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# Summaries for Miscellaneous and Technical Immigration and Naturalization Amendments of 1991

Library of Congress

## Library of Congress Summary

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### Title1 - Judicial Naturalization Ceremonies Amendments

Judicial Naturalization Ceremonies Amendments of 1991 - Amends the Immigration and Nationality Act, as amended by the Immigration Act of 1990, to grant eligible Federal and State courts exclusive jurisdiction to administer naturalization oath of allegiance ceremonies during the 45-day period beginning on the date on which the Attorney General certifies to the court that an applicant is eligible for naturalization if the court has notified the Attorney General prior to the date of certification of eligibility of the days scheduled for oath ceremonies.

Requires the Attorney General to issue a certificate of naturalization at the time of such ceremony.

Provides for both a judicial and administrative expedited naturalization oath ceremony upon demonstration of sufficient cause (such as illness, disability, exigent travel or employment circumstances).

Directs the Attorney General to pay courts a specified annual percentage of all fees with respect to persons administered the oath by the respective courts.

### **Title II - O and P Nonimmigrant Amendments**

O and P Nonimmigrant Amendments of 1991 - Revises provisions with respect to the admission of O and P visa nonimmigrants (aliens of extraordinary ability, entertainers, and athletes).

Repeals the 25,000 annual cap on P-1 and P-3 visas.

Requires the General Accounting Office to submit a report regarding O and P admissions and foreign treatment of U.S. artists and entertainers to the appropriate congressional committees, who shall then hold a related hearing.

Revises P-1 classification standards.

Establishes exceptions to the requirement that a P-1 alien must have at least one year's membership with his or her group, including:

- (1) certain alien circus personnel;
- (2) automatic waiver for 25 percent of a group; and
- (3) replacement due to exigent circumstances.

Authorizes P-1 groups to be "nationally recognized" in lieu of "internationally recognized" under special circumstances.

Revises consultation requirements to:

- (1) require specified O or P aliens to submit advisory opinions regarding expertise from peer groups or labor unions;
- (2) permit the Attorney General to adjudicate a visa petition without an advisory opinion if no appropriate peer group exists;
- (3) direct the Attorney General to establish an expedited consultation procedure; and
- (4) waive the consultation requirement for an O-1 alien readmission if such alien has had a consultation within the previous two years.

Defines extraordinary ability in the arts for an O visa to mean "distinction." Makes O visa revisions regarding paperwork requirements, and multiple events.

Repeals the three-month out of country waiting time for P-2 and P-3 readmissions.

Makes P visa revisions regarding treatment of foreign organizations and performance of teaching and coaching functions.

Establishes a return transportation requirement for O and P aliens (employer and petitioner jointly and severally liable for such cost).

Treats fashion modeling as a specialty occupation for nonimmigrant admissions purposes.

Directs the Attorney General to report annually to the appropriate congressional committees regarding O, P, H, and Q visa petitions.

### **Title III - Miscellaneous and Technical Corrections**

Immigration Technical Corrections Act of 1991 - Provides for a FY 1993 carryover of unused family- and employment-based visas.

Permits a widow or widower whose U.S. citizen spouse died before enactment of this Act to file for immediate relative status within two years of enactment (rather than two years from the spouse's death).

Substitutes percentages in lieu of the specified numbers in the distribution formula used for employment-based visas.

Provides with regard to Hong Kong transition visas:

(1) for a carryover of unused FY 1991 and 1992 visas; and

(2) that the 12-month consecutive employment requirement need not have been during the immediately previous 12 months, and may include periods of temporary absence.

Provides with regard to diversity immigrants for:

(1) a carryover of unused FY 1992 and 1993 visas;

(2) inclusion after FY 1992 of nationals of any qualifying country (currently limited to nationals of a qualifying country that is noncontiguous to the United States);

(3) inclusion of Northern Ireland as part of Ireland; and

(4) waiver of the two-year foreign residency requirement.

Applies numerical limitations under the displaced Tibetan transition program to spouses or children of principal aliens.

Provides with regard to status adjustment for juvenile court dependents for waiver of specified grounds of inadmissibility and authorizes waiver of most non-criminal and non-security grounds of exclusion.

Extends immigrant visa extensions for certain Hong Kong residents to include natives of China. Includes spouses under the Lebanese expedited visa preference program.

Requires investor petitions to be filed with the Attorney General. (Current law requires such filing with the Secretary of State.) Requires certain special immigration status deadlines to be met within six months of filing a petition for such status.

(Current law requires such deadlines to be met within six months after application for a visa or status adjustment is made.) Provides with regard to nonimmigrant registered nurses that a hospital will not be disqualified from seeking such nurses upon laying off a non-staff nurse if it does not replace such nurse with a nonimmigrant registered nurse for a one-year period.

Applies certain transition provisions to nonimmigrant registered nurses with expired visas who had been admitted to the United States to perform such services as of September 1, 1989.

Permits the entry of a foreign doctor if:

(1) pursuant to an invitation from a U.S. educational or research institution to teach or do research at such institution; or

(2) such alien has passed the Federal licensing examination (or an equivalent) and is competent in English or is a graduate of an accredited medical school.

Repeals the provision limiting student off-campus work authorization to unrelated work.

Authorizes derivative status for spouses and children of principal aliens in the special education exchange program.

Authorizes separate work authorization fees under the temporary protected status program.

Provides that aliens with family unity benefits or temporary protected status who are authorized to travel abroad temporarily will be readmitted (if not otherwise excludable) under the same status in which they departed, and that such absence shall not be considered a break in the continuous presence requirement.

Extends transitional treatment of current naturalization petitions to those pending as of January 1, 1992 (currently November 29, 1990).

Applies specified custody release provisions to all lawfully admitted aliens (currently applies to lawfully admitted permanent residents).

States that a murder conviction shall be considered a bar to good moral character regardless of the conviction date.

Revises deportation proceeding provisions including:

(1) requiring that a list of pro bono counsel be provided;

(2) permitting an alien to request an earlier deportation hearing date; and

(3) permitting an earlier time period for alien felons to obtain judicial review.

Sets forth the rights of aliens in deportation proceedings; including:

(1) notice of the charges and proceedings;

(2) legal representation; and

(3) examinations and presentation of evidence.

Provides for exception to the smuggling grounds of exclusion and deportation in the case of aliens under the legalized alien transition program and under the family unity program if the smuggling was for family reunification purposes.

Provides for exception to the exclusion based upon a single offense of simple possession of 30 grams or less of marijuana.

Applies such exception to all immigrants with or without family relations with U.S. citizens or permanent residents.

Permits a special exception for immigrants having family relations with U.S. citizens or if exclusion would result in extreme hardships to such citizen or resident.

Provides for deportation for:

(1) convictions of attempted crimes; and

(2) document fraud.

Permits the use of the immigration emergency fund based on provision of parole (rather than filed applications for asylum).

Permits states which do not spend the maximum amount permitted for public education and outreach in a fiscal year to use such amounts in the succeeding year.

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