

Interlineated HR 5331 Violence Against Immigrant Women Act of 2012

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June 5, 2021

This document is an interlineated version of The Violence Against Immigrant Women Act of 2012, which was introduced by Representative Jan Schakowsky on May 7, 2012 in the 112th Congress, 2nd Session, HR 5331.

HR 5331 contains a myriad of legislative provisions that, if enacted as law, would dramatically improve legal protections for immigrant women and children who have been victims of domestic violence, child abuse, sexual assault, stalking, human trafficking, child abandonment, child neglect or a range of other violent crimes committed against them in the United States. This interlineated version of HR 5331 is marked up with strike-throughs. The text that is crossed out in red indicates the amendments that are no longer needed, because they have already been passed—either in law or through policy—in the years since this bill was first introduced in 2012. All of the text that remains intact (i.e. that does not have a red strike-through) is language that continues to be necessary to pass as law.

This bill is intended to be read alongside our section-by-section analysis that describes and explains each of the provisions in HR 5331. It is also intended to be read alongside a third document, entitled “Immigrant Victims Additional Statutory Amendments Needed,” which discusses additional amendments that are needed in addition to those outlined in HR 5331. Both of these supplemental documents can be found at the following link: <https://niwaplibrary.wcl.american.edu/2021-legislative-proposals-that-benefit-immigrant-survivors>

112TH CONGRESS
2D SESSION

H. R. 5331

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 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 “Violence Against Immi-
5 grant Women Act of 2012”.

1 **TITLE I—RULEMAKINGS**

2 **SEC. 101. RULEMAKING AND FINDINGS WITH REGARD TO**
3 **RULEMAKING.**

4 (a) **RULEMAKING.**—Not later than 180 days after the
5 date of enactment of this Act, the Attorney General, the
6 Secretary of Homeland Security, and the Secretary of
7 State shall make rules to implement this Act and the
8 amendments carried out by this Act. To the extent nec-
9 essary to ensure that such rules are made in a timely man-
10 ner, the rules shall take effect on an interim basis, at the
11 same time that notice and opportunity for public comment
12 are offered. Access to the relief provided by this Act and
13 previous Acts listed in subsection (b) is in the public inter-
14 est, as necessary to protect health and safety and promul-
15 gation of regulations that take effect on an interim basis
16 falls within the good cause exception in the Administrative
17 Procedure Act.

18 (b) **FINDINGS.**—Not later than 180 days after the
19 date of enactment of this Act, the Attorney General, the
20 Secretary of Homeland Security, and the Secretary of
21 State shall promulgate interim regulations to implement
22 the provisions not amended or repealed from the Victims
23 of Trafficking and Violence Prevention Act of 2000 (Pub-
24 lic Law 106–386), the Violence Against Women Act and
25 Department Justice Reauthorization Act of 2006 (Public

1 Law 109–162) and the William Wilberforce Trafficking
2 Victims Protection Reauthorization Act of 2008 (Public
3 Law 110–457). Insofar as required to carry out the pre-
4 vious sentence in a timely manner, such regulations shall
5 be promulgated to take effect on an interim basis, at the
6 same time that notice and opportunity for public comment
7 are offered.

8 **TITLE II—PROTECTIONS FOR** 9 **VICTIMS**

10 **SEC. 201. EMPLOYMENT AUTHORIZATION FOR IMMIGRANT** 11 **VICTIMS.**

12 (a) FINDINGS.—Congress finds as follows:

13 (1) Congress created immigration protections
14 for immigrant victims of domestic violence, sexual
15 assault, stalking, dating violence, human trafficking,
16 and other crime victims for two important pur-
17 poses—to facilitate prosecution of perpetrators and
18 to enhance victim safety.

19 (2) The safety of immigrant victims applying
20 for protection under the Violence Against Women
21 Act or the Trafficking Victims Protection Act is un-
22 dermined when government agencies delay in pro-
23 viding legal work authorization. Immigrant victims’
24 ability to seek help and to cooperate in the detection,
25 investigation or prosecution crimes committed

1 against them is enhanced when victims can work
2 lawfully and sever their economic dependence on the
3 perpetrator.

4 (3) When victims know that they will receive
5 legal work authorization within 180 days of filing
6 their for victim related immigration relief, victims
7 and their advocates can develop safety plans that
8 will focus on steps the victim can take to keep her-
9 self and her children safe during the work authoriza-
10 tion waiting period. This can include stays in an
11 emergency shelter and transitional housing, obtain-
12 ing legal custody of her children and learning skills
13 that will enhance her employability.

14 (4) The economic stability that comes from the
15 ability to work lawfully in the United States reduces
16 victims' vulnerability to abuse, exploitation and coer-
17 cion from crime perpetrators.

18 (5) Congress in VAWA 2000 and VAWA 2005
19 took steps to encourage DHS to grant immigrant
20 crime victims swift access to legal work authoriza-
21 tion. However, as of 2011 73.9% of VAWA self-peti-
22 tioners and 93.9% of U-visa applicants endure
23 delays of longer than 6 months before receiving legal
24 work authorization. Of these many wait well over a
25 year after filing before receiving work authoriza-

1 tion—36.7% of VAWA self-petitioners and 32% of
2 U-visa applicants. These delays harm criminal pros-
3 ecutions and endanger victims and their children.

4 (b) EMPLOYMENT AUTHORIZATION FOR IMMIGRANT
5 VICTIMS.—Section 204(a)(1) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1154(a)) is amended by adding at
7 the end the following:

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

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

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

20 **SEC. 202. PROTECTIONS FOR TRAFFICKING VICTIMS.**

21 (a) DEATH OF A FAMILY MEMBER.—

22 (1) CITIZEN PARENTS.—Section
23 204(a)(1)(A)(iv) of the Immigration and Nationality
24 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

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

3 (B) by inserting “who was a child of a
4 United States citizen parent (i)(I) who died
5 within the past 2 years; or (II) who died when
6 the child was under 18 years of age and the
7 child filed a petition under this subsection not
8 later than 2 years after the child reached the
9 age of 18 years, or (ii) whose marriage to the
10 child’s alien parent was terminated, including
11 by divorce, annulment, or by death of the alien
12 parent or the United States citizen parent” be-
13 fore “, and who is a person of good moral char-
14 acter,”; and

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

18 (2) **LAWFUL PERMANENT RESIDENTS.**—Section
19 204(a)(1)(B) of the Immigration and Nationality
20 Act (8 U.S.C. 1154(a)(1)(B)) is amended—

21 (A) in clause (iii)—

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

24 (ii) by inserting “or who was a child
25 of a lawful permanent resident parent

1 (I)(aa) who within the past 2 years; or (II)
2 who died when one child was under 18
3 years of age and the child filed a petition
4 under this subsection no later than 2 years
5 after the child reached the age of 18” be-
6 fore “, and who is a person of good moral
7 character,”; and

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

11 (B) in clause (ii)(II)(aa)(CC)—

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

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

17 (iii) by adding at the end the fol-
18 lowing:

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

22 (3) SELF PETITIONING BY MINORS.—Section
23 204(a)(1)(D)(v) of the Immigration and Nationality
24 Act (8 U.S.C. 1154(a)(1)(D)(v)) is amended by in-
25 serting after “who is not less than 21 years of age,”

1 the following: “(and the individual’s spouse and chil-
2 dren)”.

3 (4) SURVIVING RELATIVES.—Section 204(l) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1165(l)) is amended—

6 (A) in paragraph (1), by striking “who re-
7 sided in the United States at the time of the
8 death of the qualifying relative and who con-
9 tinues to reside in the United States”; and

10 (B) in paragraph (2)(E), to read as fol-
11 lows:

12 “(E)(i) an alien described in section
13 101(a)(15)(T)(ii) whose qualifying relative has
14 been admitted in nonimmigrant status de-
15 scribed in section 101(a)(15)(T)(i);

16 “(ii) an alien described in section
17 101(a)(15)(U)(ii) whose qualifying relative has
18 been admitted in nonimmigrant status de-
19 scribed in section 101(a)(15)(U)(i); or

20 “(iii) an alien who is a VAWA self-peti-
21 tioner.”.

22 (5) EFFECTIVE DATES.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the amendments made by
25 paragraphs (1) and (2) shall take effect on the

1 date of enactment of this Act and shall apply
2 to petitions filed on or after that date.

3 (B) TRANSITION IN CASE OF CITIZEN PAR-
4 ENTS WHO DIED BEFORE ENACTMENT.—In ap-
5 plying the amendments made by paragraphs (1)
6 and (2)(A) in the case of an alien whose citizen
7 or lawful permanent resident parent died dur-
8 ing the period beginning on the date that is 2
9 years prior to the date of enactment of Violence
10 Against Women Reauthorization Act of 2005,
11 and ending on the date of enactment of this
12 Act—

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

20 (ii) a petition under either such sec-
21 tion shall be filed not later than the later
22 of—

23 (I) 2 years after the date of en-
24 actment of this Act; or

1 (II) the 2 years after the date
2 the alien attains 18 years of age; and
3 (iii) the determination of eligibility of
4 an alien child for benefits under either
5 such section (including under section
6 204(a)(1)(D) of such Act, by reason of a
7 petition authorized under such section)
8 shall be determined as of the date of the
9 death of the citizen or lawful permanent
10 resident parent.

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

14 (1) in paragraph (2)(C)—

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

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

19 (C) by adding at the end the following:

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

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

1 “(h) Reunification with a parent or legal guardian or
2 next friend does not affect the child’s unaccompanied sta-
3 tus for the duration of the child’s immigration pro-
4 ceedings.”.

5 (c) PROVIDING SAFE AND SECURE PLACEMENTS FOR
6 CHILDREN.—Section 235(c)(2) of the Trafficking Victims
7 Protection Reauthorization Act of 2008 is amended by
8 adding at the end the following: “The Secretary of Home-
9 land Security shall permit the continuation of care plans
10 developed by the Office of Refugee Resettlement’s division
11 of Unaccompanied Children’s Services to ensure their con-
12 tinued protected status after they turn 18, in an arrange-
13 ment that is the least restrictive possible. The provisions
14 of this paragraph apply to an unaccompanied alien child
15 until such child attains 21 years of age, including those
16 provisions providing for continued authorization of place-
17 ment of that child.”.

18 (d) PROVIDING SAFE AND SECURE PLACEMENTS
19 FOR CHILDREN.—Section 235(c)(1) of the Trafficking
20 Victims Protection Reauthorization Act of 2008 is amend-
21 ed to read as follows:

22 “(1) POLICIES AND PROGRAMS.—

23 “(A) IN GENERAL.—The Secretary of
24 Health and Human Services, Secretary of
25 Homeland Security, Attorney General, and Sec-

1 retary of State shall establish policies and pro-
2 grams to ensure that unaccompanied alien chil-
3 dren in the United States are protected from
4 traffickers and other persons seeking to vic-
5 timize or otherwise engage such children in
6 criminal, harmful, or exploitative activity, in-
7 cluding policies and programs reflecting best
8 practices in witness security programs.

9 “(B) CONFIDENTIALITY OF INFORMA-
10 TION.—In order to protect unaccompanied alien
11 children in the United States, information ac-
12 quired by any person, including officers or em-
13 ployees of the Department of Health and
14 Human Services, case managers, or others in
15 connection with providing services or treatment
16 to children in the custody of the Secretary of
17 Health and Human Services, including any con-
18 tracted social service entity, shall have be af-
19 forded confidentiality protections under VAWA
20 confidentiality (8 U.S.C. 1367) and the Health
21 Insurance Portability and Accountability Act.”.

22 (e) ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE
23 STATUS.—

24 ~~(1) AGE AND COURT JURISDICTION. Section~~
25 ~~235(d)(6) of the Trafficking Victims Protection Re-~~

1 ~~authorization Act of 2008 is amended to read as fol-~~
2 ~~lows:~~

3 ~~“(6) TRANSITION RULE. Notwithstanding any~~
4 ~~other provision of law, an alien described in section~~
5 ~~101(a)(27)(J) of the Immigration and Nationality~~
6 ~~Act (8 U.S.C. 1101(a)(27)(J)) may not be denied~~
7 ~~special immigrant status under such section or have~~
8 ~~such status revoked after the date of the enactment~~
9 ~~of this Act based on age or whether the alien con-~~
10 ~~tinues to be under State or juvenile court jurisdic-~~
11 ~~tion if the alien was a child and under State or juve-~~
12 ~~nile court jurisdiction on the date on which the alien~~
13 ~~applied for such status.”.~~

14 (2) SINGLE PARENTS.—Section
15 101(a)(27)(J)(i) of the Immigration and Nationality
16 Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended—

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

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

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

1 (f) COUNTING OF TRAFFICKING VICTIMS AND BENE-
2 FITS FOR U-VISA HOLDERS AND FAMILIES.—Section
3 107(b)(1)(B) of the Trafficking Victims Protection Act of
4 2000 (22 U.S.C. 7105(b)(1)) is amended by adding “and
5 victims of human trafficking who qualify for other forms
6 of immigration relief” after “101(a)(15)(T)(ii)”.

7 (g) PASSPORT RETENTION.—Section 1592 of title
8 18, United States Code, is amended—

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

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

13 (3) by inserting after paragraph (3) of sub-
14 section (a) the following:

15 “(4) for more than 32 hours shall be subject to
16 a rebuttable presumption that they are withholding
17 the passport of another person against that persons
18 will in violation of this section, but it is not a viola-
19 tion of this section to obtain a person’s passport for
20 up 32 hours for the purpose of complying with Fed-
21 eral or State government requirements;”.

1 **SEC. 203. PROTECTIONS FOR VICTIMS OF CRIMINAL ACTIV-**
2 **ITY.**

3 (a) IN GENERAL.—Section 101(a)(15)(U)(iii) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(a)(15)(U)(iii)) is amended—

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

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

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

16 (b) PROTECTION FOR INCAPACITATED SONS AND
17 DAUGHTERS OF VICTIMS.—(1) Section 101(a)(15)(T)(ii)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1101(a)(15)(t)) is amended—

20 (A) in subclause (I) by inserting “, incapaci-
21 tated siblings,” after “under such clause”; and

22 (B) in subclause (III) by inserting “, incapaci-
23 tated sibling,” after “parent”.

24 (2) Section 101(a)(15)(U)(ii) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(U)(ii)) is amend-
26 ed—

1 (A) in subclause (I)—

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

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

6 (iii) by inserting “any children of the sib-
7 lings,” after “under such clause”; and

8 (B) in subclause (II)—

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

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

14 (3) Section 204(a)(1) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1154(a)(1)) is amended—

16 (A) in subparagraph (A)(ii), by inserting “or
17 incapacitated sons or daughters” after “alien’s chil-
18 dren”;

19 (B) in subparagraph (A)(iii), in the matter pre-
20 ceding item (aa), by inserting “or incapacitated son
21 or daughter” after “child”;

22 (C) in subparagraph (A)(iii)(I)(bb), by striking
23 “or a child” inserting “, an incapacitated son or
24 daughter of the alien, or a child”;

1 (D) in subparagraph (A)(iv), by inserting “, or
2 incapacitated son or daughter,” after “child” the
3 first and second places it appears;

4 (E) in subparagraph (A)(vi), by striking “or
5 child” and inserting “, incapacitated son or daugh-
6 ter, or child”;

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

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

13 (c) PROTECTING PARENTS OF U.S. CITIZEN CHILD
14 CRIME VICTIMS.—Section 101(a)(15)(U) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1101(a)(15)(U)) shall
16 be amended—

17 (1) in clause (i)—

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

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

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

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

6 “(III) in the case of an alien de-
7 scribed in clause (i) who is 21 years
8 of age or older and incapacitated, the
9 parents and siblings of such alien.”.

