

112TH CONGRESS  
1ST SESSION

# S. 1808

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2011

Mr. COONS (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, 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. TOLLING PERIODS OF TIME TO FILE PETITION**

4 **AND HAVE INTERVIEW FOR REMOVAL OF**  
5 **CONDITION.**

6 (a) IN GENERAL.—Section 216 of the Immigration  
7 and Nationality Act (8 U.S.C. 1186a) is amended—

1           (1) by redesignating subsection (g) as sub-  
2           section (h); and

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

5           “(g) SERVICE IN ARMED FORCES.—

6           “(1) FILING PETITION.—The 90-day period de-  
7           scribed in subsection (d)(2)(A) shall be tolled during  
8           any period in which the alien spouse or petitioning  
9           spouse is a member of the Armed Forces of the  
10          United States and serving abroad in an active-duty  
11          status in the Armed Forces. The petition under sub-  
12          section (c)(1)(A) may be filed during such active-  
13          duty service at any time after the commencement of  
14          such 90-day period.

15          “(2) PERSONAL INTERVIEW.—

16          “(A) IN GENERAL.—The 90-day period de-  
17          scribed in subsection (d)(3) shall be tolled dur-  
18          ing any period of time in which the alien spouse  
19          or petitioning spouse is a member of the Armed  
20          Forces of the United States and serving abroad  
21          in an active-duty status in the Armed Forces.

22          “(B) SAVINGS PROVISION.—Nothing in  
23          this paragraph may be construed to prohibit the  
24          Secretary of Homeland Security from waiving  
25          the requirement for an interview under sub-

1 section (c)(1)(B) pursuant to the Secretary’s  
2 authority under subsection (d)(3).”.

3 (b) CONFORMING AMENDMENTS.—Section 216 of the  
4 Immigration and Nationality Act (8 U.S.C. 1186a) is  
5 amended—

6 (1) by striking “Attorney General” each place  
7 such term appears and inserting “Secretary of  
8 Homeland Security”;

9 (2) in subsection (a)(1)—

10 (A) by striking “(as defined in subsection  
11 (g)(1))”; and

12 (B) by striking “(as defined in subsection  
13 (g)(2))”;

14 (3) in subsection (c)(1)(B), by striking “Serv-  
15 ice” and inserting “Department of Homeland Secu-  
16 rity”; and

17 (4) in subsection (d)—

18 (A) in paragraph (2)(A), by inserting “and  
19 subsection (g)(1)” after “subparagraph (B)”;  
20 and

21 (B) in paragraph (3)—

22 (i) by striking “The interview” and  
23 inserting “Except as provided in subsection  
24 (g)(2), the interview”; and

1 (ii) by striking “Service” and insert-  
2 ing “Department of Homeland Security”.

3 **SEC. 2. COMPLIANCE WITH PAYGO.**

4 The budgetary effects of this Act, for the purpose of  
5 complying with the Statutory Pay-As-You-Go Act of 2010,  
6 shall be determined by reference to the latest statement  
7 titled “Budgetary Effects of PAYGO Legislation” for this  
8 Act, submitted for printing in the Congressional Record  
9 by the Chairman of the Committee on the Budget of the  
10 Senate, provided that such statement has been submitted  
11 prior to the vote on passage.

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