

HR 3827

Immigration Relief for Hurricane Katrina Victims Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Sep 20, 2005

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jan 27, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/3827>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-5]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Sep 20, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		Sep 20, 2005
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Sep 20, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Sep 20, 2005
Judiciary Committee	Senate	Referred To	Jan 27, 2006

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Immigration Relief for Hurricane Katrina Victims Act of 2005 - (Sec. 2) Authorizes the Secretary of Homeland Security to provide special immigration status to: (1) an alien beneficiary of an immigration petition, nonimmigrant fiance or fiancée K-visa, or labor certification application filed on or before August 29, 2005 (Hurricane Katrina) if the petitioner, applicant, or beneficiary died, was disabled, or lost employment due to the damage or destruction of his or her workplace; (2) an alien who as of such date was the spouse or child of such alien and was accompanying or following to join such alien by August 29, 2007; and (3) an alien who is the grandparent of a child whose parents died as a consequence of Hurricane Katrina, if at least one of the parents on August 29, 2005, was a U.S. citizen, national, or legal permanent resident.

(Sec. 3) Extends nonimmigrant status until the later of the original termination of status date or one year after death or disability for an alien lawfully in the United States on August 29, 2005, who: (1) was disabled as a consequence of Hurricane Katrina; or (2) on such date was the spouse or child of such alien, or the spouse or child of an alien who died as a consequence of Hurricane Katrina. Authorizes temporary employment.

Extends for 180 days the time for filing an extension or change of nonimmigrant status application for an alien lawfully in the United States on August 29, 2005, whose failure to timely file was caused by Hurricane Katrina-related injury, office closures, mail delays, or other appropriate delays.

Provides that an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, who was prevented from timely departing the United States due to Hurricane Katrina-related injury, office closures, airline delays, or other appropriate delays or closures shall not be considered as unlawfully present in the United States during the period beginning on August 30, 2005, and ending on the alien's departure date, if such departure occurs by December 31, 2005.

Provides that: (1) a FY2005 diversity immigrant visa may be used from October 1, 2005-April 1, 2006, if an alien was prevented from using such visa in FY2005 due to Hurricane Katrina-related office closures, mail or airline delays, or other appropriate delays or closures; and (2) the spouse and child of a FY2005 diversity immigrant who died as a consequence of Hurricane Katrina shall until June 30, 2006, if not otherwise entitled to immigrant status, be entitled to the same status and order of consideration as would have applied if the principal alien were not deceased, and if the spouse's or child's visa had been adjudicated by September 30, 2005.

Extends the expiration date of an immigrant visa that expires before February 26, 2006, until February 26, 2006, (unless a longer period of validity is otherwise provided under this Act) for an alien who was unable to enter the United States due to Hurricane Katrina-related destruction, damage, or legal prohibition on inhabiting the alien's intended residence, office closures, airline delays, or other appropriate delays or closures.

Extends for 90 days parole authority that expires on or after August 26, 2005, for an alien parolee who was unable to return to the United States due to Hurricane Katrina-related office closures, airline delays, or other appropriate delays or closures.

Extends for 60 days voluntary departure for an alien whose departure period expired during the period beginning on August 26, 2005-October 26, 2005, and who was unable to depart as a consequence of Hurricane Katrina.

(Sec. 4) Considers the alien spouse and child of a US citizen who died as a consequence of Hurricane Katrina as an immediate relative if the alien (including the parent or guardian in the case of a child) files a petition within two years of the citizen's death. Terminates such status upon an alien spouse's remarriage. Considers such status as unconditional (rather than conditional) permanent resident status.

Provides that the spouse, child, or unmarried son or daughter: (1) who was included in a family-sponsored petition filed before August 29, 2005, by a lawful permanent resident alien who died as a consequence of Hurricane Katrina shall have the family-sponsored immigrant petition date as originally filed by the deceased without having to file a new petition; and (2) of such an alien who was not included in such a petition but was present in the United States on August 29, 2005, may self-petition for such status. Authorizes temporary employment. Considers such status as unconditional (rather than conditional) permanent resident status.

Provides that an alien who, as of August 29, 2005, was the spouse or child of a refugee, asylee, or employment-based immigrant who died as a consequence of Hurricane Katrina shall have his or her respective refugee, asylee, or status adjustment claim determined as if the death had not occurred. Waives public charge inadmissibility grounds.

(Sec. 5) Authorizes the Secretary to administer the oath of naturalization in any federal court without regard to residence requirements for an alien who resided in a Hurricane Katrina-affected immigration district on August 29, 2005.

(Sec. 6) Maintains foreign student and exchange program status for an alien who was lawfully in such status on August 29, 2005, but failed to meet a condition of such status as a result of Hurricane Katrina, if the person is reenrolled in a qualifying program by February 1, 2006.

(Sec. 7) Extends specified change of address notice deadlines to December 1, 2005, and February 28, 2006, respectively, for an alien who resided in a Hurricane Katrina-affected immigration district on August 29, 2005.

(Sec. 8) Authorizes the Secretary to provide temporary administrative relief to an alien who: (1) was lawfully present in the United States on August 29, 2005; (2) was the spouse, parent, or child of an individual who died or was disabled as a consequence of Hurricane Katrina; and (3) is not otherwise entitled to relief under this Act.

(Sec. 9) Amends the Immigration and Nationality Act to authorize the Secretary during a major disaster-declaration period to waive for not more than 90 days employer attestation or verification requirements due to disaster-caused document loss. Applies such provision to hiring, recruitment, or referral of an individual for employment in the United States on or after August 29, 2005.

(Sec. 10) Authorizes the Secretary to replace or provide temporary identity and employment authorization documents lost, stolen, or destroyed as a consequence of Hurricane Katrina. Sets forth document replacement procedures.

Authorizes waiver of immigration status or employment eligibility database fees with respect to such aliens for requesting employers, state or local agencies, the American National Red Cross, and certain tax exempt organizations.

(Sec. 11) Authorizes the Secretary to grant an age-dependent immigration benefit if the failure to meet such age requirement was caused by Hurricane Katrina.

(Sec. 12) Directs the Secretary to establish standards for demonstrating that any of the following occurred as a consequence Hurricane Katrina: (1) death; (2) disability; or (3) loss of employment due to business damage or destruction.

(Sec. 13) States that the Secretary is not required to promulgate regulations prior to implementing this Act.

(Sec. 14) Defines "specified hurricane disaster" as any major disaster resulting from Hurricane Katrina declared by the President under the Robert T. Stafford Disaster and Emergency Assistance Act.

Actions Timeline

- **Jan 27, 2006:** Read twice and referred to the Committee on the Judiciary.
- **Sep 22, 2005:** Received in the Senate.
- **Sep 21, 2005:** Mr. Sensenbrenner moved to suspend the rules and pass the bill.
- **Sep 21, 2005:** Considered under suspension of the rules. (consideration: CR H8172-8176)
- **Sep 21, 2005:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3827.
- **Sep 21, 2005:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H8172-8175)
- **Sep 21, 2005:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H8172-8175)
- **Sep 21, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 20, 2005:** Introduced in House
- **Sep 20, 2005:** Introduced in House
- **Sep 20, 2005:** Referred to the House Committee on the Judiciary.