10 (d) REQUIREMENTS APPLICABLE TO U VISAS.—

11 (1) RECAPTURE OF UNUSED U VISAS.—Section
12 214(p)(2) of the Immigration and Nationality Act (8
13 U.S.C. 1184(p)(2)) is amended—

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

17 (B) by adding at the end the following:

18 “(C) Beginning in fiscal year 2012, if the
19 numerical limitation set forth in subparagraph
20 (A) is reached before the end of the fiscal year,
21 up to 5,000 additional visas, of the aggregate
22 number of visas that were available and not
23 issued to nonimmigrants described in section
24 101(a)(15)(U) in fiscal years 2006 through

1 2011, may be issued until the end of the fiscal
2 year.”.

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

9 ~~(3) AGE DETERMINATIONS. Section 214(p) of~~
10 ~~the Immigration and Nationality Act (8 U.S.C.~~
11 ~~1184(p)) is amended by adding at the end the fol-~~
12 ~~lowing:~~

13 ~~“(7) AGE DETERMINATIONS.~~

14 ~~“(A) CHILDREN. An unmarried alien who~~
15 ~~seeks to accompany, or follow to join, a parent~~
16 ~~granted status under section 101(a)(15)(U)(i),~~
17 ~~and who was under 21 years of age on the date~~
18 ~~on which such parent petitioned for such status,~~
19 ~~shall continue to be classified as a child for pur-~~
20 ~~poses of section 101(a)(15)(U)(ii), if the alien~~
21 ~~attains 21 years of age after such parent’s peti-~~
22 ~~tion was filed but while it was pending.~~

23 ~~“(B) PRINCIPAL ALIENS. An alien de-~~
24 ~~scribed in clause (i) of section 101(a)(15)(U)~~
25 ~~shall continue to be treated as an alien de-~~

1 ~~scribed in clause (ii)(I) of such section if the~~
2 ~~alien attains 21 years of age after the alien's~~
3 ~~application for status under such clause (i) is~~
4 ~~filed but while it is pending.”.~~

5 (4) PETITIONING PROCEDURES FOR U VISAS.—
6 Section 214(p)(1) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1154(p)) is amended by inserting
8 “Certifications may be signed by the head of the
9 agency or any agency staff member designated by
10 such agency head to sign certifications.” before
11 “The certification may also”.

12 (e) VOCA AS U-VISA CERTIFIERS.—Section 203(j)
13 through section 214(p) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1153(j) through 8 U.S.C. 1184(p))
15 is amended by inserting “administrator of crime victim as-
16 sistance under the Comprehensive Crime Control Act of
17 1984 (42 U.S.C. 10602),” after “prosecutor, judge,” each
18 place it appears.

19 **SEC. 204. BATTERED SPOUSE AND FAMILY MEMBER PRO-**
20 **TECTIONS AND NONIMMIGRANTS.**

21 (a) EXCEPTION FROM FOREIGN RESIDENCE RE-
22 QUIREMENT FOR EDUCATIONAL VISITORS.—

23 (1) IN GENERAL.—Section 212(e) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1182(e)) is
25 amended, in the matter before the first proviso, by

1 inserting “unless the alien is a VAWA self-petitioner
2 or an applicant for nonimmigrant status under
3 101(a)(15)(T) or (U)” after “for an aggregate of at
4 least two years following departure from the United
5 States”.

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

13 (b) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1154(a)(1)(A)(iii)) is amended—

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

19 (2) in subclause (II)(aa)—

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

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

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

1 “(DD) who entered the
 2 United States as an alien
 3 described in section
 4 101(a)(15)(K) with the in-
 5 tent to enter into a valid
 6 marriage and the alien (or
 7 child of the alien) was bat-
 8 tered or subject to extreme
 9 cruelty by the United States
 10 citizen who filed the petition
 11 to accord status under such
 12 section;”;

13 (3) in subclause (II)(cc)—

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

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

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

20 (c) EXCEPTION FROM REQUIREMENT TO DEPART.—

21 Section 214(d)(1) of the Immigration and Nationality Act
 22 (8 U.S.C. 1184(d)(1)) is amended by inserting before the
 23 period at the end the following: “unless the alien (and the
 24 child of the alien) entered the United States as an alien
 25 described in section 101(a)(15)(K) with the intent to enter

1 into a valid marriage and the alien or child was battered
2 or subjected to extreme cruelty by the United States cit-
3 izen who filed the petition to accord status under such
4 section”.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this subsection shall apply to aliens admitted before, on,
7 or after the date of enactment of this Act.

8 (e) RELIEF FOR ABUSED FIANCÉS.—

9 (1) CONFORMING APPLICATION IN CANCELLA-
10 TION OF REMOVAL.—Section 240A(b)(2)(A)(i) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1229b(b)(2)(A)(i)) is amended—

13 (A) by striking “or” at the end of sub-
14 clause (II);

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

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

19 “(IV) the alien entered the
20 United States as an alien described in
21 section 101(a)(15)(K) with the intent
22 to enter into a valid marriage and the
23 alien (or the child of the alien who is
24 described in such section) was bat-
25 tered or subject to extreme cruelty by

1 the United States citizen who filed the
2 petition to accord status under such
3 section;”.

4 (2) EXCEPTION TO RESTRICTION ON ADJUST-
5 MENT OF STATUS.—The second sentence of section
6 245(d) of the Immigration and Nationality Act (8
7 U.S.C. 1255(d)) is amended by inserting before the
8 period the following: “, unless the alien is described
9 in section 204(a)(1)(A)(iii)(II)(aa)(DD)”.

10 (3) APPLICATION UNDER SUSPENSION OF DE-
11 PORTATION.—Section 244(a)(3) of such Act (8
12 U.S.C. 1254(a)(3)) (as in effect on March 31, 1997)
13 shall be applied (as if in effect on such date) as if
14 the phrase “is described in section
15 240A(b)(2)(A)(i)(IV) or” were inserted before “has
16 been battered” the first place it appears.

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

21 (f) VISA WAIVER ENTRANTS.—

22 (1) IN GENERAL.—Section 217(b)(2) of the Im-
23 migration and Nationality Act (8 U.S.C. 1187(b)(2))
24 is amended by inserting “as a VAWA self-petitioner
25 or for relief under section 101(a)(15)(T) or (U),

1 under section 240A(b)(2), or under section
2 244(a)(3) (as in effect on March 31, 1997),” after
3 “asylum,”.

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

10 (g) ABUSED DERIVATIVES ACCESSING VAWA SELF-
11 PETITIONING.—Section 204(a)(1)(B)(ii)(I) of the Immi-
12 gration and Nationality Act (8 U.S.C.
13 1154(a)(1)(B)(ii)(I)) is amended—

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

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

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

21 **SEC. 205. BATTERED SPOUSE AND FAMILY MEMBER PRO-**
22 **TECTIONS.**

23 (a) SELF-PETITIONING FOR ABANDONED
24 SPOUSES.—

1 (1) ABANDONED SPOUSES OF U.S. CITIZENS.—
2 Section 204(a)(1)(A)(iii)(I)(bb) of the Immigration
3 and Nationality Act (8 U.S.C.
4 1154(a)(1)(A)(iii)(I)(bb)) is amended by inserting
5 “abandoned,” before “battered”.

6 (2) ABANDONED SPOUSES OF LAWFUL PERMA-
7 NENT RESIDENTS.—Section 204(a)(1)(B)(ii)(I)(bb)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1154(a)(1)(B)(ii)(I)(bb)) is amended by inserting
10 “abandoned,” before “battered”.

11 (b) IMPROVED ACCESS TO VAWA SELF-PETI-
12 TIONING.—

13 (1) ABUSED IMMIGRANT SPOUSES OF UNITED
14 STATES CITIZENS.—Section 204(a)(1)(A) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1154(a)(1)(A)) is amended—

17 (A) in clause (iii)(I)(bb) by striking “dur-
18 ing the marriage or relationship intended by the
19 alien to be legally a marriage,”;

20 (B) in clause (iii)(II)(aa)(CC)(bbb) by
21 striking “related to an incident of domestic vio-
22 lence”;

23 (C) in clause (iii)(II)(aa)—

24 (i) by striking subitem (CC)(ccc); and

1 (ii) by inserting after (CC) the fol-
2 lowing:

3 “(DD) who was a bona
4 fide spouse of a United
5 States citizen whose mar-
6 riage was legally terminated.
7 Applications under this sub-
8 section must be filed within
9 2 years beginning on the
10 date that the alien spouse
11 receives actual notice of the
12 final court order legally ter-
13 minating the marriage;”;
14 and

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

17 (2) ABUSED IMMIGRANT SPOUSES OF LAWFUL
18 PERMANENT RESIDENTS.—Section 204(a)(1)(B) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1154(a)(1)(B)) is amended—

21 (A) in clause (ii)(I)(bb) by striking “dur-
22 ing the marriage or relationship intended by the
23 alien to be legally a marriage;”;

24 (B) in clause (ii)(II)(aa), by striking
25 subitem (CC), and inserting the following:

1 “(CC) who was a bona
2 fide spouse of a lawful per-
3 manent resident within the
4 past two years and whose
5 spouse lost status within the
6 past 2 years due to an inci-
7 dent of battering or extreme
8 cruelty; or

9 “(DD) who was a bona
10 fide spouse of a lawful per-
11 manent resident whose mar-
12 riage was legally terminated.
13 Applications under this sub-
14 section must be filed within
15 2 years beginning on the
16 date that the alien spouse
17 receives actual notice of the
18 final court order legally ter-
19 minating the marriage;”;
20 and

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

23 (c) SURVIVAL OF RIGHTS TO SELF-PETITION.—Sec-
24 tion 204(h) of the Immigration and Nationality Act (8

1 U.S.C. 1154(h)) is amended by striking “was approved”
2 and inserting “has been filed”.

3 (d) EXPANSION OF PROTECTIONS.—Section
4 212(d)(5) of the Immigration and Nationality Act (8
5 U.S.C. (d)(5)) is amended by adding at the end the fol-
6 lowing:

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

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

16 “(ii) A VAWA self-petitioner whose
17 petition was approved based on the peti-
18 tioner or a child of the petitioner having
19 been battered or subjected to extreme cru-
20 elty by a lawful permanent resident spouse
21 or parent.

22 “(iii) An alien whose petition was ap-
23 proved or who qualifies to be classified as
24 a nonimmigrant described in section
25 101(a)(15)(U)(ii).

1 “(iv) The child of an alien described
2 in clauses (i), (ii), (iii), or (iv) of this sub-
3 section who is outside of the United States.

4 “(v) The child of an alien described in
5 clauses (v) of this subsection who is out-
6 side of the United States.

7 “(D) The grant of parole under clause (i),
8 (ii), or (iii) of subparagraph (C) shall extend
9 from the date of approval of the applicable peti-
10 tion to the time the application for adjustment
11 of status filed by aliens covered under such sub-
12 paragraphs has been finally adjudicated. Appli-
13 cations for adjustment of status filed by aliens
14 covered under such clauses shall be treated as
15 if they were applications filed under section
16 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for
17 purposes of section 245(a) and (c). The grant
18 of parole under subparagraph clause (iv) or (v)
19 of such subparagraph shall extend from the
20 date of the determination of the Secretary of
21 State described in such subparagraph to the
22 time the application for status under section
23 101(a)(15)(U)(ii) has been finally adjudicated.
24 Failure by any alien covered by subparagraph
25 (C) to exercise due diligence in filing a visa pe-

1 tition on the alien’s behalf may result in revoca-
2 tion of parole.”.

3 (e) SELF-PETITIONING BY CHILDREN OF BIGAMY.—

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

7 “(iv) An alien may file a petition with
8 the Secretary under this subparagraph for
9 classification of the alien (and any spouse
10 or child of the alien) if the alien dem-
11 onstrates to the Secretary that the alien
12 has been battered by or has been the sub-
13 ject of extreme cruelty perpetrated by the
14 alien’s citizen parent and that the alien—

15 “(I)(aa) is the child or incapaci-
16 tated son or daughter of a citizen of
17 the United States;

18 “(bb) was a child or incapaci-
19 tated son or daughter of a United
20 States citizen parent who within the
21 past 2 years lost or renounced citizen-
22 ship status;

23 “(cc) who believed that he or she
24 was the child of a citizen of the
25 United States—

1 “(AA) because a marriage
2 ceremony was actually performed
3 between the U.S. citizen and
4 alien’s other parent; and

5 “(BB) the alien’s other par-
6 ent otherwise meets any applica-
7 ble requirements under this Act
8 to establish the existence of and
9 bona fides of a marriage, but the
10 marriage is not legitimate solely
11 because of the bigamy of such
12 citizen of the United States; or

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

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

19 “(BB) whose marriage to
20 the alien’s parent was termi-
21 nated, including by divorce, an-
22 nulment, or by death of the nat-
23 ural parent or the abusive step-
24 parent;

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

3 “(III) is eligible to be classified
4 as an immediate relative under section
5 1151(b)(2)(A)(i) of this title; and

6 “(IV) resides, or has resided in
7 the past, with the citizen parent (for
8 purposes of this clause, residence in-
9 cludes any period of visitation).”.

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

13 “(iii) An alien may file a petition with
14 the Secretary under this subparagraph for
15 classification of the alien (and any spouse
16 or child of then alien) under such section
17 if the alien demonstrates to the Secretary
18 that the alien has been battered by or has
19 been the subject of extreme cruelty per-
20 petrated by the alien’s permanent resident
21 parent and that the alien—

22 “(I)(aa) is the child or incapaci-
23 tated son or daughter of an alien law-
24 fully admitted for permanent resi-
25 dence;

1 “(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;

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5
6 “(cc) believed that he or she was a child of an alien stepparent lawfully admitted for permanent residence—

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8
9 “(AA) because a marriage ceremony was actually performed between the lawful permanent resident and alien’s other parent; and

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14 “(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

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23 “(dd) was a child of a lawful permanent resident—

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

5 “(BB) whose marriage to
6 the alien child’s parent was ter-
7 minated, including by divorce,
8 annulment, or by death of the
9 natural parent or the abusive
10 stepparent;

11 “(II) is a person of good moral
12 character, who is eligible for classi-
13 fication under section 1153(a)(2)(A)
14 of this title; and

15 “(III) resides, or has resided in
16 the past, with the alien’s permanent
17 resident alien parent (for purposes of
18 this clause, residence includes any pe-
19 riod of visitation).”.

