

112TH CONGRESS
1ST SESSION

H. R. 1796

To amend the Immigration and Nationality Act to promote family unity,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2011

Mr. HONDA (for himself, Ms. BALDWIN, Ms. BASS of California, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CONYERS, Mr. DEUTCH, Ms. CLARKE of New York, Mrs. CAPPs, Ms. CHU, Mr. COHEN, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Ms. NORTON, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Ms. PELOSI, Ms. PINGREE of Maine, Mr. POLIS, Mr. QUIGLEY, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABLAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIREs, Mr. STARK, Mr. TOWNS, Ms. TSONGAS, Ms. WASSERMAN SCHULTZ, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to promote
family unity, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Reuniting Families Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REDUCING FAMILY-BASED VISA BACKLOGS AND
 PROMOTING FAMILY REUNIFICATION**

- Sec. 101. Recapture of immigrant visas lost to bureaucratic delay.
- Sec. 102. Reclassification of spouses and minor children of legal permanent residents as immediate relatives.
- Sec. 103. Country limits.
- Sec. 104. Promoting family unity.
- Sec. 105. Relief for orphans, widows, and widowers.
- Sec. 106. Exemption from immigrant visa limit for certain veterans who are natives of Philippines.
- Sec. 107. Fiancée child status protection.
- Sec. 108. Equal treatment for all stepchildren.
- Sec. 109. Retention of priority dates.

TITLE II—UNITING AMERICAN FAMILIES ACT

- Sec. 201. Definitions of permanent partner and permanent partnership.
- Sec. 202. Definition of child.
- Sec. 203. Worldwide level of immigration.
- Sec. 204. Numerical limitations on individual foreign states.
- Sec. 205. Allocation of immigrant visas.
- Sec. 206. Procedure for granting immigrant status.
- Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 208. Asylum.
- Sec. 209. Adjustment of status of refugees.
- Sec. 210. Inadmissible aliens.
- Sec. 211. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 212. Derivative status for permanent partners of nonimmigrant visa holders.
- Sec. 213. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 214. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 215. Deportable aliens.
- Sec. 216. Removal proceedings.
- Sec. 217. Cancellation of removal; adjustment of status.

Sec. 218. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.

Sec. 219. Application of criminal penalties for misrepresentation and concealment of facts regarding permanent partnerships.

Sec. 220. Requirements as to residence, good moral character, attachment to the principles of the Constitution.

Sec. 221. Naturalization for permanent partners of citizens.

Sec. 222. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.

Sec. 223. Application to Cuban Adjustment Act.

1 **TITLE I—REDUCING FAMILY-**
 2 **BASED VISA BACKLOGS AND**
 3 **PROMOTING FAMILY REUNI-**
 4 **FICATION**

5 **SEC. 101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**
 6 **REAUCRATIC DELAY.**

7 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
 8 MIGRANTS.—Section 201(c) of the Immigration and Na-
 9 tionality Act (8 U.S.C. 1151(c)) is amended to read as
 10 follows:

11 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
 12 IMMIGRANTS.—

13 “(1) IN GENERAL.—Subject to subparagraph
 14 (B), the worldwide level of family-sponsored immi-
 15 grants under this subsection for a fiscal year is
 16 equal to the sum of—

17 “(A) 480,000; and

18 “(B) the sum of—

19 “(i) the number computed under
 20 paragraph (2); and

1 “(ii) the number computed under
2 paragraph (3).

3 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
4 FISCAL YEAR.—The number computed under this
5 paragraph for a fiscal year is the difference, if any,
6 between—

7 “(A) the worldwide level of family-spon-
8 sored immigrant visas established for the pre-
9 vious fiscal year; and

10 “(B) the number of visas issued under sec-
11 tion 203(a), subject to this subsection, during
12 the previous fiscal year.

13 “(3) UNUSED VISA NUMBERS FROM FISCAL
14 YEARS 1992 THROUGH 2011.—The number computed
15 under this paragraph is the difference, if any, be-
16 tween—

17 “(A) the difference, if any, between—

18 “(i) the sum of the worldwide levels of
19 family-sponsored immigrant visas estab-
20 lished for fiscal years 1992 through 2011;
21 and

22 “(ii) the number of visas issued under
23 section 203(a), subject to this subsection,
24 during such fiscal years; and

1 “(B) the number of unused visas from fis-
2 cal years 1992 through 2011 that were issued
3 after fiscal year 2011 under section 203(a),
4 subject to this subsection.”.

5 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
6 IMMIGRANTS.—Section 201(d) of the Immigration and
7 Nationality Act (8 U.S.C. 1151(d)) is amended to read
8 as follows:

9 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
10 IMMIGRANTS.—

11 “(1) IN GENERAL.—The worldwide level of em-
12 ployment-based immigrants under this subsection for
13 a fiscal year is equal to the sum of—

14 “(A) 140,000;

15 “(B) the number computed under para-
16 graph (2); and

17 “(C) the number computed under para-
18 graph (3).

19 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
20 FISCAL YEAR.—The number computed under this
21 paragraph for a fiscal year is the difference, if any,
22 between—

23 “(A) the worldwide level of employment-
24 based immigrant visas established for the pre-
25 vious fiscal year; and

1 “(B) the number of visas issued under sec-
2 tion 203(b), subject to this subsection, during
3 the previous fiscal year.

4 “(3) UNUSED VISA NUMBERS FROM FISCAL
5 YEARS 1992 THROUGH 2011.—The number computed
6 under this paragraph is the difference, if any, be-
7 tween—

8 “(A) the difference, if any, between—

9 “(i) the sum of the worldwide levels of
10 employment-based immigrant visas estab-
11 lished for each of fiscal years 1992
12 through 2011; and

13 “(ii) the number of visas issued under
14 section 203(b), subject to this subsection,
15 during such fiscal years; and

16 “(B) the number of unused visas from fis-
17 cal years 1992 through 2011 that were issued
18 after fiscal year 2011 under section 203(b),
19 subject to this subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date which is 60 days
22 after the date of the enactment of this Act.

1 **SEC. 102. RECLASSIFICATION OF SPOUSES AND MINOR**
2 **CHILDREN OF LEGAL PERMANENT RESI-**
3 **DENTS AS IMMEDIATE RELATIVES.**

4 (a) IN GENERAL.—Section 201(b)(2) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is
6 amended to read as follows:

7 “(2) IMMEDIATE RELATIVE.—

8 “(A) IN GENERAL.—

9 “(i) IMMEDIATE RELATIVE DE-
10 FINED.—In this subparagraph, the term
11 ‘immediate relative’ means a child, spouse,
12 or parent of a citizen of the United States
13 or a child or spouse of a lawful permanent
14 resident (and for each family member of a
15 citizen or lawful permanent resident under
16 this subparagraph, such individual’s spouse
17 or child who is accompanying or following
18 to join the individual), except that, in the
19 case of parents, such citizens shall be at
20 least 21 years of age.

21 “(ii) PREVIOUSLY ISSUED VISA.—

22 Aliens admitted under section 211(a) on
23 the basis of a prior issuance of a visa
24 under section 203(a) to their accom-
25 panying parent who is an immediate rel-
26 ative.

1 “(iii) PARENTS AND CHILDREN.—An
2 alien who was the child or parent of a cit-
3 izen of the United States or a child of a
4 lawful permanent resident at the time of
5 the citizen’s or resident’s death if the alien
6 files a petition under 204(a)(1)(A)(ii) with-
7 in 2 years after such date or prior to
8 reaching 21 years of age.

