by striking “or (iv)” and inserting “,
16 (iv), (vii), or (viii)”; and

17 (B) by striking “or (iii)” and inserting “,
18 (iii), or (vi)”.

19 (19) Section 240(c)(6)(C)(iv) of such Act (8
20 U.S.C. 1230(c)(6)(C)(iv)) is amended—

21 (A) by striking “SPOUSES AND CHILDREN”
22 and inserting “FAMILY MEMBERS”;

23 (B) in subclause (I), by striking “or (iv)”
24 and inserting “, (iv), (vii), or (viii)”; and

1 (C) in subclause (I), by striking “or (iii)”
 2 and inserting “, (iii), or (vi)”.

3 (20) Section 240A(b)(2) of such Act (8 U.S.C.
 4 1229b(b)(2)) is amended—

5 (A) in the heading, by striking “SPOUSE
 6 OR CHILD” and inserting “FAMILY MEMBERS”;
 7 and

8 (B) in subparagraph (A)(i)(I), by striking
 9 “or parent” and inserting “, parent, son, or
 10 daughter”.

11 (21) Section 245(a) of such Act (8 U.S.C.
 12 1255(a)) is amended by striking “(B)(ii), or
 13 (B)(iii)” and inserting “(A)(vii), (A)(viii), (B)(ii),
 14 (B)(iii), or (B)(vi)”.

15 (22) Section 245(c) of such Act (8 U.S.C.
 16 1255(c)) is amended by striking “(B)(ii), (B)(iii), or
 17 (B)(iv)” and inserting “(A)(vii), (A)(viii), (B)(ii),
 18 (B)(iii), (B)(iv), or (B)(vi)”.

19 **SEC. 11. GENERAL DISCRETIONARY WAIVERS FOR INAD-**
 20 **MISSIBILITY AND REMOVAL GROUNDS.**

21 (a) INADMISSIBILITY GROUNDS.—Section 212 of the
 22 Immigration and Nationality Act (8 U.S.C. 1182) is
 23 amended by adding at the end the following new sub-
 24 section:

1 “(s) DISCRETIONARY WAIVER AUTHORITY.—The At-
 2 torney General, in the Attorney General’s discretion, may
 3 waive any provision of this section (other than paragraphs
 4 (3), (10)(A), (10)(D), and (10)(E) of subsection (a)) for
 5 humanitarian purposes, to assure family unity, or when
 6 it is otherwise in the public interest if the alien dem-
 7 onstrates a connection between the crime or disqualifying
 8 act and battery or extreme cruelty for any alien who quali-
 9 fies for—

10 “(1) classification under clause (iii), (iv), (v),
 11 (vii), or (viii) of section 204(a)(1)(A) or clause (ii),
 12 (iii), (iv), or (vi) of section 204(a)(1)(B); or

13 “(2) relief under section 240A(b)(2) or under
 14 section 244(a)(3) (as in effect before the enactment
 15 of the Illegal Immigration Reform and Immigrant
 16 Responsibility Act of 1996).”.

17 (b) REMOVAL GROUNDS.—Section 237 of such Act
 18 (8 U.S.C. 1227) is amended by adding at the end the fol-
 19 lowing new subsection:

20 “(d) DISCRETIONARY WAIVER AUTHORITY.—The At-
 21 torney General, in the discretion of the Attorney General,
 22 may waive any provision of this section (other than sub-
 23 sections (a)(2)(D)(i) and (a)(4)) for humanitarian pur-
 24 poses, to assure family unity, or when it is otherwise in
 25 the public interest in the case of an alien who dem-

1 onstrates a connection between the crime or disqualifying
 2 act and battery or extreme cruelty for any alien who quali-
 3 fies for—

4 “(1) classification under clause (iii), (iv), (v),
 5 (vii), or (viii) of section 204(a)(1)(A) or clause (ii),
 6 (iii), (iv), or (vi) of section 204(a)(1)(B); or

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

11 **SEC. 12. EXCEPTIONAL CIRCUMSTANCES.**

12 Section 240(e)(1) of the Immigration and Nationality
 13 Act (8 U.S.C. 1229a(e)(1)) is amended by inserting “bat-
 14 tery or extreme cruelty of the alien or any child or parent
 15 of the alien or” after “exceptional circumstances (such
 16 as”.