20 ~~(f) PROTECTION FOR CHILDREN OF VAWA SELF-~~
21 ~~PETITIONERS. Section 204(1)(2) of the Immigration and~~
22 ~~Nationality Act (8 U.S.C. 1154(1)(2)) is amended~~

23 ~~(1) in subparagraph (E), by striking “or” at~~
24 ~~the end;~~

1 ~~(2) by redesignating subparagraph (F) as sub-~~
 2 ~~paragraph (G); and~~

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

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

10 (g) SELF-PETITIONING RIGHTS UNDER SECTION
 11 203 OF NACARA.—Section 309 of the Illegal Immigra-
 12 tion and Reform and Immigrant Responsibility Act of
 13 1996 (division C of Public Law 104–208; 8 U.S.C. 1101
 14 note), as amended by section 203(a) of the Nicaraguan
 15 Adjustment and Central American Relief Act (8 U.S.C.
 16 1255 note; Public Law 105–100), is amended—

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

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

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

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

1 “(DD) at the time at
2 which the spouse or child
3 files an application for sus-
4 pension of deportation or
5 cancellation of removal;
6 and”;

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

11 (3) in subsection (g)—

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

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

17 (C) by adding at the end the following new
18 paragraph:

19 “(2) There shall be no limitation on a motion
20 to reopen removal or deportation proceedings in the
21 case of an alien who is described in subclause (VI)
22 or (VII) of subsection (c)(5)(C)(i). Motions to re-
23 open removal or deportation proceedings in the case
24 of such an alien shall be handled under the proce-
25 dures that apply to aliens seeking relief under sec-

1 tion 204(a)(1)(A)(iii) of the Immigration and Na-
2 tionality Act.”.

3 **SEC. 206. BATTERED SPOUSE WAIVERS AND CONDITIONAL**
4 **RESIDENTS.**

5 (a) GROUNDS FOR HARDSHIP WAIVER FOR CONDI-
6 TIONAL PERMANENT RESIDENCE FOR INTENDED
7 SPOUSES.—Section 216(c)(4) of the Immigration and Na-
8 tionality Act (8 U.S.C. 1186a(c)(4)) is amended—

9 (1) in subparagraph (B)—

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

15 (B) by striking “or” at the end;

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

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

20 ~~“(D) the alien meets the requirements~~
21 ~~under section 204(a)(1)(A)(iii)(II)(aa)(BB) and~~
22 ~~following the marriage ceremony has been bat-~~
23 ~~tered by or was subject to extreme cruelty per-~~
24 ~~petrated by his or her intended spouse and was~~

1 ~~not at fault in failing to meet the requirements~~
2 ~~of paragraph (1).”.~~

3 ~~(b) TECHNICAL CORRECTIONS. Section 216(e)(4) of~~
4 ~~the Immigration and Nationality Act (8 U.S.C.~~
5 ~~1186a(e)(4)), as amended by subsection (a), is further~~
6 ~~amended—~~

7 ~~(1) in the matter preceding subparagraph (A),~~
8 ~~by striking “The Attorney General, in the Attorney~~
9 ~~General’s” and inserting “The Secretary of Home-~~
10 ~~land Security, in the Secretary’s”; and~~

11 ~~(2) in the undesignated paragraph at the end—~~

12 ~~(A) in the first sentence, by striking “At-~~
13 ~~torney General” and inserting “Secretary of~~
14 ~~Homeland Security”;~~

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

17 ~~(C) in the third sentence, by striking “At-~~
18 ~~torney General.” and inserting “Secretary.”;~~

19 ~~and~~

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

22 (c) GROUNDS FOR RELIEF.—Such section is further
23 amended by adding at the end the following: “An applica-
24 tion for relief under this paragraph may be based on one
25 or more grounds specified in subparagraphs (A) through

1 (D) and may be amended at any time to change the
2 ground or grounds for such relief without the application
3 being resubmitted.”.

4 (d) CONFORMING AMENDMENT.—Section
5 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))
6 is amended by inserting before the period at the end the
7 following: “or qualifies for a waiver under section
8 216(c)(4)”.

9 (e) PROOF OF TERMINATION OF THE MARRIAGE DUE
10 AT FINAL ADJUDICATION THE HARDSHIP WAIVER.—Sec-
11 tion 216(c)(4)(B) is amended by inserting “or the alien
12 has filed for termination of marriage and will furnish
13 proof of termination by the time of adjudication” after
14 “terminated (other than through the death of the
15 spouse)”;

16 (f) CHILDREN OF CONDITIONAL RESIDENTS.—In the
17 case of an alien who meets the requirements of subsection
18 (c) the Secretary may adjust the status of any child of
19 the alien as immediate relatives under section
20 201(b)(2)(A)(i) (8 U.S.C. 1151).

21 (g) EFFECTIVE DATES.—

22 (1) The amendments made by subsection (a)
23 shall apply as if included in the enactment of the Vi-
24 olence Against Women Act of 2000.

1 (2) The amendments made by subsections (b)
2 and (c) shall apply to applications for relief pending
3 or filed on or after April 10, 2003.

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

6 **SEC. 207. ASYLUM PROTECTIONS FOR VICTIMS OF VIO-**
7 **LENCE AGAINST WOMEN.**

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

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

17 (b) Section 208(b)(1)(B) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1158(b)(1)(B)) is amended by in-
19 serting a new clause (iii), as follows, and renumbering
20 thereafter:

21 “(iii) SUPPORTING EVIDENCE ACCEPT-
22 ED.—Direct or circumstantial evidence, in-
23 cluding evidence that the State is unable to
24 protect the applicant or that the State,
25 legal or social norms tolerate such persecu-

1 tion against persons like the applicant,
2 may establish that persecution is on ac-
3 count of race, religion, nationality, mem-
4 bership in a particular social group, or po-
5 litical opinion.”.

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

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

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

11 “(B) EXCEPTION.—Subparagraph (A)
12 shall not apply to an alien who is otherwise eli-
13 gible for classification or status as a VAWA
14 self-petitioner, as described in section
15 101(a)(51) of this Act, or who is otherwise eli-
16 gible for status either under section
17 101(a)(15)(T) or section 101(a)(15)(U) of this
18 Act.”.

19 (d) SPOUSES AND CHILDREN OF ASYLUM APPLI-
20 CANTS UNDER ADJUSTMENT PROVISIONS.—

21 (1) IN GENERAL.—Section 209(b)(3) of the Im-
22 migration and Nationality Act (8 U.S.C. 1159(b)(3))
23 is amended—

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

25 (B) by adding at the end the following:

1 “(B) was the spouse of a refugee within
2 the meaning of section 101(a)(42)(A) at the
3 time the asylum application was granted; or

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

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

10 (A) section 209(b)(3)(B) of the Immigra-
11 tion and Nationality Act (8 U.S.C.
12 1159(b)(3)(B)), as added by paragraph (1)(B),
13 shall apply to spouses of refugees for whom an
14 asylum application is granted before, on, or
15 after such date; and

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

21 (e) CHILDREN OF REFUGEE OR ASYLEE SPOUSES
22 AND CHILDREN.—A child of an alien who qualifies for ad-
23 mission as a spouse or child under section 207(c)(2)(A)
24 or 208(b)(3) of the Immigration and Nationality Act (8

1 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to
2 the same admission status as such alien if the child—

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

5 (2) is otherwise admissible under such section
6 207(c)(2)(A) or 208(b)(3).

7 (f) ELIMINATION OF ARBITRARY TIME LIMITS ON
8 ASYLUM APPLICATIONS.—Section 208(a)(2) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1158(a)(2)) is
10 amended—

11 (1) by striking subparagraph (B);

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

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

16 (4) by striking subparagraph (C), as redesi-
17 gnated, and inserting the following:

18 “(C) CHANGED CIRCUMSTANCES.—Not-
19 withstanding subparagraph (B), an application
20 for asylum of an alien may be considered if the
21 alien demonstrates, to the satisfaction of the
22 Attorney General, the existence of changed cir-
23 cumstances that materially affect the appli-
24 cant’s eligibility for asylum.”; and

25 (5) by striking subparagraph (E).

1 (g) PROTECTIONS FOR MINORS SEEKING ASYLUM.—
2 Section 208 of the Immigration and Nationality Act (8
3 U.S.C. 1158) is amended—

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

6 “(D) APPLICABILITY TO MINORS.—Sub-
7 paragraphs (A) and (B) do not apply to an ap-
8 plicant who is younger than 18 years of age on
9 the earlier of—

10 “(i) the date on which the asylum ap-
11 plication is filed; or

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

14 (2) in subsection (b)(3)(C), by striking “unac-
15 companied alien child (as defined in section 462(g)
16 of the Homeland Security Act of 2002 (6 U.S.C.
17 279(g))),” and inserting: “applicant who is younger
18 than 18 years of age on the earlier of—

19 “(i) the date on which the asylum ap-
20 plication is filed; or

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

23 **SEC. 208. PROTECTIONS FROM REMOVAL FOR VICTIMS.**

24 (a) EXCEPTION FOR VAWA SELF-PETITIONERS.—
25 Section 212(a)(9)(B)(iii)(IV) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amend-
2 ed—

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

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

8 (b) WAIVERS FOR ABUSED ALIENS.—Section
9 212(a)(9)(C)(iii) of the Immigration and Nationality Act
10 (8 U.S.C. 1182(a)(9)(C)(iii)) is amended—

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

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

19 (c) EXEMPTION FROM PUBLIC CHARGE GROUND.—

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

24 ~~“(E) SPECIAL RULE FOR QUALIFIED~~
25 ~~ALIEN VICTIMS. Subparagraphs (A) through~~

1 ~~(C) shall not apply to an alien who is a VAWA~~
2 ~~self-petitioner, is an applicant or has been~~
3 ~~granted status under section 101(a)(15)(U), or~~
4 ~~is a qualified alien described in section 431(e)~~
5 ~~of the Personal Responsibility and Work Oppor-~~
6 ~~tunity Reconciliation Act of 1996.”.~~

7 (2) CONFORMING AMENDMENT.—Section
8 212(a)(4)(C)(i) of such Act (8 U.S.C.
9 1182(a)(4)(C)(i)) is amended to read as follows:

10 “(i) the alien is described in subpara-

11 graph (E); or”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this section shall take effect on the date of the
14 enactment of this Act and shall apply regardless of
15 whether the alien’s application was filed before, on,
16 or after such date.

17 (d) WAIVER FOR FALSE CLAIMS TO UNITED STATES
18 CITIZENSHIP.—Section 212(a)(6)(C)(ii) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is
20 amended—

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

22 clause:

23 “(III) EXCEPTION.—An alien
24 who is a VAWA self-petitioner shall
25 not be considered to be inadmissible

1 under any provision of this subsection
2 based on such representation.”.

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

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

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

11 (e) WAIVER FOR CERTAIN VAWA SELF-PETI-
12 TIONERS.—Section 212(d)(11) of the Immigration and
13 Nationality Act (8 U.S.C. 1182(d)(11)) is amended by
14 adding at the end the following: “The Attorney General
15 may waive the application of clause (i) of subsection
16 (a)(6)(E) in the case of an alien who is a VAWA self-
17 petitioner.”.

18 (f) WAIVER AUTHORIZED.—Section 212(a)(9)(A) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1182(a)(9)(A)) is amended by adding at the end the fol-
21 lowing new clause:

22 “(iv) WAIVER FOR VAWA SELF-PETI-
23 TIONER.—The Attorney General or the
24 Secretary may waive the application of

1 clauses (i) or (ii) if the alien is applying
2 for relief as a VAWA self-petitioner.”.

3 (g) CONFORMING RELIEF IN SUSPENSION OF DE-
4 PORTATION PARALLEL TO THE RELIEF AVAILABLE IN
5 THE VIOLENCE AGAINST WOMEN ACT OF 2000 CAN-
6 CELLATION FOR BIGAMY.—

7 (1) IN GENERAL.—Section 244(a)(3) of the Im-
8 migration and Nationality Act (8 U.S.C.
9 1254a(a)(3)) (as in effect before the title III–A ef-
10 fective date in section 309 of the Illegal Immigration
11 Reform and Immigrant Responsibility Act of 1996)
12 shall be applied as if “or by a United States citizen
13 or lawful permanent resident whom the alien in-
14 tended to marry, but whose marriage is not legiti-
15 mate because of that United States citizen’s or per-
16 manent resident’s bigamy” were inserted after “by a
17 spouse or parent who is a United States citizen or
18 lawful permanent resident”.

19 (2) EFFECTIVE DATE.—The provisions of para-
20 graph (1) shall apply as if included in the enactment
21 of the Violence Against Women Act of 2000.

22 (h) APPLICATION OF VAWA MOTIONS TO REOPEN
23 RULES CRIME VICTIMS.—Section 240(c)(7)(C)(iv) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)

1 of the REAL ID Act of 2005 (division B of Public Law
2 109–13), is amended—

3 (1) in the first clause by deleting “and par-
4 ents—” and adding “parents, trafficking victims
5 and crime victims—”;

6 (2) by amending subclause (I) to read as fol-
7 lows:

8 “(I) if the basis for this motion is
9 to apply for relief under sections
10 101(a)(15)(T), 101(a)(15)(U), 245(a),
11 245(c), 245(l), 245(m), 240A(b)(2),
12 and section 244(a)(3) (as in effect on
13 March 31, 1997) or as a VAWA self-
14 petitioner;”;

15 (3) by amending subclause (II) to read as fol-
16 lows:

17 “(II) if the motion is accom-
18 panied by a cancellation of removal or
19 adjustment of status application to be
20 filed with the Attorney General or by
21 a copy of the self-petition, or the ap-
22 plication for relief under
23 101(a)(15)(T) or (U), that has been
24 or will be filed with the Department
25 of Homeland Security upon the grant-

1 ing of the motion to reopen; and”;

2 and

3 (4) in the last paragraph of this section—

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

7 (B) by inserting “ or an alien that quali-
8 fies for classification under 101(a)(15)(U)”.

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

12 “(h) Any alien with a pending application under
13 101(a)(15)(T)(i) or T(i), 101(a)(15)(U)(i) or (U)(ii),
14 101(a)(51), 240A(b)(2), or 244(a)(3) (as in effect on
15 March 31, 1997), shall not be ordered removed under this
16 section.”.

17 **SEC. 209. NATURALIZATION.**

18 (a) IN GENERAL.—Section 319(a) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1430(a)) is amended
20 to read as follows:

21 “(a)(1) Any person who is—

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

23 or

24 “(B) any person who obtained status as a law-
25 ful permanent resident and who was battered or sub-

1 jected to extreme cruelty by a United States citizen
2 who is or was a spouse, parent, son or daughter; and

3 “(2) may be naturalized—

4 “(A) upon compliance with all the requirement
5 of this title except the provisions of paragraph (1)
6 of section 316(a);

7 “(B) if such person immediately preceding the
8 date of filing his or her application for naturaliza-
9 tion has resided continuously, after being lawfully
10 admitted for permanent residence, within the United
11 States for at least three years;

12 “(C)(i) during the three years immediately pre-
13 ceding the date of filing his or her application has
14 been living in marital union with the citizen spouse
15 who has been a United States citizen during all of
16 such period; and

17 “(ii) in the case of a person who has been bat-
18 tered or subjected to extreme cruelty by a United
19 States citizen spouse, parent, son or daughter, the
20 requirement of subsection (C)(i) shall not apply re-
21 gardless of whether the lawful permanent resident
22 status was obtained on the basis of such battery or
23 cruelty;

24 “(D) has been physically present in the United
25 States for periods totally at least half of the time;

1 “(E)(i) has resided within the State or district
2 of the Services in the United States in which the ap-
3 plicant filed his or her application for at least three
4 months; or

5 “(ii) applications for naturalization filed under
6 paragraph (a)(1)(B) of this section shall be handled
7 under the procedures that apply to aliens seeking re-
8 lief under section 101(a)(51) of the Immigration and
9 Nationality Act; and

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

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act and shall apply to applications for naturaliza-
17 tion filed before, on, or after the date of the enactment
18 of this Act.