9 “(iv) SPOUSE.—An alien who was the
10 spouse of a citizen of the United States or
11 lawful permanent resident for not less than
12 2 years at the time of the citizen’s or resi-
13 dent’s death or, if married for less than 2
14 years at the time of the citizen’s or resi-
15 dent’s death, proves by a preponderance of
16 the evidence that the marriage was entered
17 into in good faith and not solely for the
18 purpose of obtaining an immigration ben-
19 efit and was not legally separated from the
20 citizen or resident at the time of the citi-
21 zen’s or resident’s death, and each child of
22 such alien, shall be considered, for pur-
23 poses of this subsection, an immediate rel-
24 ative after the date of the citizen’s or resi-
25 dent’s death if the spouse files a petition

1 under section 204(a)(1)(A)(ii) before the
2 earlier of—

3 “(I) 2 years after such date; or

4 “(II) the date on which the
5 spouse remarries.

6 “(v) SPECIAL RULE.—For purposes of
7 this subparagraph, an alien who has filed
8 a petition under clause (iii) or (iv) of sec-
9 tion 204(a)(1)(A) remains an immediate
10 relative if the United States citizen or law-
11 ful permanent resident spouse or parent
12 loses United States citizenship or residence
13 on account of the abuse.

14 “(B) BIRTH DURING TEMPORARY VISIT
15 ABROAD.—Aliens born to an alien lawfully ad-
16 mitted for permanent residence during a tem-
17 porary visit abroad.”.

18 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
19 203(a) of the Immigration and Nationality Act (8 U.S.C.
20 1153(a)) is amended—

21 (1) in paragraph (1), by striking “23,400” and
22 inserting “127,200”;

23 (2) by striking paragraph (2) and inserting the
24 following:

1 “(2) UNMARRIED SONS AND UNMARRIED
2 DAUGHTERS OF PERMANENT RESIDENT ALIENS.—
3 Qualified immigrants who are the unmarried sons or
4 unmarried daughters (but are not the children) of
5 an alien lawfully admitted for permanent residence
6 shall be allocated visas in a number not to exceed
7 80,640, plus any visas not required for the class
8 specified in paragraph (1).”;

9 (3) in paragraph (3), by striking “23,400” and
10 inserting “80,640”; and

11 (4) in paragraph (4), by striking “65,000” and
12 inserting “191,520”.

13 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) RULES FOR DETERMINING WHETHER CER-
15 TAIN ALIENS ARE IMMEDIATE RELATIVES.—Section
16 201(f) of the Immigration and Nationality Act (8
17 U.S.C. 1151(f)) is amended—

18 (A) in paragraph (1), by striking “para-
19 graphs (2) and (3),” and inserting “paragraph
20 (2),”;

21 (B) by striking paragraph (2);

22 (C) by redesignating paragraphs (3) and
23 (4) as paragraphs (2) and (3), respectively; and

1 (D) in paragraph (3), as redesignated by
2 subparagraph (C), by striking “through (3)”
3 and inserting “and (2)”.

4 (2) NUMERICAL LIMITATION TO ANY SINGLE
5 FOREIGN STATE.—Section 202 of the Immigration
6 and Nationality Act (8 U.S.C. 1152) is amended—

7 (A) in subsection (a)(4)—

8 (i) by striking subparagraphs (A) and
9 (B);

10 (ii) by redesignating subparagraphs
11 (C) and (D) as subparagraphs (A) and
12 (B), respectively; and

13 (iii) in subparagraph (A), as redesign-
14 nated by clause (ii), by striking “section
15 203(a)(2)(B)” and inserting “section
16 203(a)(2)”; and

17 (B) in subsection (e), in the flush matter
18 following paragraph (3), by striking “, or as
19 limiting the number of visas that may be issued
20 under section 203(a)(2)(A) pursuant to sub-
21 section (a)(4)(A)”.

22 (3) ALLOCATION OF IMMIGRATION VISAS.—Sec-
23 tion 203(h) of the Immigration and Nationality Act
24 (8 U.S.C. 1153(h)) is amended—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “subsections
3 (a)(2)(A) and (d)” and inserting “sub-
4 section (d)”;

5 (ii) in subparagraph (A), by striking
6 “becomes available for such alien (or, in
7 the case of subsection (d), the date on
8 which an immigrant visa number became
9 available for the alien’s parent),” and in-
10 sserting “became available for the alien’s
11 parent,”; and

12 (iii) in subparagraph (B), by striking
13 “applicable”;

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) PETITIONS DESCRIBED.—The petition de-
17 scribed in this paragraph is a petition filed under
18 section 204 for classification of the alien’s parent
19 under subsection (a), (b), or (c).”; and

20 (C) in paragraph (3), by striking “sub-
21 sections (a)(2)(A) and (d)” and inserting “sub-
22 section (d)”.

23 (4) PROCEDURE FOR GRANTING IMMIGRANT
24 STATUS.—Section 204 of the Immigration and Na-
25 tionality Act (8 U.S.C. 1154) is amended—

- 1 (A) in subsection (a)(1)—
- 2 (i) in subparagraph (A)—
- 3 (I) in clause (i), by inserting “or
- 4 lawful permanent resident” after “cit-
- 5 izen”;
- 6 (II) in clause (ii), by striking
- 7 “described in the second sentence of
- 8 section 201(b)(2)(A)(i) also” and in-
- 9 serting “, alien child, or alien parent
- 10 described in section 201(b)(2)(A)”;
- 11 (III) in clause (iii)—
- 12 (aa) in subclause (I)(aa), by
- 13 inserting “or legal permanent
- 14 resident” after “citizen”; and
- 15 (bb) in subclause (II)(aa)—
- 16 (AA) in subitems (AA)
- 17 and (BB), by inserting “or
- 18 legal permanent resident;”
- 19 after “citizen” each place
- 20 that term appears;
- 21 (BB) in subitem (CC),
- 22 by inserting “or legal per-
- 23 manent resident” after “cit-
- 24 izen” each place that term
- 25 appears; and

1 (CC) in subitem
2 (CC)(bbb), by inserting “or
3 legal permanent resident”
4 after “citizenship”;

5 (IV) in clause (iv), by inserting
6 “or legal permanent resident” after
7 “citizen” each place that term ap-
8 pears;

9 (V) in clause (v)(I), by inserting
10 “or legal permanent resident” after
11 “citizen”; and

12 (VI) in clause (vi)—
13 (aa) by inserting “or legal
14 permanent resident status” after
15 “renunciation of citizenship”;
16 and

17 (bb) by inserting “or legal
18 permanent resident” after “abus-
19 er’s citizenship”;

20 (ii) by striking subparagraph (B);

21 (iii) in subparagraph (C), by striking
22 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
23 (B)(iii)” and inserting “clause (iii) or (iv)
24 of subparagraph (A)”; and

1 (iv) in subparagraph (J), by striking
2 “or clause (ii) or (iii) of subparagraph
3 (B)”;

4 (B) in subsection (a), by striking para-
5 graph (2);

6 (C) in subsection (c)(1), by striking “or
7 preference status”; and

8 (D) in subsection (h), by striking “or a pe-
9 tition filed under subsection (a)(1)(B)(ii)”.

10 **SEC. 103. COUNTRY LIMITS.**

11 Section 202(a)(2) of the Immigration and Nationality
12 Act (8 U.S.C. 1152(a)(2)) is amended by striking “7 per-
13 cent (in the case of a single foreign state) or 2 percent”
14 and inserting “10 percent (in the case of a single foreign
15 state) or 5 percent”.

