

Public Law 112–58
112th Congress

An Act

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

Nov. 23, 2011
[H.R. 398]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOLLING PERIODS OF TIME TO FILE PETITION AND HAVE INTERVIEW FOR REMOVAL OF CONDITION. 8 USC 1186a.

(a) IN GENERAL.—Section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a) is amended—

- (1) by redesignating subsection (g) as subsection (h); and
- (2) by inserting after subsection (f) the following:

“(g) SERVICE IN ARMED FORCES.—

“(1) FILING PETITION.—The 90-day period described in subsection (d)(2)(A) shall be tolled during any period of time in which the alien spouse or petitioning spouse is a member of the Armed Forces of the United States and serving abroad in an active-duty status in the Armed Forces, except that, at the option of the petitioners, the petition may be filed during such active-duty service at any time after the commencement of such 90-day period.

“(2) PERSONAL INTERVIEW.—The 90-day period described in the first sentence of subsection (d)(3) shall be tolled during any period of time in which the alien spouse or petitioning spouse is a member of the Armed Forces of the United States and serving abroad in an active-duty status in the Armed Forces, except that nothing in this paragraph shall be construed to prohibit the Secretary of Homeland Security from waiving the requirement for an interview under subsection (c)(1)(B) pursuant to the Secretary’s authority under the second sentence of subsection (d)(3).”

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 216(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1186a(a)(1)) is amended—

- (A) by striking “(g)(1)” and inserting “(h)(1)”; and
- (B) by striking “(g)(2)” and inserting “(h)(2)”.

(2) REFERENCES.—Section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a) is amended—

- (A) in subsection (d)(3), by striking “Attorney General’s” and inserting “Secretary’s”;
- (B) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(C) in subsections (c)(1)(B) and (d)(3), by striking “Service” and inserting “Department of Homeland Security”.

SEC. 2. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

Approved November 23, 2011.

LEGISLATIVE HISTORY—H.R. 398:

HOUSE REPORTS: No. 112–141, Pt. 1 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 157 (2011):

Aug. 1, considered and passed House.

Nov. 10, considered and passed Senate.