19 **SEC. 210. GENERAL PROVISIONS.**

20 (a) **EXPANSION OF FEE WAIVERS TO CONSULAR**
21 **FEEES AND ANY FEES IN REMOVAL PROCEEDINGS.**—Sec-
22 tion 245(l)(7) of the Immigration and Nationality Act (8
23 U.S.C. 1255(l)(7)) is amended to insert “the Secretary of
24 State, an immigration judge, and the Board of Immigra-

1 tion Appeals” after “The Secretary of Homeland Secu-
2 rity”.

3 (b) REVIEW OF EXTREME CRUELTY.—Section
4 204(a)(1) of the Immigration and Nationality Act (8
5 U.S.C 1154(a)(1)) is amended by adding at the end the
6 following:

7 “(M) For the purposes of this section and
8 in all cases described in section 101(a)(51),
9 under section 106, under section 240A(b)(2), or
10 under section 244(a)(3) (as in effect on March
11 31, 1997), the determination of the existence of
12 extreme cruelty is a question of law applied to
13 facts and not a discretionary determination.”.

14 (c) ALLOWING JUDICIAL REVIEW IN VAWA
15 CASES.—Section 242(e)(4) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1252(e)(4)) is amended in sub-
17 paragraph (A)—

18 (1) by striking “or”;

19 (2) by inserting “or” after “under section
20 208,”; and

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

23 “(C) is a VAWA self-petitioner, an appli-
24 cant for relief under section 101(a)(15)(T) or
25 (U), an applicant for relief under section

1 240A(b)(2), or an applicant for relief under sec-
2 tion 244(a)(3) (as in effect on March 31,
3 1997),”.

4 (d) VAWA UNIT ADJUDICATIONS.—Section
5 101(a)(51) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(51)) is amended by adding at the end the
7 following new paragraph:

8 “(52) Applications for relief, adjustment of sta-
9 tus, employment authorization, parole, deferred ac-
10 tion, or naturalization, and all administrative deter-
11 minations relating to such applications under para-
12 graphs (15)(T), (15)(U), (27)(J), and (51) of this
13 section, or under section 106 shall be adjudicated at
14 the VAWA Unit of Vermont Service Center.”.

15 **SEC. 211. TECHNICAL CORRECTIONS.**

16 (a) TECHNICAL CORRECTION.—Effective as if in-
17 cluded in the enactment of section 1505(c)(2) of Violence
18 Against Women Act of 2000, section 237(a)(1)(H)(i)(II)
19 of the Immigration and Nationality Act (8 U.S.C.
20 1227(a)(1)(H)(i)(II)) is amended by striking the period
21 at the end and inserting “; or”.

22 (b) ADDITIONAL TECHNICAL CORRECTION.—Section
23 237(a)(7)(A)(i)(I) of the Immigration and Nationality Act
24 (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking “is
25 self-defense” and inserting “in self-defense”.

1 (c) IN GENERAL.—Section 204(a)(1) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
3 ed—

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

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

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

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

20 (5) in subparagraph (B)(iii), by striking “due
21 to an incident of domestic violence” and inserting
22 “related to battering or extreme cruelty by such par-
23 ent”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall take effect as if included in the enact-

1 ment of the Violence Against Women Act of 2000, except
2 that the amendment made by subsection (a)(3) shall apply
3 as if included in the enactment of VAWA–2005.

4 (e) CORRECTION OF CROSS-REFERENCE TO CRED-
5 IBLE EVIDENCE PROVISIONS.—

6 (1) VAWA SUSPENSION OF DEPORTATION.—
7 Section 309(c)(5)(C)(iii) of the Illegal Immigration
8 and Reform and Immigrant Responsibility Act of
9 1996 (division C of Public Law 104–208; 8 U.S.C.
10 1101 note), as amended by section 1510(b)(2) of the
11 Violence Against Women Act of 2000, is amended
12 by striking “204(a)(1)(H)” and inserting
13 “204(a)(1)(J)”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by this section shall take effect as if included in the
16 enactment of the Violence Against Women Act of
17 2000.

18 (f) MISCELLANEOUS CORRECTIONS TO VAWA–
19 2005.—

20 (1) IN GENERAL.—Section 204(a)(1)(D) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1154(a)(1)(D)), is amended by striking “a petitioner
23 for preference status under paragraph (1), (2), or
24 (3) of section 203(a), whichever paragraph is appli-
25 cable” and inserting “to continue to be treated as an

1 immediate relative under section 201(b)(2)(A)(i), or
2 to be a petitioner for preference status under section
3 203(a)(3) if subsequently married or a petitioner for
4 preference status under section 203(a)(2)(A), which-
5 ever is applicable”.

6 (2) EFFECTIVE DATE.—The amendments made
7 by subsection (a) shall apply to applications filed be-
8 fore, on, or after the date of the enactment of the
9 Violence Against Women Act of 2000.

10 **TITLE III—VAWA** 11 **CONFIDENTIALITY**

12 **SEC. 301. VAWA CONFIDENTIALITY IMPROVEMENTS.**

13 (a) VAWA CONFIDENTIALITY MOVED FROM
14 IIRAIRA.—

15 (1) IN GENERAL.—The Illegal Immigration Re-
16 form and Immigration Responsibility Act of 1996
17 (division C of Public Law 104–208; 8 U.S.C.
18 1367(a)) is amended by striking section 384.

19 (2) CONFORMING AMENDMENT.—Section
20 239(e)(1) of the Immigration and Nationality Act (8
21 U.S.C. 1229(e)(1)) is amended by striking “section
22 384 of the Illegal Immigration Reform and Immig-
23 rant Responsibility Act of 1996 (8 U.S.C. 1367)”
24 and inserting “section 245B”.

1 (b) INSERTION OF VAWA CONFIDENTIALITY IN THE
2 INA.—The Immigration and Nationality Act (8 U.S.C.
3 1101 et seq.) is amended by inserting after section 245A
4 the following:

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

7 “(a) IN GENERAL.—Except as provided in subsection
8 (c) of this section, enforcement official may not—

9 “(1) make an adverse determination, using in-
10 formation furnished by a VAWA perpetrator, on—

11 “(A) admissibility of an alien,

12 “(B) deportability of an alien,

13 “(C) detention of an alien,

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

16 “(E) whether or not to initiate an enforce-
17 ment action against an alien,

18 ~~unless the alien has been convicted of a crime or~~
19 ~~crimes listed in section 237, or~~

20 “(2) permit use by or disclosure to anyone
21 (other than a sworn officer or employee of the De-
22 partment, or bureau or agency thereof, for legiti-
23 mate Department, bureau, or agency purposes) of
24 any information which relates to an alien who is the
25 beneficiary of an application for relief under—

1 “(A) paragraph (15)(T), (15)(U), or (51)
2 of section 101(a);

3 “(B) section 106;

4 “(C) section 240A(b)(2);

5 “(D) section 287(h); or

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

8 “(b) DURATION OF LIMITATION ON DISCLOSURE.—
9 Notwithstanding section 552 of title 5, United States
10 Code, the limitation under paragraph (2) ends when the
11 application for relief is denied and all opportunities for
12 appeal of the denial have been exhausted.

13 “(c) EXCEPTIONS TO NONDISCLOSURE.—

14 “(1) IN THE SAME MANNER AS CENSUS INFOR-
15 MATION.—The Attorney General may provide, in the
16 Attorney General’s discretion, for the disclosure of
17 information in the same manner and circumstances
18 as census information may be disclosed by the Sec-
19 retary of Commerce under section 8 of title 13,
20 United States Code.

21 “(2) FOR LAW ENFORCEMENT PURPOSES.—The
22 Attorney General may provide in the discretion of
23 the Attorney General for the disclosure of informa-
24 tion to Federal law enforcement officials to be used
25 solely for a legitimate law enforcement purpose.

1 “(3) FOR PURPOSES OF JUDICIAL REVIEW.—
2 Subsection (a) of this section shall not be construed
3 as preventing disclosure of information in connection
4 with judicial review of a determination in an immi-
5 gration case described in subsection (a) of an alien
6 protected by this section in a manner that protects
7 the confidentiality of such information.

8 “(4) IN ACCORDANCE WITH EXPLICIT WAIVER
9 BY VICTIMS.—Subsection (a)(2) of this section shall
10 not apply if all the battered individuals in the case
11 are adults and they have all waived the restrictions
12 of such subsection.

13 “(5) FOR PURPOSES OF DETERMINING ELIGI-
14 BILITY FOR BENEFITS.—The Attorney General and
15 the Secretary of Homeland Security are authorized
16 to disclose information, to Federal, State, and local
17 public and private agencies providing benefits, to be
18 used solely in making determinations of eligibility
19 for benefits pursuant to section section 431(c) of the
20 Personal Responsibility and Work Opportunity Rec-
21 onciliation Act of 1996 (8 U.S.C. 1641(c)), in a
22 manner that protects the confidentiality of such in-
23 formation.

24 “(6) FOR PURPOSES OF CONGRESSIONAL OVER-
25 SIGHT.—Subsection (a) of this section may not be

1 construed to prevent the Attorney General and the
2 Secretary of Homeland Security from disclosing to
3 the chairmen and ranking members of the Com-
4 mittee on the Judiciary of the Senate or the Com-
5 mittee on the Judiciary of the House of Representa-
6 tives, for the exercise of congressional oversight au-
7 thority, information on closed cases under this sec-
8 tion in a manner that protects the confidentiality of
9 such information and that omits personally identi-
10 fying information (including locational information
11 about individuals).

12 “(7) FOR PURPOSES OF ASSISTING VICTIMS IN
13 OBTAINING SERVICES.—Government entities adjudi-
14 cating applications for relief under subsection (a)(2)
15 of this section, and government personnel carrying
16 out mandated duties under section 101(i)(1), may,
17 with the prior written consent of the alien involved,
18 communicate with nonprofit, nongovernmental vic-
19 tims’ service providers for the sole purpose of assist-
20 ing victims in obtaining victim services from pro-
21 grams with expertise working with immigrant vic-
22 tims. Agencies receiving referrals are bound by the
23 provisions of this section. Nothing in this paragraph
24 shall be construed as affecting the ability of an ap-
25 plicant to designate a safe organization through

1 whom governmental agencies may communicate with
2 the applicant.

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

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

18 “(f) REQUIREMENT TO PROVIDE INFORMATION
19 ABOUT ELIGIBILITY FOR IMMIGRATION RELIEF.—When
20 information is furnished by a VAWA perpetrator, the Fed-
21 eral, State, or local agency receiving the information shall,
22 within 24 hours, provide to the alien to whom the informa-
23 tion pertains informational materials about eligibility for
24 relief under sections 101(a)(51), 101(a)(15)(T),
25 101(a)(15)(U), 287(h), 106, 240A(b)(2), 244(a)(3) (as in

1 effect on March 31, 1997) along with referrals to local
2 victim services agencies.

3 “(g) DEFINITIONS.—In this section:

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

5 “(A) the Attorney General;

6 “(B) the Secretary of Homeland Security;

7 “(C) the Secretary of State;

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

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

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

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

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

24 “(C) a spouse, parent, son, or daughter of
25 the alien who has battered the alien’s child or

1 subjected the alien’s child to extreme cruelty
2 (without the active participation of the alien in
3 the battery or extreme cruelty);

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

12 “(E) in the case of an alien subjected to
13 criminal activities listed in section
14 101(a)(15)(U)(iii), or an alien applying for sta-
15 tus under section 101(a)(15)(U), the pepe-
16 trator of the criminal activity;

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

20 “(i) under section 101(a)(15)(T),

21 “(ii) under section
22 7105(b)(1)(E)(i)(II)(bb) of title 22, United
23 States Code,

1 “(iii) under section 244(a)(3) of this
2 Act (as in effect prior to March 31, 1999),

3 or

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

6 the trafficker or perpetrator; or

7 “(G) in the case of an alien who is—

8 “(i) a VAWA self petitioner (as de-
9 fined in section 101(a)(51)), or

10 “(ii) an alien described in section 106,
11 240A(b)(2), 287(h), or 244(a)(3) (as in ef-
12 fect on March 31, 1997),

13 a spouse, parent, son or daughter of the alien or a
14 member of the family of such spouse, parent, son or
15 daughter who battered the alien (or the alien’s child)
16 or subjected the alien (or the alien’s child) to bat-
17 tering or extreme cruelty.”.

18 (c) VAWA CONFIDENTIALITY IN REMOVAL PRO-
19 CEEDINGS.—Section 239(e) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1229(e)) is amended—

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

24 (2) in paragraph (2)(A), by inserting after “su-
25 pervised visitation center” the following: “hospital,

1 Federally qualified health center, governmental and
2 nongovernmental child, elder and adult protective
3 services agency, school and head start program, reli-
4 gious or faith-based organization”.

5 (d) EXPANSION OF DEFINITION OF VAWA SELF-PE-
6 TITIONER.—Section 101(a)(51) of the Immigration and
7 Nationality Act (8 U.S.C. 1101(a)(51)) is amended—

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

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

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

13 “(H) section 106; and

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

16 (e) ADDITIONAL REQUIREMENTS FOR SECTION
17 287(g) AGREEMENTS.—Section 287(g) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1357(g)) is amended
19 by adding at the end the following:

20 “(11)(A) All agreements (new or renewed)
21 under this subsection executed by the Attorney Gen-
22 eral after the date of enactment of this subpara-
23 graph shall require that an officer or employee of a
24 State or political subdivision of a State performing

1 a function under the agreement shall, as a term of
2 the agreement—

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

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

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

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

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

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

23 “(iii) the number of T-visa endorsements
24 requests received; and

1 “(iv) the number of T-visa certifications
2 issued.

3 “(C) The Secretary of Homeland Security shall
4 submit an annual report to Congress listing the
5 name of each State or subdivision and the informa-
6 tion provided under subparagraph (B).”.

7 **TITLE IV—TRAINING** 8 **IMPROVEMENTS**

9 **SEC. 401. TRAINING.**

10 (a) TRAINING OF IMMIGRATION JUDGES IN THE EX-
11 ECUTIVE OFFICE OF IMMIGRATION REVIEW.—Personnel
12 of the Department of Homeland Security, the Department
13 of Justice and the State Department who are in a position
14 to come in contact with alien victims of crime shall be
15 trained in identifying, making determinations regarding
16 and providing for the protection of crime victims who have
17 or may be eligible to apply for relief under Immigration
18 and Nationality Act sections 101(a)(15)(T),
19 101(a)(15)(U), 101(a)(51), 106, 240A(b)(2), 244(a)(3)
20 (as in effect on March 31, 1999) or section
21 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protec-
22 tion Act of 2000 (22 U.S.C. 710). Trainings developed
23 under this paragraph shall include information on the
24 range of forms of immigration relief available to help im-
25 migrant crime victims and the requirements of VAWA

1 confidentiality 384 of the Illegal Immigration Reform and
2 Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).
3 Officials to receive ongoing training include but are not
4 limited to—

5 (1) Department of Justice—

6 (A) immigration judges;

7 (B) the Board of Immigration Appeals;

8 and

9 (C) officials responsible for investigating,
10 prosecuting and adjudicating VAWA confiden-
11 tiality violations of section 384 of the Illegal
12 Immigration Reform and Immigrant Responsi-
13 bility Act of 1996 (8 U.S.C. 1367);

14 (2) Department of Homeland Security—

15 (A) the Administrative Appeals Unit em-
16 ployees;

17 (B) VAWA Unit employees;

18 (C) officials responsible for investigating,
19 prosecuting and adjudicating VAWA confiden-
20 tiality violations of section 384 of the Illegal
21 Immigration Reform and Immigrant Responsi-
22 bility Act of 1996 (8 U.S.C. 1367);

23 (D) personnel involved in immigration en-
24 forcement at Immigration and Customs En-
25 forcement and Customs and Border Patrol;

1 (E) Immigration and Customs Enforce-
2 ment trial attorneys; and

3 (F) all personnel involved in managing or
4 supervising the VAWA Unit or ICE trial attor-
5 neys; and

6 (3) Department of State—

7 (A) consular officials; and

8 (B) officials responsible for coordination of
9 State Department efforts regarding application
10 for relief under Immigration and Nationality
11 Act sections 101(a)(15)(T), 101(a)(15)(U),
12 101(a)(51), 106, 240A(b)(2), 244(a)(3) (as in
13 effect on March 31, 1999) or section
14 107(b)(1)(E)(i)(II)(bb) of the Trafficking Vic-
15 tims Protection Act of 2000 (22 U.S.C. 710).