16 **SEC. 104. PROMOTING FAMILY UNITY.**

17 (a) **ALIENS PREVIOUSLY REMOVED.**—Section
18 212(a)(9) of the Immigration and Nationality Act (8
19 U.S.C. 1182(a)(9)) is amended—

20 (1) in subparagraph (B)—

21 (A) in clause (iii)—

22 (i) in subclause (I), by striking “18
23 years of age” and inserting “21 years of
24 age”;

1 (ii) by moving subclause (V) 4 ems to
2 the right; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(VI) Clause (i) shall not apply
6 to an alien for whom an immigrant
7 visa is available or was available on or
8 before the date of the enactment of
9 the Reuniting Families Act, and is
10 otherwise admissible to the United
11 States for permanent residence.”; and

12 (B) in clause (v)—

13 (i) by striking “spouse or son or
14 daughter” and inserting “spouse, son,
15 daughter, or parent”;

16 (ii) by striking “extreme”;

17 (iii) by inserting “, son, daughter, or”
18 after “lawfully resident spouse”; and

19 (iv) by striking “alien.” and inserting
20 “alien or, if the Secretary of Homeland Se-
21 curity determines that a waiver is nec-
22 essary for humanitarian purposes, to en-
23 sure family unity or is otherwise in the
24 public interest.”; and

1 (2) in subparagraph (C), by amending clause
2 (ii) to read as follows:

3 “(ii) EXCEPTIONS.—Clause (i) shall
4 not apply to an alien—

5 “(I) seeking admission more than
6 10 years after the date of the alien’s
7 last departure from the United States
8 if, prior to the alien’s reembarkation
9 at a place outside the United States
10 or attempt to be readmitted from a
11 foreign contiguous territory, the Sec-
12 retary of Homeland Security has con-
13 sented to the alien’s reapplication for
14 admission; or

15 “(II) for whom an immigrant
16 visa is available or was available on or
17 before the date of the enactment of
18 the Reuniting Families Act, and is
19 otherwise admissible to the United
20 States for permanent residence.”.

21 (b) FALSE CLAIMS AND MISREPRESENTATIONS.—
22 The Immigration and Nationality Act (8 U.S.C. 1101 et
23 seq.) is amended—

1 (1) in section 237(a)(3)(D) (8 U.S.C.
2 1227(a)(3)(D)), by inserting “and willfully” after
3 “falsely” each place such term appears;

4 (2) in section 212(a)(6)(C)(ii) (8 U.S.C.
5 1182(a)(6)(C)(ii)), by inserting “and willfully” after
6 “falsely” each place such term appears;

7 (3) in section 212(a)(6)(C)(iii) (8 U.S.C.
8 1182(a)(6)(C)(iii)), by striking “of clause (i)”; and

9 (4) by amending section 212(i)(1) (8 U.S.C.
10 1182(i)(1)) to read as follows:

11 “(i)(1) The Attorney General or the Secretary of
12 Homeland Security may, in the discretion of the Attorney
13 General or the Secretary, waive the application of sub-
14 section (a)(6)(C) in the case of an immigrant who is the
15 parent, spouse, son, or daughter of a United States citizen
16 or of an alien lawfully admitted for permanent residence,
17 or an alien granted classification under clause (iii) or (iv)
18 of section 204(a)(1)(A), if it is established to the satisfac-
19 tion of the Attorney General or the Secretary that the ad-
20 mission to the United States of such alien would not be
21 contrary to the national welfare, safety, or security of the
22 United States.”.

23 **SEC. 105. RELIEF FOR ORPHANS, WIDOWS, AND WIDOWERS.**

24 (a) IN GENERAL.—

1 (1) SPECIAL RULE FOR ORPHANS AND
2 SPOUSES.—In applying clauses (iii) and (iv) of sec-
3 tion 201(b)(2)(A) of the Immigration and Nation-
4 ality Act, as added by section 102(a) of this Act, to
5 an alien whose citizen or lawful permanent resident
6 relative died before the date of the enactment of this
7 Act, the alien relative may file the classification peti-
8 tion under section 204(a)(1)(A)(ii) of such Act, as
9 amended by section 102(c)(4)(A)(i)(II) of this Act,
10 not later than 2 years after the date of the enact-
11 ment of this Act.

12 (2) ELIGIBILITY FOR PAROLE.—If an alien was
13 excluded, deported, removed, or departed voluntarily
14 before the date of the enactment of this Act based
15 solely upon the alien’s lack of classification as an
16 immediate relative (as defined in section
17 201(b)(2)(A)(iv) of the Immigration and Nationality
18 Act, as amended by section 102(a) of this Act) due
19 to the death of such citizen or resident—

20 (A) such alien shall be eligible for parole
21 into the United States pursuant to the Sec-
22 retary of Homeland Security’s discretionary au-
23 thority under section 212(d)(5) of such Act (8
24 U.S.C. 1182(d)(5)); and

1 (B) such alien’s application for adjustment
2 of status shall be considered notwithstanding
3 section 212(a)(9) of such Act (8 U.S.C.
4 1182(a)(9)).

5 (b) ADJUSTMENT OF STATUS.—Section 245 of the
6 Immigration and Nationality Act (8 U.S.C. 1255) is
7 amended by adding at the end the following:

8 “(n) APPLICATION FOR ADJUSTMENT OF STATUS BY
9 SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

10 “(1) IN GENERAL.—An alien described in para-
11 graph (2) who applies for adjustment of status be-
12 fore the death of the qualifying relative may have
13 such application adjudicated as if such death had
14 not occurred.

15 “(2) ALIEN DESCRIBED.—An alien described in
16 this paragraph is an alien who—

17 “(A) is an immediate relative (as described
18 in section 201(b)(2)(A));

19 “(B) is a family-sponsored immigrant (as
20 described in subsection (a) or (d) of section
21 203); or

22 “(C) is a derivative beneficiary of an em-
23 ployment-based immigrant under section 203(b)
24 (as described in section 203(d)).”.

25 (c) TRANSITION PERIOD.—

1 (1) IN GENERAL.—Notwithstanding a denial of
2 an application for adjustment of status for an alien
3 whose qualifying relative died before the date of the
4 enactment of this Act, such application may be re-
5 newed by the alien through a motion to reopen,
6 without fee, if such motion is filed not later than 2
7 years after such date of enactment.

8 (2) ELIGIBILITY FOR PAROLE.—If an alien de-
9 scribed in section 245(n)(2) of the Immigration and
10 Nationality Act, as added by subsection (b), was ex-
11 cluded, deported, removed, or departed voluntarily
12 before the date of the enactment of this Act—

13 (A) such alien shall be eligible for parole
14 into the United States pursuant to the Sec-
15 retary of Homeland Security’s discretionary au-
16 thority under section 212(d)(5) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1182(d)(5));
18 and

19 (B) such alien’s application for adjustment
20 of status shall be considered notwithstanding
21 section 212(a)(9) of such Act (8 U.S.C.
22 1182(a)(9)).

23 (d) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
24 TIVE PETITIONS.—

1 (1) IN GENERAL.—Section 204(b) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1154(b)) is
3 amended—

4 (A) by striking “After an investigation”
5 and inserting the following:

6 “(1) IN GENERAL.—After an investigation”;
7 and

8 (B) by adding at the end the following:

9 “(2) DEATH OF QUALIFYING RELATIVE.—

10 “(A) IN GENERAL.—Any alien described in
11 subparagraph (B) whose qualifying relative died
12 before the completion of immigrant visa proc-
13 essing may have an immigrant visa application
14 adjudicated as if such death had not occurred.
15 An immigrant visa issued before the death of
16 the qualifying relative shall remain valid after
17 such death.