17 **SEC. 13. ACCESS TO VAWA FOR VISA WAIVER APPLICANTS.**

18 Section 217(b)(2) of the Immigration and Nationality
 19 Act (8 U.S.C. 1187(b)(2)) is amended by inserting after
 20 “asylum,” the following: “or for relief under clause (iii),
 21 (iv), (v), (vii), or (viii) of section 204(a)(1)(A), clause (ii),
 22 (iii), (iv), or (vi) of section 204(a)(1)(B), under section
 23 240A(b)(2), or under section 244(a)(3) (as in effect before
 24 the enactment of the Illegal Immigration Reform and Im-
 25 migrant Responsibility Act of 1996)”.

1 **SEC. 14. COLLECTION OF INFORMATION CONCERNING VIO-**
2 **LENCE AGAINST WOMEN FUNDING.**

3 (a) OMNIBUS CRIME CONTROL AND SAFE STREETS
4 ACT OF 1968.—Section 2002 of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
6 1) is amended by adding at the end the following new sub-
7 section:

8 “(i) REPORT ON SERVICES FOR UNDERSERVED POP-
9 ULATIONS.—

10 “(1) IN GENERAL.—The Violence Against
11 Women Office in the Department of Justice shall
12 submit to Congress, not later than one year after
13 the date of the enactment of this subsection and an-
14 nually thereafter, a report that contains the informa-
15 tion described in paragraphs (2) and (3).

16 “(2) SECTION 2001 GRANTS.—The information
17 described in this paragraph is information provided
18 to the Violence Against Women Office by each State
19 grantee for grants to combat violence against women
20 under section 2001 concerning the following:

21 “(A) The number of grants, amount of
22 funds, and percentage of funds awarded under
23 such section to serve underserved populations in
24 the State.

25 “(B) The percentage of each underserved
26 population in the demographic make up of each

1 State compared to the amount of funding under
2 such section aimed at addressing the needs of
3 that underserved population.

4 “(C) The extent to which the grants pro-
5 vide services to underserved populations and are
6 awarded to programs with experience and his-
7 tory of working with underserved populations of
8 battered women or sexual assault victims, to
9 programs that have bilingual or bicultural staff,
10 to provide interpreters in civil protection order
11 cases, and to collaborations between domestic
12 violence or sexual assault programs and pro-
13 grams experienced in serving particular under-
14 served populations and to other grantees.

15 “(D) The names of nonprofit, nongovern-
16 mental victim service organizations with experi-
17 ence serving various underserved populations of
18 battered women and sexual assault or stalking
19 victims and the extent to which each named or-
20 ganization was consulted in the development of
21 the state plan under section 2002(c)(2).

22 “(3) OTHER GRANT PROGRAMS.—

23 “(A) IN GENERAL.—With regard to grants
24 under each of the grant programs described in

1 subparagraph (B), the information described in
2 this paragraph is the following:

3 “(i) The number of grants, amount of
4 funds, and percentage of funding from the
5 grant program that are used to serve un-
6 derserved populations broken down by
7 State.

8 “(ii) The extent to which grants under
9 the program provide services to under-
10 served populations and are awarded to pro-
11 grams with experience and history of work-
12 ing with underserved populations of bat-
13 tered women or sexual assault victims, to
14 programs that have bilingual or bicultural
15 staff, to provide interpreters in civil protec-
16 tion order cases, and to collaborations be-
17 tween domestic violence or sexual assault
18 programs and programs experienced in
19 serving particular underserved populations
20 and to other grantees.

21 “(B) GRANT PROGRAMS COVERED.—The
22 grant programs described in this subparagraph
23 are the following grant programs administered
24 by the Violence Against Women Office of the
25 Department of Justice:

1 “(i) The program of grants to encour-
2 age arrest under section 2101.

3 “(ii) The program of rural domestic
4 violence and child abuse enforcement as-
5 sistance grants under section 40295(a)(2)
6 of the Violence Crime Control and Law
7 Enforcement Act of 1994 (Public Law
8 103–322; 42 U.S.C. 13971(a)(2)).