16 (b) Any training program conducted in satisfaction
17 of the requirement of paragraph (a) has been or will be
18 developed with input from and in collaboration nonprofit,
19 nongovernmental experts with experience working with im-
20 migrant victims of domestic violence, sexual assault, or
21 human trafficking.

22 (c) Within 180 days after the effective date of this
23 act, the Secretary of the Department of Homeland Secu-
24 rity, the Attorney General, and the Department of State
25 shall in consultation with the Office of Policy and Strategy

1 of U.S. Citizenship and Immigration Services shall estab-
2 lish program for ongoing training described in paragraph
3 (a) and shall craft and implement policies and protocols
4 on the appropriate handling of cases involving victims de-
5 scribed in or who have filed cases under Immigration and
6 Nationality Act sections 101(a)(15)(T), 101(a)(15)(U),
7 101(a)(51), 106, 240A(b)(2), 244(a)(3) (as in effect on
8 March 31, 1999) or section 107(b)(1)(E)(i)(II)(bb) of the
9 Trafficking Victims Protection Act of 2000 (22 U.S.C.
10 710). All policies and procedures developed pursuant to
11 this section shall be made publically available and posted
12 on the DHS website.

13 (d) ACCREDITED REPRESENTATIVE-VICTIM CLIENT
14 PRIVILEGE.—

15 (1) EXTENDING STATE VICTIM-ADVOCATE
16 PRIVILEGE LAWS TO ACCREDITED REPRESENTA-
17 TIVES.—It is the Sense of Congress that all States
18 should promulgate victim-advocate privilege laws and
19 that State victim-advocate privilege laws should be
20 implemented in a manner that extends victim-advo-
21 cate privilege to accredited representatives working
22 for community-based organizations recognized by the
23 Board of Immigration Appeals in the representation
24 of victims in cases filed with the Department of

1 Homeland Security, the Board of Immigration Ap-
2 peals or immigration judges.

3 (2) REGULATIONS AMENDED TO OFFER AC-
4 CREDITED REPRESENTATIVE PRIVILEGE.—Within
5 180 days of enactment, the Board of Immigration
6 Appeals shall amend 8 C.F.R. 292.1(a)(4) to extend
7 privilege co-extensive with attorney client privilege to
8 accredited representatives and qualified recognized
9 organizations to whom the Board of Immigration
10 Appeals has provided recognition or accreditation.

11 **SEC. 402. SERVICES FOR TRAFFICKING VICTIMS.**

12 (a) ACCESS TO VICTIM'S SERVICES.—

13 (1) Subsection 107(c) of the Trafficking Vic-
14 tims Protection Act of 2000 is amended—

15 (A) by deleting paragraph (2) and replac-
16 ing it with the following new paragraph:

17 “(2) ACCESS TO INFORMATION AND SERV-
18 ICES.—Victims and potential victims of severe forms
19 of trafficking shall have access to information about
20 their legal rights and shall be provided translation
21 services. A list of victim services agencies shall be
22 provided within 24 hours of discovery of a potential
23 victim. Potential victims shall not be placed in any
24 local, State, or Federal jail or detention facility un-
25 less it has clearly been ascertained that an individual

1 is not a victim of a severe form of trafficking in per-
2 sons.”.

3 (B) in paragraph (3) by deleting “Federal
4 law enforcement officials” and inserting “Any
5 Federal and local law enforcement agents au-
6 thorized to investigate trafficking in persons
7 crimes”.

8 (2) Section 103 of the trafficking victims pro-
9 tection act of 2000 is amended by adding at the end
10 the following new subsection:

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

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

22 (b) CONFORMING AMENDMENTS FOR PUBLIC AND
23 ASSISTED HOUSING.—Section 214 of the Housing and
24 Community Development Act of 1980 (42 U.S.C. 1436a)
25 is amended—

1 (1) by amending subsection (a) to read as such
2 subsection would have read if the amendments to
3 such subsection made by section 3(b) of Public Law
4 106–504 were made to such subsection rather than
5 to section 214(a) of the Housing Community Devel-
6 opment Act of 1980;

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

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

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

13 (C) by inserting after paragraph (6) the
14 following new paragraph:

15 “(7) a qualified alien, as such term is defined
16 in section 431 of the Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996 (8
18 U.S.C. 1641); or”; and

19 (3) in subsection (c)—

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

22 (B) in paragraph (2)(A), in the matter
23 preceding clause (i), by inserting “(other than
24 a qualified alien, as such term is defined in sec-
25 tion 431 of the Personal Responsibility and

1 Work Opportunity Reconciliation Act of 1996
2 (8 U.S.C. 1641)” after “any alien”.

3 (c) IMPROVING ACCESS TO BENEFITS FOR IMMI-
4 GRANT VICTIMS.—

5 (1) IN GENERAL.—The Secretary of Health and
6 Human Services, in consultation with the Secretary
7 of Housing and Urban Development and Secretary
8 of Department of Agriculture and the and Secretary
9 of the Department of Education, shall develop an in-
10 formation pamphlet, as described in paragraph (2),
11 on legal rights for immigrant victims to access pub-
12 lic benefits and distribute and make such pamphlet
13 available as described in paragraph (5). In preparing
14 such materials, the Secretary of Health and Human
15 Services shall consult with nongovernmental organi-
16 zations with expertise on the legal rights to public
17 benefits access for immigrant victims of battery, ex-
18 treme cruelty, sexual assault, and other crimes.

19 (2) INFORMATION PAMPHLET.—The informa-
20 tion pamphlet developed under paragraph (1) shall
21 include information on the following:

22 (A) Definition of Qualified Immigrants eli-
23 gible for Federal public benefits.

24 (B) Housing rights of qualified immigrant.

1 (C) Federal- and State-funded housing
2 programs open to all immigrants including
3 emergency shelter and transitional housing for
4 up to two years.

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

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

10 (i) Medicaid;

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

13 (iii) food stamps;

14 (iv) food stamps for qualified immi-
15 grant children;

16 (v) SSI;

17 (vi) TANF;

18 (vii) child care; and

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

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

23 (i) necessary to protect life and safety;

24 (ii) medical assistance under title XIX
25 of the Social Security Act;

1 (iii) short-term, non-cash, in-kind
2 emergency disaster relief;

3 (iv) public health assistance for immu-
4 nizations and treatment for symptoms of
5 communicable diseases;

6 (v) programs for housing or commu-
7 nity development assistance or financial as-
8 sistance administered by the secretary of
9 HUD;

10 (vi) HHS HRSA funded health care
11 programs; and

12 (vii) State-funded benefits.

13 (G) Resources through which victims can
14 obtain referrals to programs in their community
15 and/or State that provide advocacy, social serv-
16 ices, legal services and other supportive services
17 to immigrant victims of domestic violence, sex-
18 ual assault, human trafficking, elder abuse or
19 crime victims.

20 (3) TRANSLATION.—In order to best serve the
21 language groups having the greatest concentration of
22 immigrants seeking public benefits, the information
23 pamphlet developed under paragraph (1) shall, sub-
24 ject to subparagraph (B), be translated by the Sec-
25 retary of Health and Human Services into foreign

1 languages that at a minimum include the top 15 lan-
2 guages of legal permanent residents and shall be re-
3 sponsible for reviewing these languages every 5 years
4 and adding additional languages accordingly such
5 other languages as the Secretary of State, in the
6 Secretary's discretion, may specify.

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

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

13 (i) agency grantees;

14 (ii) State agencies responsible for
15 granting Federal public benefits; and

16 (iii) public housing authorities.

17 (B) POSTING ON FEDERAL WEBSITES.—

18 The pamphlet developed under paragraph (1)
19 shall be accessibly posted on the Websites of
20 each of the Federal Government agencies listed
21 in subparagraph (C).

22 (C) RESPONSIBLE FEDERAL AGENCIES.—

23 (i) Department of Health and Human
24 Services;

25 (ii) Department of Agriculture;

- 1 (iii) Department of Housing and
2 Urban Development;
3 (iv) Department of Education; and
4 (v) Department of Homeland Secu-
5 rity.

6 (5) DEADLINE FOR PAMPHLET DEVELOPMENT
7 AND DISTRIBUTION.—The pamphlet developed under
8 paragraph (1) shall be distributed and made avail-
9 able (including in the languages specified under
10 paragraph (4)) not later than 180 days after the
11 date of the enactment of this Act.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section apply to applications for public benefits and
14 public benefits provided on or after the date of the enact-
15 ment of this Act without regard to whether regulations
16 to carry out such amendments are implemented.

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

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

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

1 (2) in section 41003—

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

4 (B) in paragraph (C), by striking the pe-
5 riod and inserting “; and”; and

6 (C) by adding at the end the following:

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

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

17 (a) GOALS.—

18 (1) To improve access to programs, activities,
19 and services for victims of violence and other indi-
20 viduals who, as a result of national origin, are lim-
21 ited in their English proficiency.

22 (2) To ensure that the programs, activities, and
23 services for victims of violence that are normally
24 provided in English are accessible to victims and
25 other individuals with Limited English Proficiency

1 and thus do not discriminate on the basis of national
2 origin in violation of title VI of the Civil Rights Act
3 of 1964, as amended, and its implementing regula-
4 tions.

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

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

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

18 (b) DEFINITION.—Limited English Proficient—

19 (1) “Limited English Proficient” means individ-
20 uals who—

21 (A) who do not speak English as their pri-
22 mary language; and

23 (B) who have a limited ability to

24 (i) read;

25 (ii) write;

1 (iii) speak; or

2 (iv) understand English.

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

8 (c) ENFORCEMENT WITH REGARD TO GOVERNMENT
9 ENTITIES.—

10 (1) CIVIL ACTIONS FOR INJUNCTIVE RELIEF.—

11 (A) VICTIMS AGGRIEVED; INTERVENTION
12 BY ATTORNEY GENERAL; LEGAL REPRESENTA-
13 TION; COMMENCEMENT OF ACTION WITHOUT
14 PAYMENT OF FEES, COSTS, OR SECURITY.—

15 Whenever there are reasonable grounds to be-
16 lieve that a Federal, State or local government
17 entity has denied a person access to programs,
18 activities, or services on the basis of their lim-
19 ited English Proficiency and in violation of title
20 VI of the Civil Rights Act of 1964, a civil ac-
21 tion for preventive relief, including an applica-
22 tion for a permanent or temporary injunction,
23 restraining order, or other order, may be insti-
24 tuted by the person aggrieved and, upon timely
25 application, the Attorney General may intervene

1 in such civil action. Upon application by the
2 complainant and in such circumstances as the
3 court may deem just, the court may appoint an
4 attorney for such complainant and may author-
5 ize the commencement of the civil action with-
6 out the payment of fees, costs, or security.

7 (B) ATTORNEY'S FEES; LIABILITY OF
8 UNITED STATES FOR COSTS.—In any action
9 commenced pursuant to this subchapter, the
10 court, in its discretion, may allow the prevailing
11 party, other than the United States, a reason-
12 able attorney's fee as part of the costs, and the
13 United States shall be liable for costs the same
14 as a private person.

15 (C) STATE OR LOCAL ENFORCEMENT PRO-
16 CEEDINGS; NOTIFICATION OF STATE OR LOCAL
17 AUTHORITY; STAY OF FEDERAL PRO-
18 CEEDINGS.—In the case of an alleged act or
19 practice prohibited by this subchapter which oc-
20 curs in a State, or political subdivision of a
21 State, no civil action may be brought under
22 subsection (a) of this section before the expira-
23 tion of thirty days after written notice of such
24 alleged act or practice has been given to the ap-
25 propriate State or local authority by registered

1 mail or in person, provided that the court may
2 stay proceedings in such civil action pending
3 the termination of State or local enforcement
4 proceedings.

5 (D)(i) CIVIL RIGHTS ACT OF 1964.—Sec-
6 tion 601 of the Civil Rights Act of 1964 (42
7 U.S.C. 2000d) is amended—

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

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

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

15 “(i) a person aggrieved by discrimination
16 on the basis of race, color, or national origin
17 (referred to in this title as an ‘aggrieved per-
18 son’) demonstrates that an entity subject to
19 this title (referred to in this title as a ‘covered
20 entity’) has a policy or practice that causes a
21 disparate impact on the basis of race, color, or
22 national origin and the covered entity fails to
23 demonstrate that the challenged policy or prac-
24 tice is related to and necessary to achieve the
25 nondiscriminatory goals of the program or ac-

1 tivity alleged to have been operated in a dis-
2 criminationary manner; or

3 “(ii) the aggrieved person demonstrates
4 (consistent with the demonstration required
5 under title VII with respect to an ‘alternative
6 employment practice’) that a less discriminationary
7 alternative policy or practice exists, and the
8 covered entity refuses to adopt such alternative
9 policy or practice.”.

10 (2) CIVIL ACTIONS BY THE ATTORNEY GEN-
11 ERAL.—

12 (A) COMPLAINT.—Whenever the Attorney
13 General has reasonable cause to believe that a
14 Federal, State or local government entity or
15 any employee or group of employees is engaged
16 in a pattern or practice of denying access to
17 programs, activities, or services provided to vic-
18 tims under the Violence Against Women’s Act
19 of 1994 or under any other State or Federal
20 law, on the basis of their limited English Pro-
21 ficiency and in violation of title VI of the Civil
22 Rights Act of 1964, and that the pattern or
23 practice is of such a nature and is intended to
24 deny access to programs, activities, or services
25 provided to victims on the basis of their limited

1 English Proficiency and in violation of title VI
2 of the Civil Rights Act of 1964, the Attorney
3 General may bring a civil action in the appro-
4 priate district court of the United States by fil-
5 ing with it a complaint—

6 (i) signed by the Attorney General (or
7 in the Attorney General's absence the Act-
8 ing Attorney General);

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

11 (iii) requesting such relief, including
12 an application for a permanent or tem-
13 porary injunction, restraining order or
14 other order against the person or persons
15 responsible for such pattern or practice, as
16 he deems necessary to insure the full avail-
17 ability of programs, activities, and services
18 provided under the to limited English pro-
19 ficient victims.