18 “(B) ALIEN DESCRIBED.—An alien de-
19 scribed in this subparagraph is an alien who—

20 “(i) is an immediate relative (as de-
21 scribed in section 201(b)(2)(A));

22 “(ii) is a family-sponsored immigrant
23 (as described in subsection (a) or (d) of
24 section 203);

1 “(iii) is a derivative beneficiary of an
2 employment-based immigrant under section
3 203(b) (as described in section 203(d)); or

4 “(iv) is the spouse or child of a ref-
5 ugee (as described in section 207(c)(2)) or
6 an asylee (as described in section
7 208(b)(3)).”.

8 (2) TRANSITION PERIOD.—

9 (A) IN GENERAL.—Notwithstanding a de-
10 nial or revocation of an application for an immi-
11 grant visa for an alien whose qualifying relative
12 died before the date of the enactment of this
13 Act, such application may be renewed by the
14 alien through a motion to reopen, without fee,
15 if such motion is filed not later than 2 years
16 after such date of enactment.

17 (B) INAPPLICABILITY OF BARS TO
18 ENTRY.—Notwithstanding section 212(a)(9) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1182(a)(9)), an alien’s application for an immi-
21 grant visa shall be considered if the alien was
22 excluded, deported, removed, or departed volun-
23 tarily before the date of the enactment of this
24 Act.

1 (e) NATURALIZATION.—Section 319(a) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
3 ed by inserting “(or, if the spouse is deceased, the spouse
4 was a citizen of the United States)” after “citizen of the
5 United States”.

6 (f) WAIVERS OF INADMISSIBILITY.—Section 212 of
7 the Immigration and Nationality Act (8 U.S.C. 1182) is
8 amended—

9 (1) by redesignating the second subsection (t)
10 as subsection (u); and

11 (2) by adding at the end the following:

12 “(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS,
13 WIDOWERS, AND ORPHANS.—In the case of an alien who
14 would have been statutorily eligible for any waiver of inad-
15 missibility under this Act but for the death of a qualifying
16 relative, the eligibility of such alien shall be preserved as
17 if the death had not occurred and in place of any showing
18 of hardship required with respect to the deceased quali-
19 fying relative, the alien may qualify by showing the re-
20 quired degree of hardship to him or herself or to any rel-
21 ative of the deceased relative.”.

22 (g) SURVIVING RELATIVE CONSIDERATION FOR CER-
23 TAIN PETITIONS AND APPLICATIONS.—Section
24 204(l)(2)(D) of the Immigration and Nationality Act (8
25 U.S.C. 1154(l)(2)(D)) is amended by inserting “, except

1 that for beneficiaries described in this subparagraph, pres-
2 ence in the United States shall not be required and those
3 not so present shall be entitled to immigrant visas notwith-
4 standing the death of the qualifying relative” before the
5 semicolon.

6 **SEC. 106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
7 **CERTAIN VETERANS WHO ARE NATIVES OF**
8 **PHILIPPINES.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Filipino Veterans Family Reunification Act”.

11 (b) **ALIENS NOT SUBJECT TO DIRECT NUMERICAL**
12 **LIMITATIONS.**—Section 201(b)(1) of the Immigration and
13 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-
14 ing at the end the following:

15 “(F) Aliens who are eligible for an immigrant
16 visa under paragraph (1) or (3) of section 203(a)
17 and who have a parent who was naturalized pursu-
18 ant to section 405 of the Immigration Act of 1990
19 (8 U.S.C. 1440 note).”.

20 **SEC. 107. FIANCÉE CHILD STATUS PROTECTION.**

21 (a) **DEFINITION.**—Section 101(a)(15)(K)(iii) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(15)(K)(iii)) is amended by inserting “, provided
24 that a determination of the age of such minor child is
25 made using the age of the alien on the date on which the

1 petition is filed with the Secretary of Homeland Security
2 to classify the alien’s parent as the fiancée or fiancé of
3 a United States citizen (in the case of an alien parent de-
4 scribed in clause (i)) or as the spouse of a United States
5 citizen under section 201(b)(2)(A)(i) (in the case of an
6 alien parent described in clause (ii));” before the semicolon
7 at the end.

8 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
9 214(d) of the Immigration and Nationality Act (8 U.S.C.
10 1184(d)(1)) is amended—

11 (1) by redesignating paragraphs (2) and (3) as
12 paragraphs (3) and (4), respectively; and

13 (2) in paragraph (1), by striking “In the event”
14 and inserting the following:

15 “(2)(A) If an alien does not marry the petitioner
16 under paragraph (1) within 3 months after the alien and
17 the alien’s minor children are admitted into the United
18 States, such alien and children shall be required to depart
19 from the United States. If such aliens fail to depart from
20 the United States, they shall be removed in accordance
21 with sections 240 and 241.

22 “(B) Subject to subparagraphs (C) and (D), if an
23 alien marries the petitioner described in section
24 101(a)(15)(K)(i) within 3 months after the alien is admit-
25 ted into the United States, the Secretary of Homeland Se-

1 curity or the Attorney General, subject to the provisions
2 of section 245(d), may adjust the status of the alien, and
3 any minor children accompanying or following to join the
4 alien, to that of an alien lawfully admitted for permanent
5 residence on a conditional basis under section 216 if the
6 alien and any such minor children apply for such adjust-
7 ment and are not determined to be inadmissible to the
8 United States.

9 “(C) Paragraphs (5) and (7)(A) of section 212(a)
10 shall not apply to an alien who is eligible to apply for ad-
11 justment of his or her status to an alien lawfully admitted
12 for permanent residence under this section.

13 “(D) An alien eligible for a waiver of inadmissibility
14 as otherwise authorized under this Act shall be permitted
15 to apply for adjustment of his or her status to that of
16 an alien lawfully admitted for permanent residence under
17 this section.”.

18 (c) AGE DETERMINATION.—Section 245(d) of the
19 Immigration and Nationality Act (8 U.S.C. 1155(d)) is
20 amended—

21 (1) by inserting “(1)” before “The Attorney
22 General”; and

23 (2) by adding at the end the following:

24 “(2) A determination of the age of an alien admitted
25 to the United States under section 101(a)(15)(K)(iii) shall

1 be made, for purposes of adjustment to the status of an
2 alien lawfully admitted for permanent residence on a con-
3 ditional basis under section 216, using the age of the alien
4 on the date on which the petition is filed with the Sec-
5 retary of Homeland Security to classify the alien's parent
6 as the fiancée or fiancé of a United States citizen (in the
7 case of an alien parent admitted to the United States
8 under section 101(a)(15)(K)(i)) or as the spouse of a
9 United States citizen under section 201(b)(2)(A)(i) (in the
10 case of an alien parent admitted to the United States
11 under section 101(a)(15)(K)(ii)).”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by
14 this section shall be effective as if included in the
15 Immigration Marriage Fraud Amendments of 1986
16 (Public Law 99–639).

17 (2) APPLICABILITY.—The amendments made
18 by this section shall apply to all petitions or applica-
19 tions described in such amendments that—

20 (A) are pending as of the date of the en-
21 actment of this Act; or

22 (B) have been denied, but would have been
23 approved if such amendments had been in effect
24 at the time of adjudication of the petition or
25 application.

1 (3) MOTION TO REOPEN OR RECONSIDER.—A
2 motion to reopen or reconsider a petition or applica-
3 tion described in paragraph (2)(B) shall be granted
4 if such motion is filed with the Secretary of Home-
5 land Security or the Attorney General not later than
6 2 years after the date of the enactment of this Act.

7 **SEC. 108. EQUAL TREATMENT FOR ALL STEPCHILDREN.**

8 Section 101(b)(1)(B) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101(b)(1)(B)) is amended by striking
10 “, provided the child had not reached the age of eighteen
11 years at the time the marriage creating the status of step-
12 child occurred”.

