

111TH CONGRESS
2D SESSION

S. 2998

To temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2010

Mrs. GILLIBRAND (for herself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

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.**

4 This Act may be cited as the “Haitian Emergency
5 Life Protection Act of 2010” or the “H.E.L.P. Act”.

1 **SEC. 2. EXPANSION OF V VISA CATEGORY FOR HAITIAN IM-**
2 **MIGRANTS.**

3 Section 101(a)(15)(V) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

5 (1) in the matter preceding clause (i), by strik-
6 ing “section 203(a)(2)(A) that” and inserting “sec-
7 tion 203(a) that, except as provided under clause
8 (iii),”;

9 (2) by amending clause (i) to read as follows:

10 “(i) the petition is for status under
11 section 203(a)(2)(A) and has been pending
12 for at least 3 years;”;

13 (3) in clause (ii)—

14 (A) by amending the matter preceding sub-
15 clause (I) to read as follows:

16 “(ii) the petition is for status under
17 section 203(a)(2)(A), has been approved,
18 and was filed at least 3 years previously,
19 and”; and

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

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

23 “(iii)(I) such petition was approved on or
24 before January 12, 2010; and

25 “(II) the alien is a national and resident of
26 Haiti.”.

1 **SEC. 3. USE OF SECONDARY EVIDENCE FOR ELIGIBILITY**
2 **VERIFICATION.**

3 The Department of State, in coordination with
4 United States Citizenship and Immigration Services, may
5 issue travel documents (including a nonimmigrant visa) to
6 any alien in Haiti—

7 (1) who is described in—

8 (A) section 101(a)(15)(V)(iii) of the Immi-
9 gration and Nationality Act, as added by this
10 Act; or

11 (B) section 201(b)(2)(A) of such Act;

12 (2) whose eligibility for such documents has
13 been evaluated by a consular officer after reviewing
14 the best available evidence of such eligibility, includ-
15 ing secondary evidence, if necessary; and

16 (3) who meets all criteria required for—

17 (A) a family-sponsored immigrant visa
18 under section 203(a) of the Immigration and
19 Nationality Act (8 U.S.C. 1153(a)); or

20 (B) admission into the United States as an
21 immediate relative of a United States citizen
22 (as defined in section 203(b)(2)(A)(i) of such
23 Act).

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary for each of the fiscal years 2010
4 through 2012 to process—

5 (1) nonimmigrant visa applications authorized
6 under section 101(a)(15)(V)(iii) of the Immigration
7 and Nationality Act, as added by this Act; and

8 (2) immigrant visa applications for immediate
9 relatives (as defined in section 203(b)(2)(A)(i) of
10 such Act).

11 **SEC. 5. SUNSET PROVISION.**

12 This Act and the amendments made by this Act shall
13 be effective during the 2-year period beginning on the date
14 of the enactment of this Act.

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