20 (B) In order to ensure full enforcement
21 under this section, the provisions of this section
22 do not limit the ability of the Attorney General
23 to use existing authority to bring litigation and
24 to enforce Title VI by any another other means
25 available to him or her under the law.

1 (3) JURISDICTION; THREE-JUDGE DISTRICT
2 COURT FOR CASES OF GENERAL PUBLIC IMPOR-
3 TANCE: HEARING, DETERMINATION, EXPEDITION OF
4 ACTION, REVIEW BY SUPREME COURT; SINGLE
5 JUDGE DISTRICT COURT: HEARING, DETERMINATION,
6 EXPEDITION OF ACTION.—

7 (A) The district courts of the United
8 States shall have and shall exercise jurisdiction
9 in proceedings instituted pursuant to this sec-
10 tion, and in any such proceeding the Attorney
11 General may file with the clerk of such court a
12 request that a court of three judges be con-
13 vened to hear and determine the case. Such re-
14 quest by the Attorney General shall be accom-
15 panied by a certificate that, in his opinion, the
16 case is of general public importance. A copy of
17 the certificate and request for a three-judge
18 court shall be immediately furnished by such
19 clerk to the chief judge of the circuit (or in his
20 absence, the presiding circuit judge of the cir-
21 cuit) in which the case is pending. Upon receipt
22 of such request it shall be the duty of the chief
23 judge of the circuit or the presiding circuit
24 judge, as the case may be, to designate imme-
25 diately three judges in such circuit, of whom at

1 least one shall be a circuit judge and another
2 of whom shall be a district judge of the court
3 in which the proceeding was instituted, to hear
4 and determine such case, and it shall be the
5 duty of the judges so designated to assign the
6 case for hearing at the earliest practicable date,
7 to participate in the hearing and determination
8 thereof, and to cause the case to be in every
9 way expedited. An appeal from the final judg-
10 ment of such court will lie to the Supreme
11 Court.

12 (B) If no three-judge panel has been re-
13 quested, the handling of the case shall be expe-
14 dited. It shall be the duty of the chief judge of
15 the district (or in his absence, the acting chief
16 judge) in which the case is pending to imme-
17 diately designate a judge in such district to
18 hear and determine the case. In the event that
19 no judge in the district is available to hear and
20 determine the case, the chief judge of the dis-
21 trict, or the acting chief judge, as the case may
22 be, shall certify this fact to the chief judge of
23 the circuit (or in his absence, the acting chief
24 judge) who shall then designate a district or
25 circuit judge of the circuit to hear and deter-

1 mine the case. It shall be the duty of the judge
2 designated pursuant to this section to assign
3 the case for hearing at the earliest practicable
4 date and to cause the case to be in every way
5 expedited.

6 (d) ENFORCEMENT WITH REGARD TO GOVERN-
7 MENTAL AND NON-GOVERNMENTAL ENTITIES.—

8 (1) Language access plans required—

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

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

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

21 (A) The types of language services avail-
22 able.

23 (B) How staff can obtain those services.

24 (C) How to respond to LEP callers.

1 (D) How to respond to written communica-
2 tions from LEP individuals.

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

5 (F) How to ensure competency of inter-
6 preter and translation services.

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

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

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

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

15 (3) REVOCATION OF FUNDING.—

16 (A) Whenever the Department of Justice
17 (DOJ) or the Department of Health and
18 Human Services (HHS) has reasonable cause
19 to believe that any grant recipient is engaged in
20 a pattern or practice of denying access to pro-
21 grams, activities, or services provided to victims
22 on the basis of their limited English Proficiency
23 and in violation of title VI of the Civil Rights
24 Act of 1964, the DOJ or HHS shall require the
25 grant recipient to prepare a plan demonstrating

1 how it to improve access to its government-
2 funded programs, activities, and services for
3 victims with limited English Proficiency. Each
4 plan shall include the steps the grant recipient
5 will take to ensure that eligible limited English
6 Proficiency persons can meaningfully access the
7 grantee’s programs, activities, and services. If
8 such a grantee fails to develop an acceptable
9 plan with 120 days of the request, the DOJ or
10 HHS may revoke that grantee’s funding.

11 (B) The requirement provided by sub-
12 section (1) are in addition to the requirements
13 set forth in 42 U.S.C. 2000d–1.

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

20 (e) NONDISCRIMINATION.—All relief and assistance
21 activities, including justice system assistance and immi-
22 gration relief, offered to victims of domestic violence, sex-
23 ual assault, dating violence, stalking, elder abuse and
24 human trafficking shall be accomplished in an equitable
25 and impartial manner, without discrimination on the

1 grounds of race, ethnicity, or, religion, nationality, sex,
 2 age, disability, English proficiency, alienage status, or eco-
 3 nomic status.

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

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

9 (2) CONFORMING AMENDMENTS.—The Court
 10 Interpreters Act of 1978, 28 U.S.C. 1827 is amend-
 11 ed by adding at the end the following: “Interpreters
 12 shall be provided in court proceedings brought to en-
 13 force section 404 of the Violence Against Women
 14 Act of 2011 for civil actions brought by an indi-
 15 vidual or the United States.”.

16 **TITLE V—ACCESS TO SERVICES**

17 **SEC. 501. ENSURING ISSUANCE OF U- AND T-VISA CERTIFI-** 18 **CATIONS AND ACCESS TO SERVICES.**

19 (a) GRANT CONDITIONS.—Section 40002 of the Vio-
 20 lence Against Women Act of 1994 (42 U.S.C. 13925) is
 21 amended in subsection (b) by adding at the end the fol-
 22 lowing:

23 ~~“(12) CIVIL RIGHTS.—~~

24 ~~“(A) NONDISCRIMINATION. No person in~~
 25 ~~the United States shall on the basis of actual~~

1 ~~or perceived race, color, religion, national ori-~~
2 ~~gin, alienage status, sex, gender identity (as de-~~
3 ~~fin ed in paragraph 249(e)(4) of title 18, United~~
4 ~~States Code), sexual orientation, age, or dis-~~
5 ~~ability be excluded from participation in, be de-~~
6 ~~nied the benefits of, or be subjected to discrimi-~~
7 ~~nation under any program or activity funded in~~
8 ~~whole or in part with funds made available~~
9 ~~under the Violence Against Women Act of 1994~~
10 ~~(title IV of Public Law 103 322; 108 Stat.~~
11 ~~1902), the Violence Against Women Act of~~
12 ~~2000 (division B of Public Law 106 386; 114~~
13 ~~Stat. 1491), the Violence Against Women and~~
14 ~~Department of Justice Reauthorization Act of~~
15 ~~2005 (title IX of Public Law 109 162; 119~~
16 ~~Stat. 3080), the Violence Against Women Reau-~~
17 ~~thorization Act of 2011, and any other program~~
18 ~~or activity funded in whole or in part with~~
19 ~~funds appropriated for grants, cooperative~~
20 ~~agreements, and other assistance administered~~
21 ~~by the Office on Violence Against Women.~~

22 ~~“(B) EXCEPTION. If gender segregation~~
23 ~~or gender-specific programming is necessary to~~
24 ~~the essential operation of a program, nothing in~~
25 ~~this paragraph shall prevent any such program~~

1 ~~or activity from consideration of an individual's~~
2 ~~gender. In such circumstances, alternative rea-~~
3 ~~sonable accommodations are sufficient to meet~~
4 ~~the requirements of this paragraph.~~

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

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

16 “(13) COMPLIANCE WITH TITLE VI OF THE
17 CIVIL RIGHTS ACT OF 1964.—An entity applying for
18 funding under this title shall certify to the Office on
19 Violence Against Women that the entity will comply
20 with their obligations under Title VI of the Civil
21 Rights Act of 1964, including taking reasonable
22 steps to ensure meaningful access to its programs
23 and activities by persons who are limited in their
24 English proficiency, in order to avoid discrimination
25 on the basis of national origin.

1 “(14) CONTENT OF APPLICATIONS.—All grant
2 applications submitted for funding shall contain doc-
3 umentation in the text of the grant application and
4 a line item in the budget that provides for language
5 access to the services being provided or documenta-
6 tion about local demographics justifying why the
7 budget does not address language access.”.

8 (b) STOP GRANTS.—

9 (1) DEVELOPMENT OF TRAINING.—Section
10 2001(b) of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is
12 amended—

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

15 (B) in paragraph (14), by striking the pe-
16 riod at the end of subparagraph (C) and insert-
17 ing “; and”; and

18 (C) by adding after paragraph (14) the fol-
19 lowing new paragraph:

20 “(15) the development and implementation of
21 procedures, policies, or protocols and training within
22 courts, prosecutors’ offices, and law enforcement
23 agencies to ensure that agency personnel have re-
24 ceived training on and are not encouraging, pro-
25 moting or facilitating the violation of Section 384 of

1 the Illegal Immigration Reform and Immigrant Re-
2 sponsibility Act of 1996 (8 U.S.C. 1367) and that
3 agencies receiving funding are issuing certifications
4 in U-visa and T-visa cases for victims applying for
5 relief under Section 101(a)(15)(T) and (U) of Immi-
6 gration and Nationality Act.”.

7 (2) FUNDING PRIORITY.—Section 2001(d) of
8 the Omnibus Crime Control and Safe Streets Act of
9 1968 (42 U.S.C. 3796gg(d)) is amended by insert-
10 ing at the end the following:

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

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

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

24 “(C) result in the agency issuing certifi-
25 cations for noncitizen victims applying for relief

1 under sections 101(a)(15)(U) or 101(a)(15)(T)
2 of the Immigration and Nationality Act if the
3 applicant agency is eligible to sign certifications
4 in T- or U-visa cases.”.

5 (c) GRANTS TO ENCOURAGE ARREST POLICIES.—

6 (1) GRANT AUTHORITY.—Section 2101(b) of
7 the Omnibus Crime Control and Safe Streets Act of
8 1968 (42 U.S.C. 3796hh(b)) is amended by adding
9 at the end the following:

10 “(14) To develop or strengthen policies, proto-
11 cols and training for law enforcement, prosecutors,
12 and the judiciary in recognizing, detecting, inves-
13 tigating, and prosecuting instances of domestic vio-
14 lence, dating violence, sexual assault, and stalking
15 against immigrant victims, including the appropriate
16 use of T and U visas (8 U.S.C. 1101(a)(15) (T) and
17 (U)) and providing training on and are not encour-
18 aging, promoting or facilitating the violation of Sec-
19 tion 384 of the Illegal Immigration Reform and Im-
20 migrant Responsibility Act of 1996 (8 U.S.C. 1367).

21 “(15) To develop or strengthen policies, proto-
22 cols, and training for law enforcement, prosecutors
23 and the judiciary on language access under Execu-
24 tive Order No. 13166 65 Fed. Reg. 50, 121 (Aug.
25 16, 2000).”.

1 (2) ELIGIBILITY.—Section 2101(c) of the Om-
2 nibus Crime Control and Safe Streets Act of 1968
3 (42 U.S.C. 3796hh(c)) is amended—

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

6 (B) in paragraph (5), by striking the pe-
7 riod and inserting “; and”; and

8 (C) by adding at the end the following:

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

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

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

22 “(C) result in the agency issuing certifi-
23 cations for noncitizen victims applying for relief
24 under sections 101(a)(15)(U) or 101(a)(15)(T)
25 of the Immigration and Nationality Act if the

1 applicant agency is eligible to sign certifications
2 in T- or U-visa cases.”.

3 (d) TRANSITIONAL HOUSING ASSISTANCE
4 GRANTS.—Section 40299 of the Violence Against Women
5 Act of 1994 (42 U.S.C. 13975) is amended in subsection
6 (d)(2)(B) by—

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

9 (2) adding at the end the following:

10 “(ii) applicants are able to prove eligi-
11 bility for the housing program funded
12 under this grant using any credible evi-
13 dence (as defined in section 204(a)(1)(J)
14 of the Immigration and Nationality Act (8
15 U.S.C. 1154(a)(1)(J))); and

16 “(iii) the program serves underserved
17 victims and is compliant with title VI of
18 the Civil Rights Act of 1964, and Execu-
19 tive Order 13166 (65 Fed. Reg. 50,
20 121).”.

21 (e) CAMPUS GRANTS AVAILABLE FOR VICTIMS WITH
22 LIMITED ENGLISH PROFICIENCY.—Section 304 of the Vi-
23 olence Against Women and Department of Justice Reau-
24 thorization Act of 2005 (42 U.S.C. 14045b) is amended—

1 (1) in subsection (b)(4), by inserting “and lan-
2 guage access to such services” after “physiological
3 counseling,”;

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

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

10 **SEC. 502. VAWA UNIT ADJUDICATIONS.**

11 (a) TRANSFER OF ALL VAWA CONFIDENTIALITY
12 AND VAWA-RELATED CASES TO THE VAWA UNIT.—Sec-
13 tion 101(a) of the Immigration and Nationality Act (8
14 U.S.C. 1101(a)) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(52) Applications under sections 101(a)(51),
17 101(a)(15)(T), 101(a)(15)(U), 106, section
18 216(c)(4), and parole for children of VAWA can-
19 cellation recipients and the full range of adjudica-
20 tions related to such cases including adjustments,
21 work authorizations, parole, fax-back benefits au-
22 thorizations, employment verification, and natu-
23 ralization, for applicants and derivative beneficiaries
24 shall be adjudicated at the VAWA Unit of Vermont
25 Service Center.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) There are authorized to be appropriated to
3 the Secretary of Homeland Security such sums as
4 may be necessary to provide for the Violence Against
5 Women Act Unit at the Vermont Service Center of
6 the United States Citizenship and Immigration Serv-
7 ices which shall be responsible for processing con-
8 sistent with VAWA confidentiality requirements the
9 full range of adjudications, adjustments, work au-
10 thorizations, parole, fax-back benefits and employ-
11 ment verification, and naturalization, for applicants
12 and derivative beneficiaries related to VAWA self-pe-
13 titions (INA section 101(a)(51); T visas (INA sec-
14 tion 101(a)(15)(T), U visas (INA section
15 101(a)(15)(U); battered spouse waivers (INA section
16 216(c)(4)); abused immigrant work authorizations
17 (INA section 106) and parole for children of VAWA
18 cancellation recipients (Public Law 103–222, reau-
19 thorized Public Laws 106–326, 108–193; 109–162;
20 109–164) and any other VAWA confidentiality pro-
21 tected matters. Nothing in this section shall preclude
22 DHS placement at the VAWA Unit of other victim
23 related adjudications. Subject the authority of immi-
24 gration judges adjudicate adjustment of status appli-
25 cations from aliens in proceedings who have been

1 granted VAWA self-petition, T visas or U visas, no
2 official in the Department of Homeland Security or
3 the Department of Justice is authorized to adju-
4 dicate any matter related that is directed by this
5 section to be determined by the VAWA Unit.

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

10 **SEC. 503. VICTIMS OF CRIME ACT IMPROVEMENTS.**

11 (a) CRIME VICTIM COMPENSATION.—Section
12 1403(b)(4) of the Victims of Crime Act of 1984 (42
13 U.S.C. 10602(b)(4)) is amended by inserting “or non-citi-
14 zens of the United States” after “nonresidents of the
15 State”.

