

106TH CONGRESS  
2D SESSION

# H. R. 3650

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2000

Mr. NADLER (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. CROWLEY, Mr. DELAHUNT, Mr. LANTOS, Mr. BECERRA, Mr. McDERMOTT, Mr. HINCHEY, Mr. CAPUANO, Mr. WAXMAN, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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.

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; AMENDMENTS TO IMMIGRATION**

4 **AND NATIONALITY ACT.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Permanent Partners Immigration Act of 2000”.

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

7 **SEC. 2. DEFINITION OF “PERMANENT PARTNER”.**

8 Section 101(a) (8 U.S.C. 1101(a)) is amended by  
9 adding at the end the following:

10 “(50) The term ‘permanent partner’ means an  
11 individual over 18 years of age who—

12 “(A) is in a committed, intimate relation-  
13 ship with another individual over 18 years of  
14 age in which both parties intend a lifelong com-  
15 mitment;

16 “(B) is financially interdependent with  
17 that other individual;

18 “(C) is not married to or in a permanent  
19 partnership with anyone other than that other  
20 individual;

21 “(D) is unable to contract with that other  
22 individual a marriage cognizable under this Act;  
23 and

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

1           “(51) The term ‘permanent partnership’ means  
2           the relationship that exists between two permanent  
3           partners.”.

4   **SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.**

5           Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i))  
6   is amended—

7           (1) by inserting “permanent partners,” after  
8           “spouses,”;

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

11          (3) by inserting “or enters a permanent part-  
12          nership with another person” before the period at  
13          the end.

14   **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**  
15                   **EIGN STATES.**

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

18          (1) in the paragraph heading for paragraph (4),  
19          by inserting “, PERMANENT PARTNERS,” after  
20          “SPOUSES”;

21          (2) in the subparagraph heading for subpara-  
22          graph (A), by inserting “, PERMANENT PARTNERS,”  
23          after “SPOUSES”; and

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

4 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)  
 5 (8 U.S.C. 1152(b)(2)) is amended—

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

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

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

11 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-  
 12 BERS OF PERMANENT RESIDENT ALIENS.—Section  
 13 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

14 (1) in the paragraph heading—

15 (A) by striking “and” after “SPOUSES”  
 16 and inserting “, PERMANENT PARTNERS,”; and

17 (B) by inserting “WITHOUT PERMANENT  
 18 PARTNERS” after “SONS” and after “DAUGH-  
 19 TERS”; and

20 (2) in subparagraph (A)—

21 (A) by inserting “, permanent partners,”  
 22 after “spouses”; and

23 (B) by inserting “without permanent part-  
 24 ners” after “sons” and after “daughters”.

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

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

7 (2) by inserting “or daughters or sons with per-  
8 manent partners” after “daughters”.

9 (c) EMPLOYMENT CREATION.—Section  
10 203(b)(5)(A)(iii) (8 U.S.C. 1153(b)(5)(A)(iii)) is amended  
11 by inserting “permanent partner,” after “spouse,”.

12 (d) TREATMENT OF FAMILY MEMBERS.—Section  
13 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-  
14 manent partner,” after “spouse” each place the term ap-  
15 pears.

16 **SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

17 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)  
18 (8 U.S.C. 1154(a)(1)) is amended—

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

21 (2) in subparagraph (A)(iii)—

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

1 (B) by inserting “or permanent partner-  
 2 ship” after “marriage” each place the term ap-  
 3 pears in subclause (I); and

4 (3) in subparagraph (B)(ii), by inserting “or  
 5 permanent partner” after “spouse” each place the  
 6 term appears.

7 (b) IMMIGRATION FRAUD PREVENTION.—Section  
 8 204(c) (8 U.S.C. 1154(c)) is amended—

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

11 (2) by inserting “or permanent partnership”  
 12 after “marriage” each place the term appears.

13 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**  
 14 **OF EMERGENCY SITUATION REFUGEES.**

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

16 (1) in paragraph (2)—

17 (A) by inserting “or permanent partner”  
 18 after “spouse” each place the term appears;  
 19 and

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

22 (2) in paragraph (4), by inserting “or perma-  
 23 nent partner” after “spouse”.

1 **SEC. 8. ASYLUM.**

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

4 (1) in the heading, by inserting “OR PERMA-  
5 NENT PARTNER” after “SPOUSE”; and

6 (2) by inserting “or permanent partner” after  
7 “spouse”.

8 **SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.**

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

11 **SEC. 10. INADMISSIBLE ALIENS.**

12 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR  
13 ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is  
14 amended—

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

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

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

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

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

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

1 (2) in paragraph (12)(B), by inserting “, per-  
 2 manent partner,” after “spouse”.

3 (c) Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is  
 4 amended by inserting “or permanent partner” after  
 5 “spouse”.

6 (d) Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B))  
 7 is amended by inserting “permanent partner,” after  
 8 “spouse,”.

9 (e) Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amend-  
 10 ed by inserting “permanent partner,” after “spouse,”.

11 **SEC. 11. ADMISSION OF NONIMMIGRANTS.**

12 (a) PERSONS ENTERING UNDER NAFTA.—Section  
 13 214(e)(2) (8 U.S.C. 1184(e)(2)) is amended by inserting  
 14 “or permanent partner” after “spouse”.

15 (b) LIMITATION ON CERTAIN NONIMMIGRANTS.—  
 16 Section 214(g)(2) (8 U.S.C. 1184(g)(2)) is amended by  
 17 inserting “, permanent partners,” after “spouses”.

