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*Ruled
Non-Germane.*

**AMENDMENT TO H.R. 3012
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA**

Page 6, after line 10, add the following:

1 **SECTION 3. SPECIAL PROVISIONS IN CASES OF LENGTHY**
2 **ADJUDICATIONS.**

3 (a) EMPLOYMENT-BASED IMMIGRANTS.—

4 (1) IN GENERAL.—Section 214 of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1154) is amend-
6 ed by adding at the end the following:

7 “(s) SPECIAL PROVISIONS IN CASES OF LENGTHY
8 ADJUDICATIONS.—

9 “(1) EXEMPTION FROM LIMITATIONS.—Not-
10 withstanding subsections (c)(2)(D), (g)(4) and (m),
11 the authorized stay of an alien described in para-
12 graph (2) may be extended pursuant to paragraph
13 (3) if 365 days or more have elapsed since the filing
14 of any of the following:

15 “(A) An application for labor certification
16 under section 212(a)(5)(A), in a case in which
17 certification is required or used by an alien to
18 obtain status under section 203(b).

1 “(B) A petition described in section 204(b)
2 to accord the alien a status under section
3 203(b).

4 “(2) ALIENS DESCRIBED.—An alien is de-
5 scribed in this paragraph if the alien was previously
6 issued a visa or otherwise provided nonimmigrant
7 status under—

8 “(A) section 101(a)(15)(F);

9 “(B) section 101(a)(15)(H)(i)(b); or

10 “(C) section 101(a)(15)(L).

11 “(3) EXTENSION OF STATUS.—The Secretary
12 of Homeland Security shall extend the stay of an
13 alien who qualifies for an extension under paragraph
14 (1) in one-year increments until such time as a final
15 decision is made—

16 “(A) to deny the application described in
17 paragraph (1)(A), or, in a case in which such
18 application is granted, to deny a petition de-
19 scribed in paragraph (1)(B) filed on behalf of
20 the alien pursuant to such grant;

21 “(B) to deny the petition described in
22 paragraph (1)(B); or

23 “(C) to grant or deny the alien’s applica-
24 tion for an immigrant visa or adjustment of

1 status to that of an alien lawfully admitted for
2 permanent residence.”.

3 (2) PROVIDING DUAL INTENT FOR STU-
4 DENTS.—Section 101(a)(15)(F)(i) of the Immigra-
5 tion and Nationality Act (8 U.S.C.
6 1101(a)(15)(F)(i)) is amended by striking “having a
7 residence in a foreign country which he has no in-
8 tention of abandoning,”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 106 of the American Competi-
11 tiveness in the 21st Century Act is amended by
12 striking subsections (a) and (b).

13 (B) Section 214(b) of the Immigration and
14 Nationality Act (8 U.S.C. 1184(b)) is amended
15 by striking “(L) or (V)” and inserting “(F),
16 (L) or (V)”.

17 (C) Section 214(h) of the Immigration and
18 Nationality Act (8 U.S.C. 1184(h)) is amended
19 by striking “(H)(i)(b)” and inserting “(F),
20 (H)(i)(b)”.

21 (b) FAMILY-BASED IMMIGRANTS.—Section
22 101(a)(15) of the Immigration and Nationality Act (8
23 U.S.C. 1101(a)(15)) is amended by adding at the end the
24 following::

1 “(W) an alien who is the beneficiary (in-
2 cluding a child of the principle alien, if eligible
3 to receive a visa under section 203(d)) of an ap-
4 proved petition to accord a status under section
5 203(a)(2)(A) if 180 days or more have elapsed
6 since the filing of such petition and—

7 “(i) an immigrant visa is not imme-
8 diately available to the alien because of a
9 waiting list of applicants for visas under
10 section 203(a)(2)(A); or

11 “(ii) the alien’s application for an im-
12 migrant visa, or the alien’s application for
13 adjustment of status under section 245,
14 pursuant to the approval of such petition,
15 remains pending.”