13 **SEC. 109. RETENTION OF PRIORITY DATES.**

14 Section 203 of the Immigration and Nationality Act
15 (8 U.S.C. 1153) is amended—

16 (1) by amending subsection (h)(3) to read as
17 follows:

18 “(3) RETENTION OF PRIORITY DATE.—If the
19 age of an alien is determined under paragraph (1)
20 to be 21 years of age or older for the purposes of
21 subsections (a)(2)(A) and (d), and a parent of the
22 alien files a family-based petition for such alien, the
23 priority date for such petition shall be the original
24 priority date issued upon receipt of the original

1 family- or employment-based petition for which ei-
 2 ther parent was a beneficiary.”; and

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

4 “(i) PERMANENT PRIORITY DATES.—The priority
 5 date for any family- or employment-based petition shall
 6 be the date of filing of the petition with the Secretary of
 7 Homeland Security (or the Secretary of State, if applica-
 8 ble), unless the filing of the petition was preceded by the
 9 filing of a labor certification with the Secretary of Labor,
 10 in which case that date shall constitute the priority date.
 11 The beneficiary of any petition shall retain his or her ear-
 12 liest priority date based on any petition filed on his or
 13 her behalf that was approvable when filed, regardless of
 14 the category of subsequent petitions.”.

15 **TITLE II—UNITING AMERICAN**
 16 **FAMILIES ACT**

17 **SEC. 201. DEFINITIONS OF PERMANENT PARTNER AND**
 18 **PERMANENT PARTNERSHIP.**

19 Section 101(a) of the Immigration and Nationality
 20 Act (8 U.S.C. 1101(a)) is amended—

21 (1) in paragraph (15)(K)(ii), by inserting “or
 22 permanent partnership” after “marriage”; and

23 (2) by adding at the end the following:

24 “(52) The term ‘permanent partner’ means an
 25 individual 18 years of age or older who—

1 “(A) is in a committed, intimate relation-
2 ship with another individual 18 years of age or
3 older in which both parties intend a lifelong
4 commitment;

5 “(B) is financially interdependent with
6 that other individual;

7 “(C) is not married to or in a permanent
8 partnership with anyone other than that other
9 individual;

10 “(D) is unable to contract with that other
11 individual a marriage cognizable under this Act;
12 and

13 “(E) is not a first, second, or third degree
14 blood relation of that other individual.

15 “(53) The term ‘permanent partnership’ means
16 the relationship that exists between two permanent
17 partners.

18 “(54) The term ‘alien permanent partner’
19 means the individual in a permanent partnership
20 who is being sponsored for a visa”.

21 **SEC. 202. DEFINITION OF CHILD.**

22 (a) TITLES I AND II.—Section 101(b)(1) of the Im-
23 migration and Nationality Act (8 U.S.C. 1101(b)(1)) is
24 amended by adding at the end the following:

1 “(H)(i) a biological child of an alien permanent
2 partner if the child was under the age of 18 at the
3 time the permanent partnership was formed; or

4 “(ii) a child adopted by an alien permanent
5 partner while under the age of 16 years if the child
6 has been in the legal custody of, and has resided
7 with, such adoptive parent for at least 2 years and
8 if the child was under the age of 18 at the time the
9 permanent partnership was formed.”.

10 (b) TITLE III.—Section 101(c) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(c)) is amended—

12 (1) in paragraph (1), by inserting “or as de-
13 scribed in subsection (b)(1)(H)” after “The term
14 ‘child’ means an unmarried person under twenty-one
15 years of age”; and

16 (2) in paragraph (2), by inserting “or a de-
17 ceased permanent partner of the deceased parent,
18 father, or mother,” after “deceased parent, father,
19 and mother”.

20 **SEC. 203. WORLDWIDE LEVEL OF IMMIGRATION.**

21 Section 201(b)(2)(A)(i) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

23 (1) by inserting “permanent partners,” after
24 “spouses,”;

1 (2) by inserting “or permanent partner” after
2 “spouse” each place it appears;

3 (3) by inserting “(or, in the case of a perma-
4 nent partnership, whose permanent partnership was
5 not terminated)” after “was not legally separated
6 from the citizen”; and

7 (4) by striking “remarries.” and inserting “re-
8 marries or enters a permanent partnership with an-
9 other person.”.

10 **SEC. 204. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
11 **EIGN STATES.**

12 (a) **PER COUNTRY LEVELS.**—Section 202(a)(4) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1152(a)(4)) is amended—

15 (1) in the heading, by inserting “, PERMANENT
16 PARTNERS,” after “SPOUSES”;

17 (2) in the heading of subparagraph (A), by in-
18 serting “, PERMANENT PARTNERS,” after
19 “SPOUSES”; and

20 (3) in the heading of subparagraph (C), by
21 striking “AND DAUGHTERS” inserting “WITHOUT
22 PERMANENT PARTNERS AND UNMARRIED DAUGH-
23 TERS WITHOUT PERMANENT PARTNERS”.

24 (b) **RULES FOR CHARGEABILITY.**—Section 202(b)(2)
25 of such Act (8 U.S.C. 1152(b)(2)) is amended—

1 (1) by inserting “or permanent partner” after
2 “spouse” each place it appears; and

3 (2) by inserting “or permanent partners” after
4 “husband and wife”.

5 **SEC. 205. ALLOCATION OF IMMIGRANT VISAS.**

6 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
7 BERS OF PERMANENT RESIDENT ALIENS.—Section
8 203(a)(2) of the Immigration and Nationality Act (8
9 U.S.C. 1153(a)(2)) is amended—

10 (1) in the heading—

11 (A) by striking “AND” after “SPOUSES”
12 and inserting “, PERMANENT PARTNERS,”; and

13 (B) by inserting “WITHOUT PERMANENT
14 PARTNERS” after “SONS” and after “DAUGH-
15 TERS”;

16 (2) in subparagraph (A), by inserting “, perma-
17 nent partners,” after “spouses”; and

18 (3) in subparagraph (B), by inserting “without
19 permanent partners” after “sons” and after “daugh-
20 ters”.

21 (b) PREFERENCE ALLOCATION FOR SONS AND
22 DAUGHTERS OF CITIZENS.—Section 203(a)(3) of such
23 Act (8 U.S.C. 1153(a)(3)) is amended—

1 (1) in the heading, by inserting “AND DAUGH-
2 TERS AND SONS WITH PERMANENT PARTNERS” after
3 “DAUGHTERS”; and

4 (2) by inserting “, or daughters or sons with
5 permanent partners,” after “daughters”.

6 (c) EMPLOYMENT CREATION.—Section
7 203(b)(5)(A)(ii) of such Act (8 U.S.C. 1153(b)(5)(A)(ii))
8 is amended by inserting “permanent partner,” after
9 “spouse,”.

10 (d) TREATMENT OF FAMILY MEMBERS.—Section
11 203(d) of such Act (8 U.S.C. 1153(d)) is amended—

12 (1) by inserting “, permanent partner,” after
13 “spouse” each place it appears; and

14 (2) by striking “or (E)” and inserting “(E), or
15 (H)”.

16 **SEC. 206. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

17 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1154(a)(1)) is amended—

20 (1) in subparagraph (A)(ii), by inserting “or
21 permanent partner” after “spouse”;

22 (2) in subparagraph (A)(iii)—

23 (A) by inserting “or permanent partner”
24 after “spouse” each place it appears; and

1 (B) in subclause (I), by inserting “or per-
2 manent partnership” after “marriage” each
3 place it appears;

4 (3) in subparagraph (A)(v)(I), by inserting
5 “permanent partner,” after “is the spouse,”;

6 (4) in subparagraph (A)(vi)—

7 (A) by inserting “or termination of the
8 permanent partnership” after “divorce”; and

9 (B) by inserting “, permanent partner,”
10 after “spouse”; and

11 (5) in subparagraph (B)—

12 (A) by inserting “or permanent partner”
13 after “spouse” each place it appears;

14 (B) by inserting “or permanent partner-
15 ship” after “marriage” in clause (ii)(I)(aa) and
16 the first place it appears in clause (ii)(I)(bb);
17 and

18 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
19 serting “(or the termination of the permanent
20 partnership)” after “termination of the mar-
21 riage”.