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

21 (a) SECTION HEADING.—

22 (1) IN GENERAL.—The section heading for sec-  
 23 tion 216 (8 U.S.C. 1186a) is amended by inserting  
 24 “AND PERMANENT PARTNERS” after “SPOUSES”.



1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents is amended by amending the item relating to  
 3           section 216 to read as follows:

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

4           (b) IN GENERAL.—Section 216(a) (8 U.S.C.  
 5 1186a(a)) is amended—

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

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

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

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

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

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

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

21          (3) in paragraph (1)(A)(ii)—

22                  (A) by inserting “or has ceased to satisfy  
 23                  the criteria for being considered a permanent

1 partnership under this Act,” after “termi-  
2 nated,”; and

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

5 (d) REQUIREMENTS OF TIMELY PETITION AND  
6 INTERVIEW FOR REMOVAL OF CONDITION.—Section  
7 216(c) (8 U.S.C. 1186a(c)) is amended—

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

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

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

18 (1) in the subparagraph heading for subpara-  
19 graph (A), by inserting “OR PERMANENT PARTNER-  
20 SHIP” after “MARRIAGE”;

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

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

1 (4) in subparagraph (A)(i)(II)—

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

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

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

10 (6) in subparagraph (B)(i)—

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

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

15 (e) DEFINITIONS.—Section 216(g) (8 U.S.C.  
16 1186a(g)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “or permanent partner”  
19 after “spouse” each place the term appears;  
20 and

21 (B) by inserting “or permanent partner-  
22 ship” after “marriage” each place the term ap-  
23 pears;

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

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

3 (4) in paragraph (4)—

4 (A) by inserting “or permanent partner”  
 5 after “spouse” each place the term appears;  
 6 and

7 (B) by inserting “or permanent partner-  
 8 ship” after “marriage”.

9 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**  
 10 **FOR CERTAIN ALIEN ENTREPRENEURS,**  
 11 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**  
 12 **DREN.**

13 (a) SECTION HEADING.—

14 (1) IN GENERAL.—The section heading for sec-  
 15 tion 216A (8 U.S.C. 1186b) is amended by inserting  
 16 “OR PERMANENT PARTNERS” after “SPOUSES”.

17 (2) CLERICAL AMENDMENT.—The table of con-  
 18 tents is amended by amending the item relating to  
 19 section 216A to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien entre-  
 preneurs, spouses or permanent partners, and children.”.

20 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.  
 21 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),  
 22 and (2)(C), by inserting “or permanent partner” after  
 23 “spouse” each place the term appears.

1 (c) TERMINATION OF STATUS IF FINDING THAT  
 2 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section  
 3 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-  
 4 ing “or permanent partner” after “spouse” in the matter  
 5 following subparagraph (C).

6 (d) REQUIREMENTS OF TIMELY PETITION AND  
 7 INTERVIEW FOR REMOVAL OF CONDITION.—Section  
 8 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs  
 9 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent  
 10 partner” after “spouse”.

11 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.  
 12 1186b(f)(2)) is amended by inserting “or permanent part-  
 13 ner” after “spouse” each place the term appears.

14 **SEC. 14. DEPORTABLE ALIENS.**

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

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

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

23 (3) by adding at the end of paragraph (1) the  
 24 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 Attorney General 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 Attorney General that the alien has failed or refused to fulfill the alien’s permanent partnership which in the opinion of

1 the Attorney General was made for the  
2 purpose of procuring the alien's admission  
3 as an immigrant.”; and

4 (4) in paragraphs (2)(E)(i) and (3)(C)(ii), by  
5 inserting “or permanent partner” after “spouse”  
6 each place the term appears.

7 **SEC. 15. REMOVAL PROCEEDINGS.**

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

10 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF**  
11 **STATUS.**

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

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

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

17 (3) in paragraph (2)(A), by inserting “, perma-  
18 nent partner,” after “spouse”.

19 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**  
20 **THAT OF PERSON ADMITTED FOR PERMA-**  
21 **NENT RESIDENCE.**

22 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—

23 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-  
24 ing “or permanent partnership” after “marriage”.

1 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)  
2 (8 U.S.C. 1255(e)) is amended—

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

5 (2) by adding at the end the following new  
6 paragraph:

7 “(4) Paragraph (1) and section 204(g) shall not  
8 apply with respect to a permanent partnership if the alien  
9 establishes by clear and convincing evidence to the satis-  
10 faction of the Attorney General that the permanent part-  
11 nership was entered into in good faith and in accordance  
12 with section 101(a)(50) and the permanent partnership  
13 was not entered into for the purpose of procuring the  
14 alien’s admission as an immigrant and no fee or other con-  
15 sideration was given (other than a fee or other consider-  
16 ation to an attorney for assistance in preparation of a law-  
17 ful petition) for the filing of a petition under section  
18 204(a) or 214(d) with respect to the alien permanent part-  
19 ner. In accordance with regulations, there shall be only  
20 one level of administrative appellate review for each alien  
21 under the previous sentence.”.

22 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS  
23 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.  
24 1255(i)(1)(B)) is amended by inserting “or permanent  
25 partner” after “spouse” each place the term appears.



1 (d) INFORMANTS.—Section 245(j) of such Act (8  
2 U.S.C. 1255(j)) is amended by inserting “permanent part-  
3 ner,” after “spouse,” each place the term appears.

4 **SEC. 18. MISREPRESENTATION AND CONCEALMENT OF**  
5 **FACTS.**

6 Section 275(c) (8 U.S.C. 1325(c)) is amended by in-  
7 serting “or permanent partnership” after “marriage”.

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

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

13 **SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING**  
14 **UNITED STATES CITIZENSHIP.**

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

○