

112TH CONGRESS
1ST SESSION

H. R. 89

To amend the Immigration and Nationality Act and title IV of the Social Security Act to provide for the denial of family classification petitions filed by an individual who owes child support arrearages.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. BARTLETT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act and title IV of the Social Security Act to provide for the denial of family classification petitions filed by an individual who owes child support arrearages.

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 “American Child Sup-
5 port Enforcement Immigration Act of 2011”.

1 **SEC. 2. DENIAL OF FAMILY CLASSIFICATION PETITIONS**
2 **FILED BY INDIVIDUALS WHO OWE CHILD**
3 **SUPPORT ARREARAGES.**

4 (a) IN GENERAL.—

5 (1) FAMILY-BASED CLASSIFICATION PETITIONS
6 FOR IMMIGRANTS.—Section 204 of the Immigration
7 and Nationality Act (8 U.S.C. 1154) is amended by
8 adding at the end the following new subsection:

9 “(m) DENIAL OF FAMILY-BASED CLASSIFICATION
10 PETITION FOR PETITIONERS CERTIFIED AS OWING
11 CHILD SUPPORT ARREARAGES.—The Secretary of Home-
12 land Security shall, upon certification by the Secretary of
13 Health and Human Services transmitted under section
14 452(k)(1) of the Social Security Act with respect to an
15 individual, not approve a petition filed by such individual
16 under subsection (a) for classification of an alien by rea-
17 son of a relationship described in paragraph (1), (2), (3),
18 or (4) of section 203(a) or by reason of immediate relative
19 status under section 201(b)(2)(A)(i).”.

20 (2) PETITIONS FOR NONIMMIGRANT FIANCÉES
21 AND FIANCÉS.—Section 214(d)(1) of such Act (8
22 U.S.C. 1184(d)(1)) is amended—

23 (A) by inserting “(A)” after “(d)(1)”; and

24 (B) by adding at the end the following new
25 subparagraph:

1 “(B) The Secretary of Homeland Security shall, upon
2 certification by the Secretary of Health and Human Serv-
3 ices transmitted under section 452(k)(1) of the Social Se-
4 curity Act with respect to an individual, not approve a pe-
5 tition filed by such individual under the first sentence of
6 subparagraph (A).”.

7 (b) CERTIFICATION OF ARREARAGES.—

8 (1) IN GENERAL.—Section 452(k) of the Social
9 Security Act (42 U.S.C. 652(k)) is amended—

10 (A) in paragraph (1), by inserting before
11 the period at the end the following: “and to the
12 Secretary of Homeland Security for action
13 (with respect to denial of classification peti-
14 tions) pursuant to sections 204(m) and
15 214(d)(1)(B) of the Immigration and Nation-
16 ality Act”; and

17 (B) in paragraph (3), by striking “and the
18 Secretary of State” and inserting “, the Sec-
19 retary of State, and the Secretary of Homeland
20 Security”.

21 (2) TRANSITION FOR PREVIOUSLY TRANS-
22 MITTED CERTIFICATIONS.—The Secretary of Health
23 and Human Services shall provide for the expedi-
24 tious transmittal to the Secretary of Homeland Se-
25 curity of certifications previously transmitted to the

1 Secretary of State under section 452(k)(1) of the
2 Social Security Act. Such transmittal of certifi-
3 cations shall be treated, for purposes of section
4 204(m) and 214(d)(1)(B) of the Immigration and
5 Nationality Act (as added by subsection (a) of this
6 section), as a transmittal of information under such
7 section 452(k)(1).

8 (c) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendments made by
10 this section shall apply to classification petitions
11 that have not been approved as of the date of the
12 enactment of this section, regardless of the date on
13 which they were filed.

14 (2) APPLICATION TO PREVIOUSLY APPROVED
15 PETITIONS.—The Secretary of Homeland Security
16 may revoke the approval of a classification petition
17 that has been approved as of the date of the enact-
18 ment of this section and on the basis of which a visa
19 has not been issued or an adjustment of status has
20 not been effected, if the Secretary determines that
21 such petition would not have been approved if the
22 amendments made by this section applied before the
23 date of the approval of such petition.

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