

109TH CONGRESS
1ST SESSION

H. R. 3700

To reform immigration to serve the national interest.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2005

Mr. TANCREDO introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To reform immigration to serve the national interest.

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; TABLE OF CONTENTS; DEFINI-**
4 **TIONS.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Reducing Immigration to a Genuinely Healthy Total
7 (RIGHT) Act of 2005”.

8 (b) **TABLE OF CONTENTS.**—The table of contents of
9 this Act is as follows:

Sec. 1. Short title; table of contents; definitions.

TITLE I—LEGAL IMMIGRATION REFORM

Sec. 101. Worldwide levels of immigration.

Sec. 102. Allotment of visas.

1 (3) the worldwide level of diversity immigrants
2 under subsection (e) of such section in any fiscal
3 year shall be zero.

4 **SEC. 102. ALLOTMENT OF VISAS.**

5 (a) IN GENERAL.—Beginning with fiscal year 2006,
6 notwithstanding section 203 of the Immigration and Na-
7 tionality Act (8 U.S.C. 1153)—

8 (1) the number of visas that shall be allotted to
9 family-sponsored immigrants under subsection (a) of
10 such section in any fiscal year shall be zero;

11 (2) the number of visas that shall be allotted to
12 priority workers under subsection (b)(1) of such sec-
13 tion (and to spouses and children of such workers
14 under subsection (d) of such section) in any fiscal
15 year shall not exceed 5,000, the number of visas
16 that shall be allotted in any fiscal year to priority
17 workers under subsection (b)(5) of such section (and
18 to spouses and children of such workers under sub-
19 section (d) of such section) in any fiscal year shall
20 not exceed 200, and the number of visas that shall
21 be allotted to other aliens subject to the worldwide
22 level for employment-based immigrants in any fiscal
23 year shall be zero;

24 (3) the number of visas that shall be allotted to
25 special immigrants under subsection (b)(4) of such

1 section (and to spouses and children of such workers
2 under subsection (d) of such section) in any fiscal
3 year shall not exceed 1,000; and

4 (4) the number of visas that shall be allotted to
5 diversity immigrants under subsection (e) of such
6 section in any fiscal year shall be zero.

7 Nothing in this title shall be construed as imposing any
8 numerical limitation on special immigrants described in
9 subparagraph (A) or (B) of section 101(a)(27) of such Act
10 (8 U.S.C. 1101(a)(27)) who may be provided immigrant
11 visas (or who otherwise may acquire the status of an alien
12 lawfully admitted for permanent residence).

13 (b) LIMITATION ON SPONSORSHIP BY CERTAIN
14 ALIENS.—Notwithstanding any other provision of law, ef-
15 fective October 1, 2006, no visa may be allotted to any
16 immigrant on the basis of a petition by an individual who
17 has filed an application under section 210 or section 245A
18 of the Immigration and Nationality Act (8 U.S.C. 1160,
19 1255a).

20 (c) ELIMINATION OF PREFERENCE CATEGORIES.—
21 Effective October 1, 2006, no classification petition may
22 be filed or approved, and no alien may be issued an immi-
23 gration visa number, for the following preference cat-
24 egories:

1 (1) FAMILY PREFERENCE.—Preference under
2 section 203(a).

3 (2) EMPLOYMENT-BASED PREFERENCE.—Pref-
4 erence under section 203(b), other than as an alien
5 described in subparagraph (A) or (B) of section
6 203(b)(1) or under section 203(b)(5), or under sec-
7 tion 203(d) as the spouse or minor child of either
8 such an alien.

9 (3) DIVERSITY.—Preference under section
10 203(c).

11 (d) LIMITATION ON GRANTING IMMIGRANT STA-
12 TUS.—Effective October 1, 2006, the Secretary of Home-
13 land Security may not accept or approve any petition for
14 classification under section 204 of the Immigration and
15 Nationality Act (8 U.S.C. 1154) except for classification
16 by reason of a family relationship described in section
17 201(b)(2) of such Act (8 U.S.C. 1151(b)(2)) or priority
18 worker or investor status under paragraph (1)(A), (1)(B),
19 or (5) of subsection (b) of section 203 of such Act (8
20 U.S.C. 1153), or as a spouse or child of such a worker
21 or investor under subsection (d) of such section, or as an
22 alien described in section 201(b)(1)(B) or 201(b)(1)(C) of
23 such Act.