16 (b) CRIME VICTIM ASSISTANCE.—Section 1404 of
17 the Victims of Crime Act of 1984 (42 U.S.C. 10603) is
18 amended—

19 (1) in subsection (a)(2)—

20 (A) in subparagraph (A), by striking
21 “spousal abuse,” and inserting “domestic vio-
22 lence, dating violence, stalking, elder abuse,”;

23 (B) in subparagraph (B), by inserting “(i)
24 are based on the definition of ‘underserved pop-
25 ulations’ as defined in section 40002(a) of the

1 Violence Against Women Act of 1994 (42
2 U.S.C. 13925(a)), and (ii)” after “implement
3 this section that”;

4 (C) by redesignating subparagraphs (C)
5 and (D) as subparagraphs (D) and (E), respec-
6 tively; and

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

9 “(C) ensure that programs receiving funds
10 are open to crime victims on a non-discrimina-
11 tory basis without regard to language pro-
12 ficiency or alienage status.”;

13 (2) in subsection (b)(1)—

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

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

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

22 “(G) does not discriminate against, and of-
23 fers services and assistance to, victims who do
24 not unreasonably refuse to provide assistance in
25 a criminal investigation or prosecution. For

1 purposes of this paragraph the definition of ‘do
2 not unreasonably refuse to provide assistance’
3 shall be the same as the used under section
4 245(m) of the Immigration and Nationality Act
5 (8 U.S.C. 1255(m)).”;

6 (3) in subsection (c)(1)—

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

9 (B) in subparagraph (C), by striking “vic-
10 tim service organizations” and all that follows
11 and inserting “victim service organizations,
12 legal services programs, and coalitions to im-
13 prove outreach and services to victims of crime,
14 including immigrant, limited English proficient,
15 and underserved victims; and”;

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

18 “(D) for improving language access to vic-
19 tim services and the civil, criminal, immigra-
20 tion, and family justice systems.”; and

21 (4) in subsection (d)—

22 (A) in paragraph (2), by amending sub-
23 paragraph (C) to read as follows:

24 “(C) assistance in participating in crimi-
25 nal, civil, family, and immigration justice sys-

1 tem proceedings relating to prevention of, ob-
2 taining relief from, escaping, ameliorating the
3 effects of, or offering future protection against,
4 victimization; and”;

5 (B) in paragraph (4), by inserting “, and
6 assistance to crime victims in obtaining protec-
7 tion orders and in obtaining immigration relief”
8 after “of crime”.

9 **SEC. 504. RESEARCH ON VIOLENCE AGAINST WOMEN.**

10 (a) IN GENERAL.—Each of the research grant pro-
11 grams listed in subsection (b) shall include as a purpose
12 and permitted use of Federal funding research—

13 (1) on victimization by domestic violence, sexual
14 assault, stalking, dating violence and elder abuse in-
15 cluding dynamics;

16 (2) intervention, impact, prevention, and effec-
17 tiveness of—

18 (A) victim services;

19 (B) the civil and criminal justice system;

20 (C) health care;

21 (D) mental health care;

22 (E) immigration relief,

23 (F) legal assistance; and

24 (G) other interventions,

25 (3) outcomes for victims; and

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

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

6 (1) NATIONAL INSTITUTE OF JUSTICE.—Sec-
7 tion 202(c)(2) of the Omnibus Crime Control and
8 Safe Streets Act of 1968 (42 U.S.C. 3722).

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

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

17 (4) AGENCY FOR HEALTHCARE RESEARCH AND
18 QUALITY—RESEARCH, EVALUATIONS, AND DEM-
19 ONSTRATION PROJECTS ON HEALTH CARE FOR PRI-
20 ORITY POPULATIONS.—Subparagraph (B) of section
21 901(c)(1) of the Public Health Service Act (42
22 U.S.C. 299(e)(1)).

23 (5) RESEARCH ON HEALTH DISPARITIES.—Sec-
24 tion 903 of the Public Health Service Act (42
25 U.S.C. 299a–1).

1 (6) SUBSTANCE ABUSE AND MENTAL HEALTH
2 SERVICES ADMINISTRATION—OFFICE FOR SUB-
3 STANCE ABUSE PREVENTION.—Subsection (b) of
4 section 515 of the Public Health Service Act (42
5 U.S.C. 290bb–21(b)).

6 (7) CENTER FOR MENTAL HEALTH SERVICES.—
7 Section 520 of the Public Health Service Act (42
8 U.S.C. 290bb–31(b)).

9 (8) NATIONAL INSTITUTE OF DRUG ABUSE.—
10 Subsection (b) of section 464L of the Public Health
11 Service Act (42 U.S.C. 285o).

12 (9) NATIONAL DRUG ABUSE RESEARCH CEN-
13 TERS.—Subparagraph (F) of section 464N of the
14 Public Health Service Act (42 U.S.C. 285o–2(c)(2)).

15 (10) NATIONAL INSTITUTE OF MENTAL
16 HEALTH.—Paragraph (2) of section 464R(e) of the
17 Public Health Service Act (42 U.S.C. 285p(e)).

18 (11) OFFICE OF RESEARCH ON WOMENS
19 HEALTH.—Subsection (b) of section 486 of the Pub-
20 lic Health Service Act (42 U.S.C. 287d).

21 (12) OFFICE OF RESEARCH ON WOMENS
22 HEALTH ADVISORY COMMITTEE.—Paragraph (4) of
23 section 486(d) of the Public Health Service Act (42
24 U.S.C. 287d).

1 **TITLE VI—MARRIAGE VISA**
2 **PROTECTIONS**

3 ~~SEC. 601. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A~~
4 ~~CITIZEN.~~

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

7 ~~(1) in subsection (d)—~~

8 ~~(A) in paragraph (1), by striking “crime.”~~
9 ~~and inserting “crime described in paragraph~~
10 ~~(3)(B) and information on any permanent pro-~~
11 ~~tection or restraining order issued against the~~
12 ~~petitioner related to any specified crime de-~~
13 ~~scribed in paragraph (3)(B)(i).”;~~

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

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

19 ~~(ii) by striking “the officer” and in-~~
20 ~~serting “the Secretary”;~~ and

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

25 ~~(2) in subsection (r)—~~

1 ~~(A) in paragraph (1), by striking “crime.”~~
2 ~~and inserting “crime described in paragraph~~
3 ~~(5)(B) and information on any permanent pro-~~
4 ~~tection or restraining order issued against the~~
5 ~~petitioner related to any specified crime de-~~
6 ~~scribed in subsection (5)(B)(i).”;~~ and

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

9 ~~“(ii) To notify the beneficiary as required by clause~~
10 ~~(i), the Secretary of Homeland Security shall provide such~~
11 ~~notice to the Secretary of State for inclusion in the mailing~~
12 ~~to the beneficiary described in section 833(a)(5)(A)(i) of~~
13 ~~the International Marriage Broker Regulation Act of 2005~~
14 ~~(8 U.S.C. 1375a(a)(5)(A)(i)).”;~~ and

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

18 ~~(b) PROVISION OF INFORMATION TO K NON-~~
19 ~~IMMIGRANTS. Section 833 of the International Marriage~~
20 ~~Broker Regulation Act of 2005 (8 U.S.C. 1375a) is~~
21 ~~amended—~~

22 ~~(1) in subsection (a)(5)(A)—~~

23 ~~(A) in clause (iii)—~~

1 ~~(i) by striking “State any” and insert-~~
2 ~~ing “State, for inclusion in the mailing de-~~
3 ~~scribed in clause (i), any”; and~~

4 ~~(ii) by striking the last sentence; and~~
5 ~~(B) by adding at the end the following:~~

6 ~~“(iv) The Secretary of Homeland Se-~~
7 ~~curity shall conduct a background check of~~
8 ~~the National Crime Information Center’s~~
9 ~~Protection Order Database on each peti-~~
10 ~~tioner for a visa under subsection (d) or~~
11 ~~(r) of section 214 of the Immigration and~~
12 ~~Nationality Act (8 U.S.C. 1184). Any ap-~~
13 ~~propriate information obtained from such~~
14 ~~background check —~~

15 ~~“(I) shall accompany the criminal~~
16 ~~background information provided by~~
17 ~~the Secretary of Homeland Security~~
18 ~~to the Secretary of State and shared~~
19 ~~by the Secretary of State with a bene-~~
20 ~~ficiary of a petition referred to in~~
21 ~~clause (iii); and~~

22 ~~“(II) shall not be used or dis-~~
23 ~~closed for any other purpose unless~~
24 ~~expressly authorized by law.~~

1 ~~“(v) The Secretary of Homeland Se-~~
2 ~~curity shall create a cover sheet or other~~
3 ~~mechanism to accompany the information~~
4 ~~required to be provided to an applicant for~~
5 ~~a visa under subsection (d) or (r) of sec-~~
6 ~~tion 214 of the Immigration and Nation-~~
7 ~~ality Act (8 U.S.C. 1184) by clauses (i)~~
8 ~~through (iv) of this paragraph or by~~
9 ~~clauses (i) and (ii) of subsection (r)(4)(B)~~
10 ~~of such section 214, that calls to the appli-~~
11 ~~cant’s attention—~~

12 ~~“(I) whether the petitioner dis-~~
13 ~~closed a protection order, a restrain-~~
14 ~~ing order, or criminal history informa-~~
15 ~~tion on the visa petition;~~

16 ~~“(II) the criminal background in-~~
17 ~~formation and information about any~~
18 ~~protection order obtained by the Sec-~~
19 ~~retary of Homeland Security regard-~~
20 ~~ing the petitioner in the course of ad-~~
21 ~~judicating the petition; and~~

22 ~~“(III) whether the information~~
23 ~~the petitioner disclosed on the visa pe-~~
24 ~~tion regarding any previous petitions~~
25 ~~filed under subsection (d) or (r) of~~

1 ~~such section 214 is consistent with the~~
2 ~~information in the multiple visa track-~~
3 ~~ing database of the Department of~~
4 ~~Homeland Security, as described in~~
5 ~~subsection (r)(4)(A) of such section~~
6 ~~214.”; and~~

7 ~~(2) in subsection (b)(1)(A), by striking “or”~~
8 ~~after “orders” and inserting “and”.~~

9 **SEC. 602. REGULATION OF INTERNATIONAL MARRIAGE**
10 **BROKERS.**

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

13 ~~(1) FINDINGS. Congress finds the following:~~

14 ~~(A) The International Marriage Broker~~
15 ~~Act of 2005 (subtitle D of Public Law 109-~~
16 ~~162; 119 Stat. 3066) has not been fully imple-~~
17 ~~mented with regard to investigating and pros-~~
18 ~~ecuting violations of the law, and for other pur-~~
19 ~~poses.~~

20 ~~(B) Six years after Congress enacted the~~
21 ~~International Marriage Broker Act of 2005 to~~
22 ~~regulate the activities of the hundreds of for-~~
23 ~~profit international marriage brokers operating~~
24 ~~in the United States, the Attorney General has~~
25 ~~not determined which component of the Depart-~~

1 ~~ment of Justice will investigate and prosecute~~
2 ~~violations of such Act.~~

3 ~~(2) REPORT. Not later than 90 days after the~~
4 ~~date of the enactment of this Act, the Attorney Gen-~~
5 ~~eral shall submit to Congress a report that includes~~
6 ~~the following:~~

7 ~~(A) The name of the component of the De-~~
8 ~~partment of Justice responsible for inves-~~
9 ~~tigating and prosecuting violations of the Inter-~~
10 ~~national Marriage Broker Act of 2005 (subtitle~~
11 ~~D of Public Law 109 162; 119 Stat. 3066) and~~
12 ~~the amendments made by this Act.~~

13 ~~(B) A description of the policies and proce-~~
14 ~~dures of the Attorney General for consultation~~
15 ~~with the Secretary of Homeland Security and~~
16 ~~the Secretary of State in investigating and~~
17 ~~prosecuting such violations.~~

18 ~~(b) TECHNICAL CORRECTION. Section 833(a)(2)(H)~~
19 ~~of the International Marriage Broker Regulation Act of~~
20 ~~2005 (8 U.S.C. 1375a(a)(2)(H)) is amended by striking~~
21 ~~“Federal and State sex offender public registries” and in-~~
22 ~~serting “the National Sex Offender Public Website”.~~

23 ~~(c) REGULATION OF INTERNATIONAL MARRIAGE~~
24 ~~BROKERS. Section 833(d) of the International Marriage~~

1 ~~Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is~~
2 ~~amended—~~

3 ~~(1) by amending paragraph (1) to read as fol-~~
4 ~~lows:~~

5 ~~“(1) PROHIBITION ON MARKETING OF OR TO~~
6 ~~CHILDREN.—~~

7 ~~“(A) IN GENERAL. An international mar-~~
8 ~~riage broker shall not provide any individual or~~
9 ~~entity with the personal contact information,~~
10 ~~photograph, or general information about the~~
11 ~~background or interests of any individual under~~
12 ~~the age of 18.~~

13 ~~“(B) COMPLIANCE. To comply with the~~
14 ~~requirements of subparagraph (A), an inter-~~
15 ~~national marriage broker shall—~~

16 ~~“(i) obtain a valid copy of each for-~~
17 ~~ign national client’s birth certificate or~~
18 ~~other proof of age document issued by an~~
19 ~~appropriate government entity;~~

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

23 ~~“(iii) retain the original of such cer-~~
24 ~~tificate or document for 7 years after such~~
25 ~~date of receipt; and~~

1 ~~“(iv) produce such certificate or docu-~~
2 ~~ment upon request to an appropriate au-~~
3 ~~thority charged with the enforcement of~~
4 ~~this paragraph.”;~~

5 ~~(2) in paragraph (2) —~~

6 ~~(A) in subparagraph (A)(i) —~~

7 ~~(i) in the heading, by striking “REG-~~
8 ~~ISTRIES.” and inserting “WEBSITE.”;~~
9 ~~and~~

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

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

15 ~~(C) in subparagraph (B)(ii) —~~

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

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

22 ~~(3) in paragraph (3) —~~

23 ~~(A) in subparagraph (A) —~~

24 ~~(i) in clause (i), by striking “Registry,~~
25 ~~or of the relevant State sex offender public~~

1 ~~registry for any State not yet participating~~
2 ~~in the National Sex Offender Public Reg-~~
3 ~~istry, in which the United States client has~~
4 ~~resided during the previous 20 years,” and~~
5 ~~inserting “Website”; and~~

6 ~~(ii) in clause (iii)(II), by striking~~
7 ~~“background information collected by the~~
8 ~~international marriage broker under para-~~
9 ~~graph (2)(B);” and inserting “signed cer-~~
10 ~~tification and accompanying documentation~~
11 ~~or attestation regarding the background in-~~
12 ~~formation collected under paragraph~~
13 ~~(2)(B);”; and~~

14 ~~(B) by striking subparagraph (C);~~

15 ~~(4) in paragraph (5) —~~

16 ~~(A) in subparagraph (A)(ii), by striking “A~~
17 ~~penalty may be imposed under clause (i) by the~~
18 ~~Attorney General only” and inserting “At the~~
19 ~~discretion of the Attorney General, a penalty~~
20 ~~may be imposed under clause (i) either by a~~
21 ~~Federal judge, or by the Attorney General”;~~

