

107TH CONGRESS  
1ST SESSION

# H. R. 2791

To amend the Immigration and Nationality Act to remove from an alien the initial burden of establishing that he or she is entitled to non-immigrant status under section 101(a)(15)(B) of such Act, in the case of an alien seeking such status in order to enter the United States for a brief temporary stay occasioned by a family obligation, such as the illness or death of a close relative.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to remove from an alien the initial burden of establishing that he or she is entitled to nonimmigrant status under section 101(a)(15)(B) of such Act, in the case of an alien seeking such status in order to enter the United States for a brief temporary stay occasioned by a family obligation, such as the illness or death of a close relative.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ELIMINATION OF INITIAL BURDEN OF ESTAB-**  
2 **LISHING ENTITLEMENT TO NONIMMIGRANT**  
3 **STATUS FOR ALIENS SEEKING ENTRY DUE TO**  
4 **TEMPORARY FAMILY OBLIGATION.**

5 Section 214(b) of the Immigration and Nationality  
6 Act (8 U.S.C. 1184(b)) is amended—

7 (1) by striking “(b)” and inserting “(b)(1)”;

8 (2) by striking “101(a)(15))” and inserting  
9 “101(a)(15) or paragraph (2))”; and

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

11 “(2) In the case of an alien seeking nonimmigrant  
12 status under section 101(a)(15)(B) in order to enter the  
13 United States for a brief temporary trip occasioned by a  
14 family obligation involving an occurrence such as the ill-  
15 ness or death of a close relative or other family need, the  
16 alien shall be presumed to be entitled to such non-  
17 immigrant status unless the consular officer, at the time  
18 of application for a visa, or the immigration officer, at  
19 the time of application for admission, determines, based  
20 on specific facts, that the alien—

21 “(A) is inadmissible to the United States  
22 under section 212(a); or

23 “(B) does not intent to depart from the  
24 United States after the expiration of the alien’s  
25 period of authorized admission.”.