

108TH CONGRESS
2D SESSION

H. R. 4644

To make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

Mrs. JOHNSON of Connecticut (for herself, Mr. PRICE of North Carolina, and Mr. CARDOZA) 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 make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support.

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 “Parental Responsibility
5 Obligations Met through Immigration System Enforce-
6 ment Act” or “PROMISE Act”.

1 **SEC. 2. ALIENS INELIGIBLE TO RECEIVE VISAS AND EX-**
2 **CLUDED FROM ADMISSION FOR NON-**
3 **PAYMENT OF CHILD SUPPORT.**

4 Section 212(a)(10) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1182(a)(10)) is amended by adding
6 at the end the following:

7 “(F) NONPAYMENT OF CHILD SUPPORT.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii), an alien who is legally
10 obligated under a judgment, decree, or
11 order to pay child support and whose fail-
12 ure to pay such child support has resulted
13 in an arrearage is inadmissible.

14 “(ii) EXCEPTION.—An alien described
15 in clause (i) may be admissible when child
16 support payments under the judgment, de-
17 cree, or order are satisfied or the alien is
18 in compliance with an approved payment
19 agreement.”.

20 **SEC. 3. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON**
21 **ESTABLISHMENT OF GOOD MORAL CHAR-**
22 **ACTER.**

23 Section 101(f) of the Immigration and Nationality
24 Act (8 U.S.C. 1101(f)) is amended—

25 (1) in paragraph (8), by striking the period at
26 the end and inserting “; or”; and

1 (2) by inserting after paragraph (8) the fol-
2 lowing:

3 “(9) one who is legally obligated under a judg-
4 ment, decree, or order to pay child support (as de-
5 fined in section 212(a)(10)), and whose failure to
6 pay such child support has resulted in any arrear-
7 age, unless support payments under the judgment,
8 decree, or order are satisfied or the alien is in com-
9 pliance with an approved payment agreement.”.

10 **SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN**
11 **CHILD SUPPORT CASES ON CERTAIN ARRIV-**
12 **ING ALIENS.**

13 Section 235(d) of the Immigration and Nationality
14 Act (8 U.S.C. 1225(d)) is amended by adding at the end
15 the following:

16 “(5) AUTHORITY TO SERVE PROCESS IN CHILD
17 SUPPORT CASES.—

18 “(A) IN GENERAL.—To the extent con-
19 sistent with State law, immigration officers are
20 authorized to serve on any alien who is an ap-
21 plicant for admission to the United States, legal
22 process with respect to any action to enforce a
23 legal obligation of an individual to pay child
24 support (as defined in section 459(i) of the So-
25 cial Security Act).

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘legal process’ means any writ, order, summons, or other similar process that is issued by—

“(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

“(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.”.

**SEC. 5. AUTHORIZATION TO OBTAIN INFORMATION ON
CHILD SUPPORT PAYMENTS BY ALIENS.**

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

“(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General, Secretary of Homeland Security, or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.”.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on the date that is 90 days after the date of
4 enactment of this Act and shall apply to aliens who apply
5 for benefits under the Immigration and Nationality Act
6 (8 U.S.C. 1101 et seq.) on or after such effective date.

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