22 (b) IMMIGRATION FRAUD PREVENTION.—Section
23 204(c) of such Act (8 U.S.C. 1154(c)) is amended—

24 (1) by inserting “or permanent partner” after
25 “spouse” each place it appears; and

1 (2) by inserting “or permanent partnership”
2 after “marriage” each place it appears.

3 (c) RESTRICTIONS ON PETITIONS BASED ON MAR-
4 RIAGES ENTERED WHILE IN EXCLUSION OR DEPOR-
5 TION PROCEEDINGS.—Section 204(g) of such Act (8
6 U.S.C. 1154(g)) is amended by inserting “or permanent
7 partnership” after “marriage” each place it appears.

8 (d) SURVIVAL OF RIGHTS TO PETITION.—Section
9 204(h) of such Act (8 U.S.C. 1154(h)) is amended—

10 (1) by inserting “or permanent partnership”
11 after “marriage” each place it appears; and

12 (2) by inserting “or formation of a new perma-
13 nent partnership” after “Remarriage”.

14 **SEC. 207. ANNUAL ADMISSION OF REFUGEES AND ADMIS-**
15 **SION OF EMERGENCY SITUATION REFUGEES.**

16 Section 207(e) of the Immigration and Nationality
17 Act (8 U.S.C. 1157(e)) is amended—

18 (1) in paragraph (2)—

19 (A) by inserting “or permanent partner”
20 after “spouse” each place it appears;

21 (B) by inserting “or permanent partner’s”
22 after “spouse’s”; and

23 (C) in subparagraph (A)—

24 (i) by striking “or” after “(D),”; and

1 (ii) by inserting “, or (H)” after
2 “(E)”;
3 (2) in paragraph (4), by inserting “or permanent partner” after “spouse.”

5 **SEC. 208. ASYLUM.**

6 Section 208(b)(3) of the Immigration and Nationality
7 Act (8 U.S.C. 1158(b)(3)) is amended—

8 (1) in the paragraph heading, by inserting “OR
9 PERMANENT PARTNER” after “SPOUSE”;

10 (2) in subparagraph (A)—

11 (A) by inserting “or permanent partner”
12 after “spouse”;

13 (B) by striking “or” after “(D),”; and

14 (C) by inserting “, or (H)” after “(E)”.

15 **SEC. 209. ADJUSTMENT OF STATUS OF REFUGEES.**

16 Section 209(b)(3) of the Immigration and Nationality
17 Act (8 U.S.C. 1159(b)(3)) is amended by inserting “or
18 permanent partner” after “spouse”.

19 **SEC. 210. INADMISSIBLE ALIENS.**

20 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
21 ADMISSION.—Section 212(a) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1182(a)) is amended—

23 (1) in paragraph (3)(D)(iv), by inserting “per-
24 manent partner,” after “spouse,”;

1 (2) in paragraph (4)(C)(I)(I), by inserting “,
2 permanent partner,” after “spouse”;

3 (3) in paragraph (6)(E)(ii), by inserting “per-
4 manent partner,” after “spouse,”; and

5 (4) in paragraph (9)(B)(v), by inserting “, per-
6 manent partner,” after “spouse”.

7 (b) WAIVERS.—Section 212(d) of such Act (8 U.S.C.
8 1182(d)) is amended—

9 (1) in paragraph (11), by inserting “permanent
10 partner,” after “spouse,”; and

11 (2) in paragraph (12), by inserting “, perma-
12 nent partner,” after “spouse”.

13 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
14 LATED GROUNDS.—Section 212(g)(1)(A) of such Act (8
15 U.S.C. 1182(g)(1)(A)) is amended by inserting “or per-
16 manent partner” after “spouse”.

17 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
18 RELATED GROUNDS.—Section 212(h)(1)(B) of such Act
19 (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “per-
20 manent partner,” after “spouse,”.

21 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTEN-
22 TATION.—Section 212(i)(1) of such Act (8 U.S.C.
23 1182(i)(1)) is amended by inserting “permanent partner,”
24 after “spouse,”.

1 **SEC. 211. NONIMMIGRANT STATUS FOR PERMANENT PART-**
2 **NERS AWAITING THE AVAILABILITY OF AN**
3 **IMMIGRANT VISA.**

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

6 (1) in subsection (e)(2), by inserting “or per-
7 manent partner” after “spouse”; and

8 (2) in subsection (r)—

9 (A) in paragraph (1), by inserting “or per-
10 manent partner” after “spouse”; and

11 (B) by inserting “or permanent partner-
12 ship” after “marriage” each place it appears.

13 **SEC. 212. DERIVATIVE STATUS FOR PERMANENT PART-**
14 **NERS OF NONIMMIGRANT VISA HOLDERS.**

15 Section 101(a)(15) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1101(a)(15)) is amended—

17 (1) in subparagraph (A)—

18 (A) in clause (i), by inserting “, which
19 shall include permanent partners” after “imme-
20 mediate family”;

21 (B) in clause (ii), by inserting “, which
22 shall include permanent partners” after “imme-
23 mediate families”; and

24 (C) in clause (iii), by inserting “, which
25 shall include permanent partners,” after “im-
26 mediate families,”;

1 (2) in subparagraph (E), by inserting “or per-
2 manent partner” after “spouse”;

3 (3) in subparagraph (F)(ii), by inserting “or
4 permanent partner” after “spouse”;

5 (4) in subparagraph (G)(i), by inserting “,
6 which shall include his or her permanent partner”
7 after “members of his or their immediate family”;

8 (5) in subparagraph (G)(ii), by inserting “,
9 which shall include permanent partners,” after “the
10 members of their immediate families”;

11 (6) in subparagraph (G)(iii), by inserting “,
12 which shall include his permanent partner,” after
13 “the members of his immediate family”;

14 (7) in subparagraph (G)(iv), by inserting “,
15 which shall include permanent partners” after “the
16 members of their immediate families”;

17 (8) in subparagraph (G)(v), by inserting “,
18 which shall include permanent partners” after “the
19 members of the immediate families”;

20 (9) in subparagraph (H), by inserting “or per-
21 manent partner” after “spouse”;

22 (10) in subparagraph (I), by inserting “or per-
23 manent partner” after “spouse”;

24 (11) in subparagraph (J), by inserting “or per-
25 manent partner” after “spouse”;

1 (12) in subparagraph (L), by inserting “or per-
2 manent partner” after “spouse”;

3 (13) in subparagraph (M)(ii), by inserting “or
4 permanent partner” after “spouse”;

5 (14) in subparagraph (O)(iii), by inserting “or
6 permanent partner” after “spouse”;

7 (15) in subparagraph (P)(iv), by inserting “or
8 permanent partner” after “spouse”;

9 (16) in subparagraph (Q)(ii)(II), by inserting
10 “or permanent partner” after “spouse”;

11 (17) in subparagraph (R), by inserting “or per-
12 manent partner” after “spouse”;

13 (18) in subparagraph (S), by inserting “or per-
14 manent partner” after “spouse”;

15 (19) in subparagraph (T)(ii)(I), by inserting
16 “or permanent partner” after “spouse”;

17 (20) in subparagraph (T)(ii)(II), by inserting
18 “or permanent partner” after “spouse”;

19 (21) in subparagraph (U)(ii)(I), by inserting
20 “or permanent partner” after “spouse”;

21 (22) in subparagraph (U)(ii)(II), by inserting
22 “or permanent partner” after “spouse”; and

23 (23) in subparagraph (V), by inserting “perma-
24 nent partner or” after “beneficiary (including a”.

