

112TH CONGRESS
1ST SESSION

H. R. 692

To amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2011

Mr. GINGREY of Georgia introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants, 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.**

4 This Act may be cited as the “Nuclear Family Pri-
5 ority Act”.

1 **SEC. 2. CHANGE IN FAMILY-SPONSORED IMMIGRANT CAT-**
2 **EGORIES.**

3 Section 203(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1153(a)) is amended to read as follows:

5 “(a) PREFERENCE ALLOCATION FOR SPOUSES AND
6 CHILDREN OF PERMANENT RESIDENT ALIENS.—Quali-
7 fied immigrants who are the spouses or children of an
8 alien lawfully admitted for permanent residence shall be
9 allotted visas in a number not to exceed the worldwide
10 level specified in section 201(c).”.

11 **SEC. 3. CHANGE IN WORLDWIDE LEVEL OF FAMILY-SPON-**
12 **SORED IMMIGRANTS.**

13 Section 201(c) of the Immigration and Nationality
14 Act (8 U.S.C. 1151(c)) is amended—

15 (1) by amending paragraph (1) to read as follows:

16 “(1) The worldwide level of family-sponsored
17 immigrants under this subsection for a fiscal year is
18 equal to—

19 “(A) 88,000; minus

20 “(B) the number computed under para-
21 graph (2).”;

22 (2) by striking paragraphs (2), (3), and (5);
23 and

24 (3) by redesignating paragraph (4) as para-
25 graph (2).

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 (a) NUMERICAL LIMITATION TO ANY SINGLE FOR-
3 EIGN STATE.—Section 202 of the Immigration and Na-
4 tionality Act (8 U.S.C. 1152) is amended—

5 (1) in subsection (a)(4)—

6 (A) by amending subparagraphs (A) and
7 (B) to read as follows:

8 “(A) 75 PERCENT OF FAMILY-SPONSORED
9 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
10 LIMITATION.—Of the visa numbers made avail-
11 able under section 203(a) in any fiscal year, 75
12 percent shall be issued without regard to the
13 numerical limitation under paragraph (2).

14 “(B) TREATMENT OF REMAINING 25 PER-
15 CENT FOR COUNTRIES SUBJECT TO SUB-
16 SECTION (e).—

17 “(i) IN GENERAL.—Of the visa num-
18 bers made available under section 203(a)
19 in any fiscal year, the remaining 25 per-
20 cent shall be available, in the case of a for-
21 eign state or dependent area that is sub-
22 ject to subsection (e) only to the extent
23 that the total number of visas issued in ac-
24 cordance with subsection (A) to natives of
25 the foreign state or dependent area is less

1 than the subsection (e) ceiling (as defined
2 in clause (ii)).

3 “(ii) SUBSECTION (E) CEILING DE-
4 FINED.—In clause (i), the term ‘subsection
5 (e) ceiling’ means, for a foreign state or
6 dependent area, 77 percent of the max-
7 imum number of visas that may be made
8 available under section 203(a) to immi-
9 grants who are natives of the state or area
10 consistent with subsection (e).”; and

11 (B) by striking subparagraphs (C) and
12 (D); and
13 (2) in subsection (e)—

14 (A) in paragraph (1), by adding “and” at
15 the end;

16 (B) by striking paragraph (2) and redesign-
17 ating paragraph (3) as paragraph (2); and

18 (C) in the final sentence, by striking “re-
19 spectively,” and all that follows through the pe-
20 riod at the end and inserting “respectively.”.

21 (b) RULES FOR DETERMINING WHETHER CERTAIN
22 ALIENS ARE CHILDREN.—Section 203(h) of the Immigra-
23 tion and Nationality Act (8 U.S.C. 1153(h)) is amended
24 by striking “(a)(2)(A)” each place such term appears and
25 inserting “(a)”.

