To amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2005

Mr. Nadler (for himself, Mr. Meek of Florida, Mr. Gutierrez, Ms. Baldwin, Mr. Smith of Washington, Mrs. Lowey, Mr. Andrews, Mr. Berman, Mr. Michaud, Mr. Delahunt, Mrs. Napolitano, Mr. Crowley, Mr. Rothman, Mr. Engel, Mr. Honda, Mr. Moran of Virginia, Mr. Holt, Mr. Inslee, Mr. Sanders, Mr. Tierney, Mr. George Miller of California, Ms. Lee, Mr. Brown of Ohio, Ms. Woolsey, Ms. Linda T. Sanchez of California, Mr. McDermott, Ms. Harman, Mr. Sabo, Mr. Farr, Mr. Kolbe, Mr. Frank of Massachusetts, Mr. Allen, Mr. Serrano, Ms. Corrine Brown of Florida, Mr. Menendez, Mr. Payne, Mr. Lewis of Georgia, Mr. McNulty, Mr. Kucinich, Mr. Gonzalez, Mr. Waxman, Ms. Schakowsky, Ms. Berkley, Mr. Capuano, Mr. Filner, Mr. Pastor, Mrs. Jones of Ohio, Mr. Rangel, Mr. Weiner, Mr. Lantos, Mr. Abercrombie, Ms. Eshoo, Mr. Pallone, Mr. Moore of Kansas, Mr. Simmons, Mr. Stark, Mrs. Capps, and Mr. Sherman) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION
AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as—

(1) the “Uniting American Families Act”; or

(2) the “Permanent Partners Immigration
Act”.

(b) AMENDMENTS TO IMMIGRATION AND NATION-
ALITY ACT.—Except as otherwise specifically provided
whenever in this Act an amendment or repeal is expressed
as the amendment or repeal of a section or other provision,
the reference shall be considered to be made to that sec-
tion or provision in the Immigration and Nationality Act.

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

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

(2) by adding at the end the following:

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

“(A) is in a committed, intimate relation-
ship with another individual 18 years of age or
older in which both parties intend a lifelong
commitment;
“(B) is financially interdependent with that other individual;
“(C) is not married to or in a permanent partnership with anyone other than that other individual;
“(D) is unable to contract with that other individual a marriage cognizable under this Act; and
“(E) is not a first, second, or third degree blood relation of that other individual.
“(52) The term ‘permanent partnership’ means the relationship that exists between two permanent partners.”.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

(1) by inserting “permanent partners,” after “spouses,”;
(2) by inserting “or permanent partner” after “spouse” each place such term appears; and
(3) by striking “remarries.” and inserting “re-marries or enters a permanent partnership with another person.”.
SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading for paragraph (4), by inserting “, PERMANENT PARTNERS,” after “SPouses”; 

(2) in the subparagraph heading for subparagraph (A), by inserting “, PERMANENT PARTNERS,” after “SPouses”; and 

(3) in the subparagraph heading for subparagraph (C), by inserting “WITHOUT PERMANENT PARTNERS” after “DAUGHTERS”.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

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

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

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) in the paragraph heading—

(A) by striking “AND” after “SPouses” and inserting “, PERMANENT PARTNERS,”; and
(B) by inserting “WITHOUT PERMANENT PARTNERS” after “SONS” and after “DAUGHTERS”;

(2) in subparagraph (A), by inserting “, permanent partners,” after “spouses”; and

(3) in subparagraph (B), by inserting “without permanent partners” after “sons” and after “daughters”.

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

(1) in the paragraph heading, by inserting “AND DAUGHTERS AND SONS WITH PERMANENT PARTNERS” after “DAUGHTERS”; and

(2) in the text, by inserting “, or daughters or sons with permanent partners,” after “daughters”.

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

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, permanent partner,” after “spouse” each place such term appears.
SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) Classification Petitions.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

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

(2) in subparagraph (A)(iii)—

(A) by inserting “or permanent partner” after “spouse” each place such term appears; and

(B) by inserting “or permanent partnership” after “marriage” each place such term appears in subclause (I); and

(3) in subparagraph (B)—

(A) by inserting “or permanent partner” after “spouse” each place such term appears; and

(B) by inserting “or permanent partnership” after “marriage” each place such term appears.

(b) Immigration Fraud Prevention.—Section 204(e) (8 U.S.C. 1154(e)) is amended—

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

(2) by inserting “or permanent partnership” after “marriage” each place such term appears.
SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting “or permanent partner” after “spouse” each place such term appears;

and

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

(2) in paragraph (4), by inserting “or permanent partner” after “spouse”.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

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

(2) in the text, by inserting “or permanent partner” after “spouse”.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting “or permanent partner” after “spouse”.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—
(1) in paragraph (3)(D)(iv), by inserting “permanent partner,” after “spouse,”;

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

(3) in paragraph (6)(E)(ii), by inserting “permanent partner,” after “spouse,”; and

(4) in paragraph (9)(B)(v), by inserting “permanent partner,” after “spouse”.

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

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

(2) in paragraph (12), by inserting “permanent partner,” after “spouse”.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting “or permanent partner” after “spouse”.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “permanent partner,” after “spouse,”.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
amended by inserting “permanent partner,” after “spouse,”.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—
(1) in paragraph (1), by inserting “or permanent partner” after “spouse”; and
(2) by inserting “or permanent partnership” after “marriage” each place such term appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—
(1) IN GENERAL.—The section heading for section 216 (8 U.S.C. 1186a) is amended by inserting “AND PERMANENT PARTNERS” after “SPOUSES”.
(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

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

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—
(1) in paragraph (1), by inserting “or permanent partner” after “spouse”;

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(2) in paragraph (2)(A), by inserting “or per-
manent partner” after “spouse”; 
(3) in paragraph (2)(B), by inserting “perma-
nent partner,” after “spouse,”; and 
(4) in paragraph (2)(C), by inserting “perma-
nent partner,” after “spouse,”.