1 **SEC. 213. CONDITIONAL PERMANENT RESIDENT STATUS**
2 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
3 **PARTNERS, AND SONS AND DAUGHTERS.**

4 (a) SECTION HEADING.—

5 (1) IN GENERAL.—The heading for section 216
6 of the Immigration and Nationality Act (8 U.S.C.
7 1186a) is amended by inserting “AND PERMANENT
8 PARTNERS” after “SPOUSES”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents of such Act is amended by amending the item
11 relating to section 216 to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien spouses and
permanent partners and sons and daughters.”

12 (b) IN GENERAL.—Section 216(a) of such Act (8
13 U.S.C. 1186a(a)) is amended—

14 (1) in paragraph (1), by inserting “or perma-
15 nent partner” after “spouse”;

16 (2) in paragraph (2)(A), by inserting “or per-
17 manent partner” after “spouse”;

18 (3) in paragraph (2)(B), by inserting “perma-
19 nent partner,” after “spouse,”; and

20 (4) in paragraph (2)(C), by inserting “perma-
21 nent partner,” after “spouse,”.

22 (c) TERMINATION OF STATUS IF FINDING THAT
23 QUALIFYING MARRIAGE IMPROPER.—Section 216(b) of
24 such Act (8 U.S.C. 1186a(b)) is amended—

1 (1) in the heading, by inserting “OR PERMA-
2 NENT PARTNERSHIP” after “MARRIAGE”;

3 (2) in paragraph (1)(A), by inserting “or per-
4 manent partnership” after “marriage”; and

5 (3) in paragraph (1)(A)(ii)—

6 (A) by inserting “or has ceased to satisfy
7 the criteria for being considered a permanent
8 partnership under this Act,” after “termi-
9 nated,”; and

10 (B) by inserting “or permanent partner”
11 after “spouse”.

12 (d) REQUIREMENTS OF TIMELY PETITION AND
13 INTERVIEW FOR REMOVAL OF CONDITION.—Section
14 216(c) of such Act (8 U.S.C. 1186a(c)) is amended—

15 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
16 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
17 nent partner” after “spouse” each place it appears;
18 and

19 (2) in paragraph (3)(A), in the matter following
20 clause (ii), and in paragraph (3)(D), (4)(B), and
21 (4)(C), by inserting “or permanent partnership”
22 after “marriage” each place it appears.

23 (e) CONTENTS OF PETITION.—Section 216(d)(1) of
24 such Act (8 U.S.C. 1186a(d)(1)) is amended—

1 (1) in the heading of subparagraph (A), by in-
2 serting “OR PERMANENT PARTNERSHIP” after “MAR-
3 RIAGE”;

4 (2) in subparagraph (A)(i), by inserting “or
5 permanent partnership” after “marriage”;

6 (3) in subparagraph (A)(I)(I), by inserting be-
7 fore the comma at the end “, or is a permanent
8 partnership recognized under this Act”;

9 (4) in subparagraph (A)(I)(II)—

10 (A) by inserting “or has not ceased to sat-
11 isfy the criteria for being considered a perma-
12 nent partnership under this Act,” after “termi-
13 nated,”; and

14 (B) by inserting “or permanent partner”
15 after “spouse”;

16 (5) in subparagraph (A)(ii), by inserting “or
17 permanent partner” after “spouse”; and

18 (6) in subparagraph (B)(i)—

19 (A) by inserting “or permanent partner-
20 ship” after “marriage”; and

21 (B) by inserting “or permanent partner”
22 after “spouse”.

23 (f) DEFINITIONS.—Section 216(g) of such Act (8
24 U.S.C. 1186a(g)) is amended—

25 (1) in paragraph (1)—

1 (A) by inserting “or permanent partner”
2 after “spouse” each place it appears; and

3 (B) by inserting “or permanent partner-
4 ship” after “marriage” each place it appears;

5 (2) in paragraph (2), by inserting “or perma-
6 nent partnership” after “marriage”;

7 (3) in paragraph (3), by inserting “or perma-
8 nent partnership” after “marriage”; and

9 (4) in paragraph (4)—

10 (A) by inserting “or permanent partner”
11 after “spouse” each place it appears; and

12 (B) by inserting “or permanent partner-
13 ship” after “marriage”.

14 **SEC. 214. CONDITIONAL PERMANENT RESIDENT STATUS**
15 **FOR CERTAIN ALIEN ENTREPRENEURS,**
16 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
17 **DREN.**

18 (a) SECTION HEADING.—

19 (1) IN GENERAL.—The heading for section
20 216A of the Immigration and Nationality Act (8
21 U.S.C. 1186b) is amended by inserting “OR PERMA-
22 NENT PARTNERS” after “SPOUSES”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents of such Act is amended by amending the item
25 relating to section 216A to read as follows:

“Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses or permanent partners, and children.”.

1 (b) IN GENERAL.—Section 216A(a) of such Act (8
2 U.S.C. 1186b(a)) is amended, in paragraphs (1), (2)(A),
3 (2)(B), and (2)(C), by inserting “or permanent partner”
4 after “spouse” each place it appears.

5 (c) TERMINATION OF STATUS IF FINDING THAT
6 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
7 216A(b)(1) of such Act (8 U.S.C. 1186b(b)(1)) is amend-
8 ed by inserting “or permanent partner” after “spouse” in
9 the matter following subparagraph (C).

10 (d) REQUIREMENTS OF TIMELY PETITION AND
11 INTERVIEW FOR REMOVAL OF CONDITION.—Section
12 216A(c) of such Act (8 U.S.C. 1186b(c)) is amended, in
13 paragraphs (1), (2)(A)(ii), and (3)(C), by inserting “or
14 permanent partner” after “spouse”.

15 (e) DEFINITIONS.—Section 216A(f)(2) of such Act (8
16 U.S.C. 1186b(f)(2)) is amended by inserting “or perma-
17 nent partner” after “spouse” each place it appears.

18 **SEC. 215. DEPORTABLE ALIENS.**

19 Section 237(a) of the Immigration and Nationality
20 Act (8 U.S.C. 1227(a)) is amended—

21 (1) in paragraph (1)(D)(i), by inserting “or
22 permanent partners” after “spouses” each place it
23 appears;

1 (2) in paragraphs (1)(E)(ii), (1)(E)(iii), and
2 (1)(H)(I)(I), by inserting “or permanent partner”
3 after “spouse”;

4 (3) by adding at the end of paragraph (1) the
5 following new subparagraph:

6 “(I) PERMANENT PARTNERSHIP FRAUD.—

7 An alien shall be considered to be deportable as
8 having procured a visa or other documentation
9 by fraud (within the meaning of section
10 212(a)(6)(C)(i)) and to be in the United States
11 in violation of this Act (within the meaning of
12 subparagraph (B)) if—

13 “(i) the alien obtains any admission to
14 the United States with an immigrant visa
15 or other documentation procured on the
16 basis of a permanent partnership entered
17 into less than 2 years prior to such admis-
18 sion and which, within 2 years subsequent
19 to such admission, is terminated because
20 the criteria for permanent partnership are
21 no longer fulfilled, unless the alien estab-
22 lishes to the satisfaction of the Secretary
23 of Homeland Security that such permanent
24 partnership was not contracted for the

1 purpose of evading any provisions of the
2 immigration laws; or

3 “(ii) it appears to the satisfaction of
4 the Secretary of Homeland Security that
5 the alien has failed or refused to fulfill the
6 alien’s permanent partnership which in the
7 opinion of the Secretary of Homeland Se-
8 curity was made for the purpose of pro-
9 curing the alien’s admission as an immi-
10 grant.”; and

11 (4) in paragraphs (2)(E)(i) and (3)(C)(ii), by
12 inserting “or permanent partner” after “spouse”
13 each place it appears.

