

117TH CONGRESS
1ST SESSION

S. 260

To provide immigration status for certain battered spouses and children.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself, Mr. COONS, Mr. BLUMENTHAL, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide immigration status for certain battered spouses
and children.

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 “Protecting Immigrant
5 Victims of Domestic Violence Act”.

6 **SEC. 2. IMMIGRATION STATUS FOR CERTAIN BATTERED**
7 **SPOUSES AND CHILDREN.**

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

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(51)) is amended—

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

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

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

8 “(H) section 106 as an abused derivative
9 alien.”.

10 (b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

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

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

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

18 “(1) is a spouse or child admitted under section
19 101(a)(15);

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

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

24 “(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

25 The Secretary of Homeland Security—

1 “(1) shall grant admission to, or extend the pe-
2 riod of admission for, an abused derivative alien
3 under the subparagraph of section 101(a)(15) pur-
4 suant to which the principal alien was admitted for
5 the period that is the longer of—

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

8 “(B) 3 years;

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

11 “(3) shall grant employment authorization to
12 an abused derivative alien; and

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

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

18 “(ii) the Secretary of Homeland Security
19 determines that the continued presence in the
20 United States of the abused derivative alien is
21 justified—

22 “(I) on humanitarian grounds;

23 “(II) to ensure family unity; or

24 “(III) is otherwise in the public inter-
25 est; and

1 “(B) the status under which the principal
 2 alien was admitted to the United States would
 3 have potentially allowed for eventual adjustment
 4 of status.

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

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

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

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

