

110TH CONGRESS
2D SESSION

S. 3369

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2008

Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. MENENDEZ, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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. RELIEF FOR SURVIVING SPOUSES.**

4 (a) IN GENERAL.—The second sentence of section
5 201(b)(2)(A)(i) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or,
7 if married for less than 2 years at the time of the citizen’s
8 death, an alien who proves by a preponderance of the evi-
9 dence that the marriage was entered into in good faith

1 and not solely for the purpose of obtaining an immigration
2 benefit)” after “for at least 2 years at the time of the
3 citizen’s death”.

4 (b) APPLICABILITY.—

5 (1) IN GENERAL.—The amendment made by
6 subsection (a) shall apply to all applications and pe-
7 titions relating to immediate relative status under
8 section 201(b)(2)(A)(i) of the Immigration and Na-
9 tionality Act pending on or after the date of the en-
10 actment of this Act.

11 (2) TRANSITION CASES.—

12 (A) IN GENERAL.—In the case of an alien
13 described in subparagraph (B) who seeks imme-
14 diate relative status pursuant to the amend-
15 ment made by subsection (a), the alien shall
16 have until the date that is 2 years after the
17 date of the enactment of this Act to file a peti-
18 tion under section 204(a)(1)(A)(ii) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1154(a)(1)(A)(ii)), notwithstanding any other
21 provision of law.

22 (B) ALIENS DESCRIBED.—An alien is de-
23 scribed in this subparagraph if—

1 (i) the alien's United States citizen
2 spouse died before the date of the enact-
3 ment of this Act;

4 (ii) the alien and the citizen spouse
5 were married for less than 2 years at the
6 time of the citizen spouse's death; and

7 (iii) the alien has not remarried.

○