14 **SEC. 216. REMOVAL PROCEEDINGS.**

15 Section 240 of the Immigration and Nationality Act
16 (8 U.S.C. 1229a) is amended—

17 (1) in the heading of subsection (e)(7)(C)(iv),
18 by inserting “PERMANENT PARTNERS,” after
19 “SPOUSES,”; and

20 (2) in subsection (e)(1), by inserting “or per-
21 manent partner” after “spouse”.

22 **SEC. 217. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
23 **STATUS.**

24 Section 240A(b) of the Immigration and Nationality
25 Act (8 U.S.C. 1229b(b)) is amended—

1 (1) in paragraph (1)(D), by inserting “or per-
2 manent partner” after “spouse”;

3 (2) in the heading for paragraph (2), by insert-
4 ing “, PERMANENT PARTNER,” after “SPOUSE”; and

5 (3) in paragraph (2)(A), by inserting “, perma-
6 nent partner,” after “spouse” each place it appears.

7 **SEC. 218. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
8 **THAT OF PERSON ADMITTED FOR PERMA-**
9 **NENT RESIDENCE.**

10 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—
11 Section 245(d) of the Immigration and Nationality Act (8
12 U.S.C. 1255(d)) is amended by inserting “or permanent
13 partnership” after “marriage”.

14 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
15 of such Act (8 U.S.C. 1255(e)) is amended—

16 (1) in paragraph (1), by inserting “or perma-
17 nent partnership” after “marriage”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(4) Paragraph (1) and section 204(g) shall not
21 apply with respect to a permanent partnership if the alien
22 establishes by clear and convincing evidence to the satis-
23 faction of the Secretary of Homeland Security that the
24 permanent partnership was entered into in good faith and
25 in accordance with section 101(a)(52) and the permanent

1 partnership was not entered into for the purpose of pro-
2 curing the alien's admission as an immigrant and no fee
3 or other consideration was given (other than a fee or other
4 consideration to an attorney for assistance in preparation
5 of a lawful petition) for the filing of a petition under sec-
6 tion 204(a) or 214(d) with respect to the alien permanent
7 partner. In accordance with regulations, there shall be
8 only one level of administrative appellate review for each
9 alien under the previous sentence.”.

10 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
11 PAYING FEE.—Section 245(i)(1) of such Act (8 U.S.C.
12 1255(i)(1)) is amended by inserting “or permanent part-
13 ner” after “spouse” each place it appears.

14 (d) ADJUSTMENT OF STATUS FOR CERTAIN ALIEN
15 INFORMANTS.—Section 245(j) of such Act (8 U.S.C.
16 1255(j)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “or permanent partner”
19 after “spouse”; and

20 (B) by inserting “sons and daughters with
21 and without permanent partners,” after
22 “daughters,”; and

23 (2) in paragraph (2)—

24 (A) by inserting “or permanent partner”
25 after “spouse”; and

1 (B) by inserting “sons and daughters with
2 and without permanent partners,” after
3 “daughters,”.

4 (e) TRAFFICKING.—Section 245(l)(1) of such Act is
5 amended by inserting “permanent partner,” after
6 “spouse,”.

7 **SEC. 219. APPLICATION OF CRIMINAL PENALTIES FOR MIS-**
8 **REPRESENTATION AND CONCEALMENT OF**
9 **FACTS REGARDING PERMANENT PARTNER-**
10 **SHIPS.**

11 Section 275(c) of the Immigration and Nationality
12 Act (8 U.S.C. 1325(c)) is amended to read as follows:

13 “(c) Any individual who knowingly enters into a mar-
14 riage or permanent partnership for the purpose of evading
15 any provision of the immigration laws shall be imprisoned
16 for not more than 5 years, or fined not more than
17 \$250,000, or both.”.

18 **SEC. 220. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
19 **CHARACTER, ATTACHMENT TO THE PRIN-**
20 **CIPLES OF THE CONSTITUTION.**

21 Section 316(b) of the Immigration and Nationality
22 Act (8 U.S.C. 1427(b)) is amended by inserting “or per-
23 manent partner” after “spouse”.

1 **SEC. 221. NATURALIZATION FOR PERMANENT PARTNERS**
2 **OF CITIZENS.**

3 Section 319 of the Immigration and Nationality Act
4 (8 U.S.C. 1430) is amended—

5 (1) in subsection (a), by inserting “or perma-
6 nent partner” after “spouse” each place it appears;

7 (2) in subsection (a), by inserting “or perma-
8 nent partnership” after “marital union”;

9 (3) in subsection (b)(1), by inserting “or per-
10 manent partner” after “spouse”;

11 (4) in subsection (b)(3), by inserting “or per-
12 manent partner” after “spouse”;

13 (5) in subsection (d)—

14 (A) by inserting “or permanent partner”
15 after “spouse” each place it appears; and

16 (B) by inserting “or permanent partner-
17 ship” after “marital union”;

18 (6) in subsection (e)(1)—

19 (A) by inserting “or permanent partner”
20 after “spouse”; and

21 (B) by inserting “or permanent partner-
22 ship” after “marital union”; and

23 (7) in subsection (e)(2), by inserting “or per-
24 manent partner” after “spouse”.

1 **SEC. 222. APPLICATION OF FAMILY UNITY PROVISIONS TO**
 2 **PERMANENT PARTNERS OF CERTAIN LIFE**
 3 **ACT BENEFICIARIES.**

4 Section 1504 of the LIFE Act (division B of the Mis-
 5 cellaneous Appropriations Act, 2001, as enacted into law
 6 by section 1(a)(4) of Public Law 106–554) is amended—

7 (1) in the heading, by inserting “, **PERMA-**
 8 **NENT PARTNERS,**” after “**SPOUSES**”;

9 (2) in subsection (a), by inserting “, permanent
 10 partner,” after “spouse”; and

11 (3) in each of subsections (b) and (c)—

12 (A) in the subsection headings, by insert-
 13 ing “, PERMANENT PARTNERS,” after
 14 “SPOUSES”; and

15 (B) by inserting “, permanent partner,”
 16 after “spouse” each place it appears.

17 **SEC. 223. APPLICATION TO CUBAN ADJUSTMENT ACT.**

18 (a) **IN GENERAL.**—The first section of Public Law
 19 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is
 20 amended—

21 (1) in the next to last sentence, by inserting “,
 22 permanent partner,” after “spouse” the first two
 23 places it appears; and

24 (2) in the last sentence, by inserting “, perma-
 25 nent partners,” after “spouses”.

26 (b) **CONFORMING AMENDMENTS.**—

1 (1) IMMIGRATION AND NATIONALITY ACT.—Sec-
2 tion 101(a)(51)(D) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(a)(51)(D)) is amended by
4 striking “or spouse” and inserting “, spouse, or per-
5 manent partner”.

6 (2) VIOLENCE AGAINST WOMEN ACT.—Section
7 1506(e)(2)(A)(I)(IV) of the Violence Against Women
8 Act of 2000 (8 U.S.C. 1229a note; division B of
9 Public Law 106–386) is amended by striking “or
10 spouse” and inserting “, spouse, or permanent part-
11 ner”.

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