

Calendar No. 145

114TH CONGRESS
1ST SESSION

S. 1300

To amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. MCCONNELL, Mrs. BOXER, Mr. CORKER, Mr. RUBIO, Mr. BLUNT, Mr. DONNELLY, Mr. PORTMAN, Mr. ENZI, Mr. CRUZ, Ms. CANTWELL, Ms. BALDWIN, Mrs. FISCHER, Mr. CORNYN, Mr. GRAHAM, Mr. COONS, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 9, 2015

Reported by Mr. GRASSLEY, without amendment

A BILL

To amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

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 “Adoptive Family Relief
5 Act”.

1 **SEC. 2. WAIVER OF FEES FOR RENEWAL OF IMMIGRANT**
2 **VISA FOR ADOPTED CHILD IN CERTAIN SITU-**
3 **ATIONS.**

4 Section 221(c) of the Immigration and Nationality
5 Act (8 U.S.C. 1201(c)) is amended to read as follows:

6 “(c) PERIOD OF VALIDITY; RENEWAL OR REPLACE-
7 MENT.—

8 “(1) IMMIGRANT VISAS.—An immigrant visa
9 shall be valid for such period, not exceeding six
10 months, as shall be by regulations prescribed, except
11 that any visa issued to a child lawfully adopted by
12 a United States citizen and spouse while such citizen
13 is serving abroad in the United States Armed
14 Forces, or is employed abroad by the United States
15 Government, or is temporarily abroad on business,
16 shall be valid until such time, for a period not to ex-
17 ceed three years, as the adoptive citizen parent re-
18 turns to the United States in due course of his serv-
19 ice, employment, or business.

20 “(2) NONIMMIGRANT VISAS.—A nonimmigrant
21 visa shall be valid for such periods as shall be by
22 regulations prescribed. In prescribing the period of
23 validity of a nonimmigrant visa in the case of na-
24 tionals of any foreign country who are eligible for
25 such visas, the Secretary of State shall, insofar as
26 practicable, accord to such nationals the same treat-

1 ment upon a reciprocal basis as such foreign country
2 accords to nationals of the United States who are
3 within a similar class; except that in the case of
4 aliens who are nationals of a foreign country and
5 who either are granted refugee status and firmly re-
6 settled in another foreign country or are granted
7 permanent residence and residing in another foreign
8 country, the Secretary of State may prescribe the
9 period of validity of such a visa based upon the
10 treatment granted by that other foreign country to
11 alien refugees and permanent residents, respectively,
12 in the United States.

13 “(3) VISA REPLACEMENT.—An immigrant visa
14 may be replaced under the original number during
15 the fiscal year in which the original visa was issued
16 for an immigrant who establishes to the satisfaction
17 of the consular officer that the immigrant—

18 “(A) was unable to use the original immi-
19 grant visa during the period of its validity be-
20 cause of reasons beyond his control and for
21 which he was not responsible;

22 “(B) is found by a consular officer to be
23 eligible for an immigrant visa; and

24 “(C) pays again the statutory fees for an
25 application and an immigrant visa.

1 “(4) FEE WAIVER.—If an immigrant visa was
2 issued, on or after March 27, 2013, for a child who
3 has been lawfully adopted, or who is coming to the
4 United States to be adopted, by a United States cit-
5 izen, any statutory immigrant visa fees relating to a
6 renewal or replacement of such visa may be waived
7 or, if already paid, may be refunded upon request,
8 subject to such criteria as the Secretary of State
9 may prescribe, if—

10 “(A) the immigrant child was unable to
11 use the original immigrant visa during the pe-
12 riod of its validity as a direct result of extraor-
13 dinary circumstances, including the denial of an
14 exit permit; and

15 “(B) if such inability was attributable to
16 factors beyond the control of the adopting par-
17 ent or parents and of the immigrant.”.

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