The New York City Council

Legislation Details (With Text)

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Type:	Resolution		**Status:**	Filed
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Enactment date:			**Enactment #:**	
Title:	Resolution calling upon the 112th Congress to pass, and the President to sign, H.R. 398 which would amend the Immigration and Nationality Act to suspend the filing period for removing conditional immigration status for individuals in active duty service outside of the United States.			
Sponsors:	Daniel Dromm, Charles Barron, Gale A. Brewer, Fernando Cabrera, Margaret S. Chin, Leroy G. Comrie, Jr., Inez E. Dickens, Mathieu Eugene, Lewis A. Fidler, Letitia James, G. Oliver Koppell, Brad S. Lander, Rosie Mendez, Annabel Palma, James G. Van Bramer, Jumaane D. Williams, Melissa Mark-Viverito			
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Date	Ver.	Action By	Action	Result
4/6/2011	*	City Council	Introduced by Council	
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12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 760

Resolution calling upon the 112th Congress to pass, and the President to sign, H.R. 398 which would amend the Immigration and Nationality Act to suspend the filing period for removing conditional immigration status for individuals in active duty service outside of the United States.

By Council Members Dromm, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Fidler, James, Koppell, Lander, Mendez, Palma, Van Bramer, Williams and Mark-Viverito

Whereas, Thousands of military service members have close relatives who are illegal immigrants; and

Whereas, U.S. Citizenship & Immigration Services (USCIS) states that when a non-citizen becomes a lawful permanent resident through marriage to a U.S. citizen, conditions are placed on the residency status if the marriage is less than two years old at the time of the non-citizen's entry to the United States; and

Whereas, USCIS requires that following the marriage, the U.S. citizen must petition for legal immigration status and file an application of conditional permanent residence on behalf of the non-citizen spouse; and

Whereas, Ninety days before the second anniversary of the non-citizen spouse's grant of conditional permanent residence status, the couple must apply together to remove the condition on the residence status; and

Whereas, Permanent residence status is approved after the couple has successfully completed an interview process showing their marriage is in good faith and not fraudulent; and

Whereas, Meeting the requirements mentioned above can be impossible if the non-citizen's spouse is in active-duty services outside of the United States; and

Whereas, Failing to pursue permanent residence status could result in deportation for the non-citizen spouse, years of separation for family members, and exposure to extreme economic and emotional hardship; and

Whereas, According to the Department of Defense, approximately 29,000 non-citizens serve in the Armed Forces; about 8,000 legal permanent residents enlist in the Armed Forces every year and, since 2001, nearly 43,000 members of the Armed Forces have become U.S. citizens while in service; and

Whereas, The men and women defending this great country have a huge task on their hands and must be focused on the important jobs they are doing; and

Whereas, Active duty soldiers with close relatives who do not have legal immigration status should be provided with some relief; and

Whereas, Allowing military families more time to file for the removal of conditional immigration status will alleviate the fear of being deported and preserve family unity for all active-duty soldiers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the 112th Congress to pass, and the President to sign, H.R. 398 which would amend the Immigration and Nationality Act to suspend the filing period for removing conditional immigration status for individuals in active duty service outside of the United States.

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JSM
2/25/2011
LS# 2079