22 ~~(B) by amending subparagraph (B) to read~~
23 ~~as follows:~~

24 ~~“(B) FEDERAL CRIMINAL PENALTIES.~~

1 ~~“(i) FAILURE OF INTERNATIONAL~~
2 ~~MARRIAGE BROKERS TO COMPLY WITH OB-~~
3 ~~LIGATIONS. Except as provided in clause~~
4 ~~(ii), an international marriage broker that,~~
5 ~~in circumstances in or affecting interstate~~
6 ~~or foreign commerce, or within the special~~
7 ~~maritime and territorial jurisdiction of the~~
8 ~~United States —~~

9 ~~“(I) except as provided in sub-~~
10 ~~clause (II), violates (or attempts to~~
11 ~~violate) paragraph (1), (2), (3), or (4)~~
12 ~~shall be fined in accordance with title~~
13 ~~18, United States Code, or imprisoned~~
14 ~~for not more than 1 year, or both; or~~

15 ~~“(II) knowingly violates or at-~~
16 ~~tempts to violate paragraphs (1), (2),~~
17 ~~(3), or (4) shall be fined in accord-~~
18 ~~ance with title 18, United States~~
19 ~~Code, or imprisoned for not more~~
20 ~~than 5 years, or both.~~

21 ~~“(ii) MISUSE OF INFORMATION. A~~
22 ~~person who knowingly discloses, uses, or~~
23 ~~causes to be used any information obtained~~
24 ~~by an international marriage broker as a~~
25 ~~result of a requirement under paragraph~~

1 ~~(2) or (3) for any purpose other than the~~
2 ~~disclosures required under paragraph (3)~~
3 ~~shall be fined in accordance with title 18,~~
4 ~~United States Code, or imprisoned for not~~
5 ~~more than 1 year, or both.~~

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

21 ~~“(iv) RELATIONSHIP TO OTHER PEN-~~
22 ~~ALTIES. The penalties provided in clauses~~
23 ~~(i), (ii), and (iii) are in addition to any~~
24 ~~other civil or criminal liability under Fed-~~
25 ~~eral or State law to which a person may be~~

1 ~~subject for the misuse of information, in-~~
2 ~~cluding misuse to threaten, intimidate, or~~
3 ~~harass any individual.~~

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

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

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

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

16 ~~“(6) ENFORCEMENT.~~

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

22 ~~“(B) CONSULTATION. The Attorney Gen-~~
23 ~~eral shall consult with the Director of the Office~~
24 ~~on Violence Against Women of the Department~~
25 ~~of Justice to develop policies and public edu-~~

1 ~~ation designed to promote enforcement of this~~
2 ~~section.”.~~

3 ~~(d) GAO STUDY AND REPORT. Section 833(f) of~~
4 ~~the International Marriage Broker Regulation Act of 2005~~
5 ~~(8 U.S.C. 1375a(f)) is amended —~~

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

9 ~~(2) by adding at the end the following:~~

10 ~~“(4) CONTINUING IMPACT STUDY AND RE-~~
11 ~~PORT.—~~

12 ~~“(A) STUDY. The Comptroller General~~
13 ~~shall conduct a study on the continuing impact~~
14 ~~of the implementation of this section and of sec-~~
15 ~~tion of 214 of the Immigration and Nationality~~
16 ~~Act (8 U.S.C. 1184) on the process for grant-~~
17 ~~ing K nonimmigrant visas, including specifically~~
18 ~~a study of the items described in subparagraphs~~
19 ~~(A) through (E) of paragraph (1).~~

20 ~~“(B) REPORT. Not later than 2 years~~
21 ~~after the date of the enactment of the Violence~~
22 ~~Against Women Reauthorization Act of 2012,~~
23 ~~the Comptroller General shall submit to the~~
24 ~~Committee on the Judiciary of the Senate and~~
25 ~~the Committee on the Judiciary of the House of~~

1 ~~Representatives a report setting forth the re-~~
2 ~~sults of the study conducted under subpara-~~
3 ~~graph (A).~~

4 ~~“(C) DATA COLLECTION. The Attorney~~
5 ~~General, the Secretary of Homeland Security,~~
6 ~~and the Secretary of State shall collect and~~
7 ~~maintain the data necessary for the Comptroller~~
8 ~~General to conduct the study required by para-~~
9 ~~graph (1)(A).”.~~

10 **TITLE VII—SEXUAL ABUSE IN** 11 **PRISONS**

12 **SEC. 701. SEXUAL ABUSE IN CUSTODIAL SETTINGS.**

13 (a) SUITS BY PRISONERS.—Section 7(e) of the Civil
14 Rights of Institutionalized Persons Act (42 U.S.C.
15 1997e(e)) is amended by inserting before the period at the
16 end the following: “or the commission of a sexual act (as
17 defined in section 2246 of title 18, United States Code)”.

18 (b) UNITED STATES AS DEFENDANT.—Section
19 1346(b)(2) of title 28, United States Code, is amended
20 by inserting before the period at the end the following:
21 “or the commission of a sexual act (as defined in section
22 2246 of title 18)”.

23 (c) ADOPTION AND EFFECT OF NATIONAL STAND-
24 ARDS.—Section 8 of the Prison Rape Elimination Act of
25 2003 (42 U.S.C. 15607) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (e); and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) APPLICABILITY TO DETENTION FACILITIES OP-
6 ERATED BY THE DEPARTMENT OF HOMELAND SECU-
7 RITY.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the Violence Against
10 Women Reauthorization Act of 2011, the Secretary
11 of Homeland Security shall publish a final rule
12 adopting national standards for the detection, pre-
13 vention, reduction, and punishment of rape and sex-
14 ual assault in facilities that maintain custody of
15 aliens detained for a violation of the immigrations
16 laws of the United States.

17 “(2) APPLICABILITY.—The standards adopted
18 under paragraph (1) shall apply to detention facili-
19 ties operated by the Department of Homeland Secu-
20 rity and to detention facilities operated under con-
21 tract with the Department.

22 “(3) COMPLIANCE.—The Secretary of Home-
23 land Security shall—

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

4 “(B) include the results of the assessments
5 in performance evaluations of facilities com-
6 pleted by the Department of Homeland Secu-
7 rity.

8 “(4) CONSIDERATIONS.—In adopting standards
9 under paragraph (1), the Secretary of Homeland Se-
10 curity shall give due consideration to the rec-
11 ommended national standards provided by the Com-
12 mission under section 7(e).

13 “(5) DEFINITION.—As used in this section, the
14 term ‘detention facilities operated under contract
15 with the Department’ includes, but is not limited to,
16 contract detention facilities and detention facilities
17 operated through an intergovernmental service
18 agreement with the Department of Homeland Secu-
19 rity.

20 “(d) APPLICABILITY TO CUSTODIAL FACILITIES OP-
21 ERATED BY THE DEPARTMENT OF HEALTH AND HUMAN
22 SERVICES.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of the Violence Against
25 Women Reauthorization Act of 2011, the Secretary

1 of Health and Human Services shall publish a final
2 rule adopting national standards for the detection,
3 prevention, reduction, and punishment of rape and
4 sexual assault in facilities that maintain custody of
5 unaccompanied alien children (as defined in section
6 462(g) of the Homeland Security Act of 2002 (6
7 U.S.C. 279(g))).

8 “(2) APPLICABILITY.—The standards adopted
9 under paragraph (1) shall apply to facilities operated
10 by the Department of Health and Human Services
11 and to facilities operated under contract with the
12 Department.

13 “(3) COMPLIANCE.—The Secretary of Health
14 and Human Services shall—

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

18 “(B) include the results of the assessments
19 in performance evaluations of facilities com-
20 pleted by the Department of Health and
21 Human Services.

22 “(4) CONSIDERATIONS.—In adopting standards
23 under paragraph (1), the Secretary of Health and
24 Human Services shall give due consideration to the

1 recommended national standards provided by the
2 Commission under section 7(e).”.

3 **TITLE VIII—DATA COLLECTION**

4 **SEC. 801. ANNUAL REPORT ON IMMIGRATION APPLICA-** 5 **TIONS MADE BY VICTIMS OF ABUSE.**

6 (a) IN GENERAL.—~~Not later than~~ December 1, 2013,
7 ~~and annually thereafter, the Secretary of Homeland Secu-~~
8 ~~rity shall submit to the Committee on the Judiciary of the~~
9 ~~Senate and the Committee on the Judiciary of the House~~
10 ~~of Representatives a report that includes the following:~~

11 ~~(1) The number of aliens who —~~
12 ~~(A) submitted an application for non-~~
13 ~~immigrant status under paragraph (15)(T)(i),~~
14 ~~(15)(U)(i), or (51) of section 101(a) of the Im-~~
15 ~~migration and Nationality Act (8 U.S.C.~~
16 ~~1101(a)) during the preceding fiscal year;~~

17 ~~(B) were granted such nonimmigrant sta-~~
18 ~~tus during such fiscal year; or~~

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

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

24 ~~(3) The mean amount of time and median~~
25 ~~amount of time between the receipt of an application~~

1 ~~for such nonimmigrant status and the issuance of~~
2 ~~work authorization to an eligible applicant during~~
3 ~~the preceding fiscal year.~~

4 ~~(4) The number of aliens granted continued~~
5 ~~presence in the United States under section~~
6 ~~107(e)(3) of the Trafficking Victims Protection Act~~
7 ~~of 2000 (22 U.S.C. 7105(e)(3)) during the pre-~~
8 ~~ceding fiscal year.~~

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

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

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

24 (8) A description of the training Immigration
25 and Customs Enforcement and Customs and Board-

1 er Patrol enforcement agents and Immigration and
2 Custom's Enforcement trial attorneys and chief
3 counsel mandatorily receive and optionally receive
4 on—

5 (A) VAWA confidentiality;

6 (B) screening to identify immigrants eligi-
7 ble for—

8 (i) humanitarian release;

9 (ii) favorable exercise of prosecutorial
10 discretion; or

11 (iii) U visas, T visas, and VAWA self-
12 petitions or other forms of VAWA con-
13 fidentiality protected relief;

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

18 (D) U-visa certification and T-visa en-
19 dorsement by Department of Homeland Secu-
20 rity officials and State law enforcement; and

21 (E) collaboration with local law enforce-
22 ment and victim services programs on VAWA
23 self-petitioning, VAWA cancellation of removal,
24 U-visa and T-visa cases.

1 (9) The number of VAWA confidentiality viola-
2 tion complaints filed including—

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

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

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

9 (D) the mean and median time between re-
10 ceipt of the complaint and culmination of action
11 on the complaint; and

12 (E) the report shall not include any per-
13 sonally identifying information about the com-
14 plainant, the person against whom the com-
15 plaint was filed, or any witnesses.

16 (10) The degree of compliance with the Prison
17 Rape Elimination Act of 2003, as amended by this
18 Act, achieved by each detention facility operated by
19 the Department of Homeland Security and each de-
20 tention facility operated under contract with the De-
21 partment during the preceding fiscal year.

22 (11) The number of reports alleging sexual
23 abuse filed at each detention facility operated by the
24 Department of Homeland Security and each deten-
25 tion facility operated under contract with the De-

1 partment during the preceding fiscal year, including
2 an indication of the number of reports sustained at
3 each facility.

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

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

17 ~~(2) Steps taken by the Corporation to imple-~~
18 ~~ment and provide training to programs funded by~~
19 ~~the Corporation on the provisions of section 104 of~~
20 ~~the Violence Against Women and Department of~~
21 ~~Justice Reauthorization Act of 2005.~~

22 ~~(3) The number and proportion of programs re-~~
23 ~~ceiving funding from the Corporation that have im-~~
24 ~~plemented policies and procedures (including those~~
25 ~~for intake and screening) designed to ensure that~~

1 ~~victims described in section 104 of the Violence~~
2 ~~Against Women and Department of Justice Reau-~~
3 ~~thorization Act of 2005 are able to access legal as-~~
4 ~~sistance from the program.~~

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

7 (1) on the impact of section 384 of the Illegal
8 Immigration Reform and Immigration Responsibility
9 Act (IIRAIRA) (8 U.S.C. 1367) and section
10 239(e)(1) of the Immigration and Nationality Act (8
11 U.S.C. 1229(e)(1)) and the VAWA confidentiality
12 protections generally, including in particular—

13 (A) the annual number of aliens receiving
14 certification subject to 239(e)(1) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1229(e)(1)); and

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

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

23 (ii) have pending cases in immigration
24 proceedings;

1 (iii) have orders of removal issued
2 against them;

3 (iv) have been issued immigration de-
4 tainers; or

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

7 (2) that examines the extent to which the At-
8 torney General, the Secretary of Homeland Security,
9 the Secretary of State, and local law enforcement
10 agencies participating in the program under section
11 287(g) of the Immigration and Nationality Act, have
12 implemented policies, practices, or protocols that—

13 (A) screen for victimization, eligibility for
14 humanitarian release, and eligibility for relief
15 under sections 101(a)(15)(T), 101(a)(15)(U),
16 101(a)(27)(J), 101(a)(51), 106, 240A(b)(2),
17 244(a)(3) (as in effect on March 31, 1997) of
18 the Immigration and Nationality Act or section
19 107(b)(1)(E)(i)(II)(bb) of the Trafficking Vic-
20 tims Protection Act of 2000 (22 U.S.C. 710);

21 (B) provide potential victims with informa-
22 tion about the forms of immigration relief listed
23 in subparagraph (A);

24 (C) result in T- and U-visa certification;
25 and

1 (D) are designed to ensure that immigrant
2 victims are not subjected to immigration en-
3 forcement related to the perpetrator's actions or
4 communications;

5 (3) that reports on the number of section
6 298(g) jurisdictions that have memoranda of under-
7 standing with the Secretary of Homeland Security
8 requiring practices that result in T- and U-visa cer-
9 tifications and compliance with VAWA confiden-
10 tiality protections by officers and departments par-
11 ticipating in the section 287(g) program; and

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

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

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

18 (C) have received training in—

19 (i) U-visa certification; and

20 (ii) T-visa endorsement.

21 (d) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the Committee on the Judiciary of the Senate
24 and the Committee on the Judiciary of the House of Rep-

1 representatives a report setting forth the results of the study
2 conducted under subsection (b).

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

6 **SEC. 802. DATA COLLECTION AND REPORTING.**

7 (a) ANNUAL REPORT TO CONGRESS.—Not later than
8 December 1, 2012, and annually thereafter, the Secretary
9 shall submit a report to the Senate Committee on the Ju-
10 diciary and the House Committee on the Judiciary a re-
11 port stating—

12 (1) the number of persons (primary applicants
13 and derivative beneficiaries, total and by State) who
14 have applied for, been granted, or been denied a visa
15 or a petition, adjustment of status, work authoriza-
16 tion, parole, naturalization or otherwise provided
17 status under paragraphs (15)(T)(i), (15)(U)(i),
18 (27)(J), and (51) of section 101(a) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101(a)) and
20 section 106 of such Act, during the preceding fiscal
21 year;

22 (2) the number of requests for further evidence
23 issued for each case type described in subparagraph
24 (1) during the preceding fiscal year;

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

8 (4) the mean and median time between the re-
9 ceipt of applications for visas submitted under sub-
10 paragraph (T) or (U) of section 101(a)(15), section
11 101(a)(27)(J), or section 101(a)(51) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1101) and the
13 issuance of work authorization to eligible applicants
14 during the preceding fiscal year;

15 (5) the number of victims granted continued
16 presence in the United States under section
17 107(c)(3) of the Trafficking Victims Protection Act
18 of 2000 during the preceding fiscal year; and

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

○