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

(1) in the subsection heading, by inserting “OR
PERMANENT PARTNERSHIP” after “MARRIAGE”; 
(2) in paragraph (1)(A), by inserting “or per-
manent partnership” after “marriage”; and 
(3) in paragraph (1)(A)(ii)—

(A) by inserting “or has ceased to satisfy
the criteria for being considered a permanent
partnership under this Act,” after “termi-
nated,”; and 
(B) by inserting “or permanent partner”
after “spouse”.

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

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

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

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

(1) in the subparagraph heading for subpara-

graph (A), by inserting “OR PERMANENT PARTNER-

SHIP” after “MARRIAGE”;

(2) in subparagraph (A)(i), by inserting “or

permanent partnership” after “marriage”;

(3) in subparagraph (A)(i)(I), by inserting be-

fore the comma at the end “, or is a permanent

partnership recognized under this Act”;

(4) in subparagraph (A)(i)(II)—

(A) by inserting “or has not ceased to sat-

isfy the criteria for being considered a perma-

nent partnership under this Act,” after “termi-

nated,”; and

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

(5) in subparagraph (A)(ii), by inserting “or

permanent partner” after “spouse”; and
(6) in subparagraph (B)(i)—

(A) by inserting “or permanent partnership” after “marriage”; and

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

(e) Definitions.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting “or permanent partner” after “spouse” each place such term appears; and

(B) by inserting “or permanent partnership” after “marriage” each place such term appears;

(2) in paragraph (2), by inserting “or permanent partnership” after “marriage”;

(3) in paragraph (3), by inserting “or permanent partnership” after “marriage”; and

(4) in paragraph (4)—

(A) by inserting “or permanent partner” after “spouse” each place such term appears; and

(B) by inserting “or permanent partnership” after “marriage”.
SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) Section Heading.—

(1) In General.—The section heading for section 216A (8 U.S.C. 1186b) is amended by inserting “OR PERMANENT PARTNERS” after “SPOUSES”.

(2) Clerical Amendment.—The table of contents is amended by amending the item relating to section 216A to read as follows:

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

(b) In General.—Section 216A(a) (8 U.S.C. 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting “or permanent partner” after “spouse” each place such term appears.

(c) Termination of Status If Finding That Qualifying Entrepreneurship Improper.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting “or permanent partner” after “spouse” in the matter following subparagraph (C).

(d) Requirements of Timely Petition and Interview for Removal of Condition.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
(1), (2)(A)(ii), and (3)(C), by inserting “or permanent partner” after “spouse”.

c) Definitions.—Section 216A(f)(2) of 8 U.S.C. 1186b(f)(2) is amended by inserting “or permanent partner” after “spouse” each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

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

(1) in paragraph (1)(D)(i), by inserting “or permanent partners” after “spouses” each place such term appears;

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

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

“(I) Permanent partnership fraud.—

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

“(i) the alien obtains any admission to the United States with an immigrant visa
or other documentation procured on the basis of a permanent partnership entered into less than 2 years prior to such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provisions of the immigration laws; or

“(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien’s permanent partnership which in the opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien’s admission as an immigrant.”; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting “or permanent partner” after “spouse” each place such term appears.
SEC. 15. REMOVAL PROCEEDINGS.

Section 240(e)(1) (8 U.S.C. 1229a(e)(1)) is amended by inserting “or permanent partner” after “spouse”.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting “or permanent partner” after “spouse”;

(2) in the paragraph heading for paragraph (2), by inserting “, PERMANENT PARTNER,” after “spouse”; and

(3) in paragraph (2)(A), by inserting “, permanent partner,” after “spouse” each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) Prohibition on Adjustment of Status.—

Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting “or permanent partnership” after “marriage”.

(b) Avoiding Immigration Fraud.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting “or permanent partnership” after “marriage”; and

(2) by adding at the end the following new paragraph:
“(4) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(51) and the permanent partnership was not entered into for the purpose of procuring the alien’s admission as an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner. In accordance with regulations, there shall be only one level of administrative appellate review for each alien under the previous sentence.”.

(e) Adjustment of Status for Certain Aliens Paying Fee.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting “or permanent partner” after “spouse” each place such term appears.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

“(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading
any provision of the immigration laws shall be imprisoned
for not more than 5 years, or fined not more than
$250,000, or both.”.

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

Section 316(b) (8 U.S.C. 1427(b)) is amended by in-
serting “or permanent partner” after “spouse”.

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING
UNITED STATES CITIZENSHIP.

Section 324(a) (8 U.S.C. 1435(a)) is amended, in the
matter following “after September 22, 1922,”, by insert-
ing “or permanent partnership” after “marriage” each
place such term appears.

SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO
PERMANENT PARTNERS OF CERTAIN LIFE
ACT BENEFICIARIES.

Section 1504 of division B of the Miscellaneous Ap-
propriations Act, 2001, as enacted into law by section
1(a)(4) of Public Law 106–554, is amended—

(1) in the section heading, by inserting “, PER-
MANENT PARTNERS,” after “SPOUSES”;

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

(3) in each of subsections (b) and (c)—
(A) in the subsection headings, by inserting "PERMANENT PARTNERS," after "Spouses"; and

(B) by inserting "permanent partner," after "spouse" each place such term appears.