

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide immigration status for certain battered spouses and children.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the end, add the following:

2 **SEC. 7. IMMIGRATION STATUS FOR CERTAIN BATTERED**

3 **SPOUSES AND CHILDREN.**

4 (a) NONIMMIGRANT STATUS FOR CERTAIN BAT-
5 TERED SPOUSES AND CHILDREN.—Section 101(a)(51) of

6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(51)) is amended—

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

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

3 (3) by adding at the end the following:

4 “(H) section 106 as an abused derivative
5 alien.”.

6 (b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

7 (1) AMENDMENT.—Section 106 of the Immi-
8 gration and Nationality Act (8 U.S.C. 1105a) is
9 amended to read as follows:

10 **“SEC. 106. RELIEF FOR ABUSED DERIVATIVE ALIENS.**

11 “(a) ABUSED DERIVATIVE ALIEN DEFINED.—In this
12 section, the term ‘abused derivative alien’ means an alien
13 who—

14 “(1) is a spouse or child admitted under section
15 101(a)(15);

16 “(2) is accompanying or following to join a
17 principal alien admitted under such section; and

18 “(3) has been subject to battery or extreme cru-
19 elty by such principal alien.

20 “(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—
21 The Secretary of Homeland Security—

22 “(1) shall grant admission to, or extend the pe-
23 riod of admission for, an abused derivative alien
24 under the subparagraph of section 101(a)(15) pur-

1 suant to which the principal alien was admitted for
2 the period that is the longer of—

3 “(A) the same period for which the prin-
4 cipal alien was initially admitted; or

5 “(B) 3 years;

6 “(2) may renew a grant or an extension of sta-
7 tus made under paragraph (1);

8 “(3) shall grant employment authorization to
9 an abused derivative alien; and

10 “(4) may adjust the status of an abused deriva-
11 tive alien to that of an alien lawfully admitted for
12 permanent residence if—

13 “(A)(i) the abused derivative alien is ad-
14 missible under section 212(a); or

15 “(ii) the Secretary of Homeland Security
16 determines that the continued presence in the
17 United States of the abused derivative alien is
18 justified—

19 “(I) on humanitarian grounds;

20 “(II) to ensure family unity; or

21 “(III) is otherwise in the public inter-
22 est; and

23 “(B) the status under which the principal
24 alien was admitted to the United States would

1 have potentially allowed for eventual adjustment
2 of status.

3 “(c) EFFECT OF TERMINATION OF RELATIONSHIP.—
4 Termination of the relationship with principal alien shall
5 not affect the status of an abused derivative alien under
6 this section if battery or extreme cruelty by the principal
7 alien was one central reason for termination of the rela-
8 tionship.

9 “(d) PROCEDURES.—A request for relief under this
10 section shall be handled under the procedures that apply
11 to an alien seeking relief under section 204(a)(1)(B).”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents preceding section 101 of the Immigration and
14 Nationality Act (8 U.S.C. 1101) is amended by
15 striking the item relating to section 106 and insert-
16 ing the following:

“Sec. 106. Relief for abused derivative aliens.”.