

112TH CONGRESS
1ST SESSION

H. R. 46

To amend the Immigration and Nationality Act to provide for nonimmigrant status for an alien who is the parent or legal guardian of a United States citizen child if the child was born abroad and is the child of a deceased member of the Armed Forces of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. ISSA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for nonimmigrant status for an alien who is the parent or legal guardian of a United States citizen child if the child was born abroad and is the child of a deceased member of the Armed Forces of the United States.

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 “Fallen Heroes Family
5 Act of 2011”.

1 **SEC. 2. NONIMMIGRANT STATUS FOR ALIEN PARENT OF**
2 **U.S. CITIZEN CHILD OF DECEASED MEMBER**
3 **OF ARMED FORCES.**

4 Section 101(a)(15) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1101(a)(15)) is amended—

6 (1) in subparagraph (U), by striking “or” at
7 the end;

8 (2) in subparagraph (V), by striking the period
9 at the end and inserting “; or”; and

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

11 “(W) subject to section 214(s), an alien who is
12 the parent of a child who—

13 “(i) is a United States citizen;

14 “(ii) was born outside the United States
15 and its outlying possessions; and

16 “(iii) had a natural parent who—

17 “(I) served honorably in an active-
18 duty status in the military, air, or naval
19 forces of the United States; and

20 “(II) died on or after September 11,
21 2001, as a result of injury or disease in-
22 curred in or aggravated by that service.”.

23 **SEC. 3. PARENT TO INCLUDE LEGAL GUARDIAN.**

24 Section 101(b)(2) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(b)(2)) is amended by adding at the
26 end the following: “For purposes of subsection (a)(15)(W)

1 and section 201(b)(2)(A)(i), the term ‘parent’ includes a
2 legal guardian or other person standing in loco parentis.”.

3 **SEC. 4. CONDITIONS ON ADMISSION.**

4 Section 214 of the Immigration and Nationality Act
5 (8 U.S.C. 1184) is amended by adding at the end the fol-
6 lowing:

7 “(s)(1) In the case of a nonimmigrant described in
8 section 101(a)(15)(W), the Secretary of Homeland Secu-
9 rity shall authorize the nonimmigrant to engage in em-
10 ployment in the United States during the period of author-
11 ized admission and shall provide the nonimmigrant with
12 an ‘employment authorized’ endorsement or other appro-
13 priate document signifying authorization of employment.

14 “(2) The period of authorized admission of such a
15 nonimmigrant shall terminate on the date that is 180 days
16 after the 21st birthday of the child described in section
17 101(a)(15)(W), except that if the child files a petition
18 under section 204(a)(1)(A)(i) to classify the non-
19 immigrant as an immediate relative before such date, such
20 period shall terminate on the date that is 30 days after
21 the date on which such petition is denied.

22 “(3) Not more than 1 alien may be admitted to the
23 United States as a nonimmigrant with regard to each
24 child described in section 101(a)(15)(W), unless an alien

1 previously so admitted with respect to that child has
2 died.”.

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