1 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-
2 TUS.—Section 204 of the Immigration and Nationality
3 Act (8 U.S.C. 1154) is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (A)(i), by striking “to
6 classification by reason of a relationship de-
7 scribed in paragraph (1), (3), or (4) of section
8 203(a) or”;

9 (B) in subparagraph (B), by striking
10 “203(a)(2)(A)” and “203(a)(2)” each place
11 such terms appear and inserting “203(a)”; and

12 (C) in subparagraph (D)(i)(I), by striking
13 “a petitioner for preference status under para-
14 graph (1), (2), or (3)” and all that follows
15 through the period at the end and inserting “an
16 individual under 21 years of age for purposes of
17 adjudicating such petition and for purposes of
18 admission as an immediate relative under sec-
19 tion 201(b)(2)(A)(i) or a family-sponsored im-
20 migrant under section 203(a), as appropriate,
21 notwithstanding the actual age of the indi-
22 vidual.”;

23 (2) in subsection (f)(1), by striking “201(b),
24 203(a)(1), or 203(a)(3), as appropriate.” and insert-
25 ing “201(b).”; and

1 (3) by striking subsection (k).

2 (d) WAIVERS OF INADMISSIBILITY.—Section
3 212(d)(11) of the Immigration and Nationality Act (8
4 U.S.C. 1182(d)(11)) is amended by striking “(other than
5 paragraph (4) thereof)”.

6 (e) CONDITIONAL PERMANENT RESIDENT STATUS
7 FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGH-
8 TERS.—Section 216(g)(1)(C) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1186a(g)(1)(C)) is amended by
10 striking “203(a)(2)” and inserting “203(a)”.

11 (f) CLASSES OF DEPORTABLE ALIENS.—Section
12 237(a)(1)(E)(ii) of the Immigration and Nationality Act
13 (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking
14 “203(a)(2)” and inserting “203(a)”.

15 **SEC. 5. NONIMMIGRANT STATUS FOR ALIEN PARENT OF**
16 **ADULT UNITED STATES CITIZENS.**

17 (a) IN GENERAL.—Section 101(a)(15) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101(a)(15)) is
19 amended—

20 (1) in subparagraph (U), by striking “or” at
21 the end;

22 (2) in subparagraph (V), by striking the period
23 at the end and inserting “or”; and

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

1 “(W) Subject to section 214(s), an alien who is
2 a parent of a citizen of the United States, if the cit-
3 izen is at least 21 years of age.”.

4 (b) CONDITIONS ON ADMISSION.—Section 214 of the
5 Immigration and Nationality Act (8 U.S.C. 1184) is
6 amended by adding at the end the following:

7 “(s)(1) The initial period of authorized admission for
8 a nonimmigrant described in section 101(a)(15)(W) shall
9 be 5 years. Such period may be extended by the Secretary
10 of Homeland Security so long as the United States citizen
11 son or daughter of the nonimmigrant is residing in the
12 United States.

13 “(2) A nonimmigrant described in section
14 101(a)(15)(W) is not authorized to be employed in the
15 United States and is not eligible, notwithstanding any
16 other provision of law, for any Federal, State, or local pub-
17 lic benefit. In the case of such a nonimmigrant, the United
18 States citizen son or daughter shall be responsible for the
19 support of the nonimmigrant, regardless of the resources
20 of the nonimmigrant.

21 “(3) An alien is ineligible to receive a visa and ineli-
22 gible to be admitted into the United States as a non-
23 immigrant described in section 101(a)(15)(W) unless the
24 alien provides satisfactory proof that the United States
25 citizen son or daughter has arranged for the provision to

1 the alien, at no cost to the alien, of health insurance cov-
2 erage applicable during the period of the alien's presence
3 in the United States.”.

4 **SEC. 6. EFFECTIVE DATE; APPLICABILITY.**

5 The amendments made by this Act shall take effect
6 on the first day of the second fiscal year that begins after
7 the date of the enactment of this Act, except that the fol-
8 lowing shall be considered invalid:

9 (1) Any petition under section 204 of the Immi-
10 gration and Nationality Act (8 U.S.C. 1154) seeking
11 classification of an alien under a family-sponsored
12 immigrant category eliminated by the amendments
13 made by this Act that is filed after the date of the
14 introduction of this Act.

15 (2) Any application for an immigrant visa based
16 on a petition described in paragraph (1).

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