9 “(iii) The program of civil legal assist-
10 ance grants under title I of the Depart-
11 ment of Justice Appropriations Act of
12 1999.

13 “(iv) The program of campus domes-
14 tic violence grants under section 826 of the
15 Higher Education Amendment Act of 1998
16 (Public Law 1045–244; 20 U.S.C. 1152).

17 “(v) Any other grant program that
18 combats violence against women and is ad-
19 ministered by such Office.

20 “(vi) The Attorney General shall es-
21 tablish guidelines for the collection and re-
22 porting of this data.”.

23 “(4) GUIDELINES.—The Attorney General shall
24 establish guidelines for the collection and reporting
25 of information under this subsection.”.

1 (b) FAMILY VIOLENCE PREVENTION AND SERVICES
2 ACT.—

3 (1) Section 303(a)(2)(C) of the Family Violence
4 Prevention and Services Act (42 U.S.C.
5 10402(c)(2)(C)) is amended—

6 (A) by striking “ethnic, racial, cultural,
7 language diversity or geographic isolation” and
8 inserting “geographic location (such as rural
9 isolation), underserved racial and ethnic popu-
10 lations, populations underserved because of spe-
11 cial needs (such as language barriers, disabil-
12 ities, alienage status, sexual orientation, or
13 age), and any other populations determined to
14 be underserved in consultation with the Sec-
15 retary”.

16 (2) Section 311(a)(4) of such Act (42 U.S. C.
17 10410(a)(4)) is amended by striking “underserved
18 racial, ethnic or language-minority populations” and
19 inserting “underserved populations described in sec-
20 tion 303(a)(2)(C)”.

21 (3) Section 303(a)(4) of such Act (42 U.S.C.
22 10410(a)(4)) is amended by inserting after the first
23 sentence the following: “Each performance report
24 shall include (A) a description of the activities un-
25 dertaken to serve underserved populations in the

1 State described in section 303(a)(2)(C), (B) details
2 about the number of grants, the amount of funds
3 and the percentage of the State's Family Violence
4 Prevention and Services Act funding that went to
5 serve such underserved populations, (C) a descrip-
6 tion of the underserved populations who benefited
7 from the programs funded including the demo-
8 graphics of each underserved population served, (D)
9 the names of the programs that received such fund-
10 ing, (E) the involvement of programs serving under-
11 served populations in the procedures described in
12 paragraph (2)(C), and (F) a discussion of the effec-
13 tiveness of efforts in the State to reach underserved
14 populations. The Secretary shall establish guidelines
15 for the collection and reporting of information de-
16 scribed in the previous sentence.”.

17 (c) REPORTS TO CONGRESS.—The Secretary of
18 Health and Human Services shall submit to Congress, not
19 later than 2 years after the date of the enactment of this
20 Act and annually thereafter, a report based on information
21 submitted by each State under section 303(a)(4) of the
22 Family Violence Prevention and Services Act that de-
23 scribes the extent to which States are serving underserved
24 populations (as the term is used in section 303(A)(2)(C)
25 of such Act) with funds provided under such Act. The re-

1 port shall also include information about the grants
 2 awarded from funds under such Act by the Secretary to
 3 programs that serve the needs of such underserved popu-
 4 lations.

5 **SEC. 15. ADJUSTMENT OF STATUS FOR CERTAIN BATTERED**
 6 **SPOUSES AND CHILDREN OF ASYLEES.**

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

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

10 (2) by inserting before the comma at the end
 11 the following: “, or (B) is or was the spouse or child
 12 of a refugee within the meaning of section
 13 101(a)(42)(A) and is or was battered or subjected to
 14 extreme cruelty by such refugee, regardless of
 15 whether the relationship with such refugee has been
 16 terminated”.

17 **SEC. 16. EFFECTIVE DATES.**

18 The amendments made by this Act shall take effect
 19 on the date of the enactment of this Act, except that—

20 (1) the amendments made by sections 8, 13,
 21 and 5 shall be effective as included in the enactment
 22 of Violence Against Women Act of 2000 (division B
 23 of Public Law 106–386); and

24 (2) the amendments made by section 12 shall
 25 be effective as included in the enactment of the Ille-

- 1 gal Immigration Reform and Immigrant Responsi-
- 2 bility Act of 1996.