1 **SEC. 103. HUMANITARIAN IMMIGRATION.**

2 (a) ANNUAL LIMITATION OF 50,000.—Notwith-
3 standing any other provision of law, subject to subsection
4 (b), beginning with fiscal year 2006 the sum of the fol-
5 lowing shall not exceed 50,000:

6 (1) The number of refugees who are admitted
7 under section 207 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1157) in a fiscal year.

9 (2) The number of admissions made available
10 in such fiscal year to adjust to the status of perma-
11 nent residence the status of aliens granted asylum
12 under section 209(b) of such Act (8 U.S.C.
13 1159(b)).

14 (3) The number of aliens whose status is ad-
15 justed in such fiscal year under section 646 of the
16 Immigration Reform and Immigrant Responsibility
17 Act of 1996 (division C of Public Law 104–208), re-
18 lating to Polish and Hungarian parolees.

19 (4) The number of aliens whose status is ad-
20 justed in such fiscal year under section 599E of the
21 Foreign Operations, Export Financing, and Related
22 Programs Appropriations Act, 1990 (relating to So-
23 viet and Indochinese parolees).

24 (5) The number of other aliens whose removal
25 is cancelled (and whose status is adjusted) in such

1 fiscal year under section 240A of such Act (8 U.S.C.
2 1229b).

3 (6) The number of aliens who are provided law-
4 ful permanent resident status in such fiscal year on
5 the basis of a private bill passed by Congress.

6 (b) EXCEPTION.—In applying subsection (a), aliens
7 who are spouses or children of citizens of the United
8 States, or who are admitted under the limitations de-
9 scribed in section 102, shall not be counted.

10 **SEC. 104. SUNSETTING ADJUSTMENTS UNDER VARIOUS**
11 **PROVISIONS.**

12 (a) SUNSET FOR IRCA-RELATED AND CERTAIN
13 OTHER AMNESTIES.—An alien may not be issued an im-
14 migrant visa or otherwise acquire the status of an alien
15 lawfully admitted for permanent residence under any of
16 the following provisions, unless the alien has filed an appli-
17 cation for such visa or status on or before the date of the
18 enactment of this Act:

19 (1) Section 245A of the Immigration and Na-
20 tionality Act (8 U.S.C. 1255a), commonly known as
21 the IRCA legalization program.

22 (2) Section 210 of such Act (8 U.S.C. 1160),
23 commonly known as the agricultural worker amnesty
24 program.

1 (3) Section 249 of such Act (8 U.S.C. 1259),
2 commonly known as registry.

3 (4) Section 584 of the Foreign Operations, Ex-
4 port Financing, and Related Programs Appropria-
5 tions Act, 1988, relating to Amerasian immigration.

6 (b) SUNSET FOR HRIFA AND NACARA AMNES-
7 TIES.—An alien may not be issued an immigrant visa and
8 may not otherwise acquire the status of an alien lawfully
9 admitted for permanent residence under any of the fol-
10 lowing provisions, unless the alien has filed an application
11 for such visa or status on or before the date of the enact-
12 ment of this Act:

13 (1) Section 202 of the Nicaraguan Adjustment
14 and Central American Relief Act of 1997 (title II of
15 Public Law 105–100).

16 (2) The Haitian Refugee and Immigration
17 Fairness Act of 1998 (division A of section 101(h)
18 of Public Law 105–277).

19 (c) IMMEDIATE REPEAL OF CUBAN-HAITIAN AD-
20 JUSTMENT.—An alien may not be issued an immigrant
21 visa and may not otherwise acquire the status of an alien
22 lawfully admitted for permanent residence) under any sec-
23 tion 202 of the Immigration Reform and Control Act of
24 1986, unless the alien has filed an application for such

1 visa or status on or before the date of the enactment of
2 this Act:

3 (d) IMMEDIATE REPEAL OF LAUTENBERG-MORRISON
4 PROVISIONS.—Effective on the date of the enactment of
5 this Act, section 599D of of the Foreign Operations, Ex-
6 port Financing, and Related Programs Appropriations
7 Act, 1990 (Public Law 101–167) is repealed.

8 **SEC. 105. REQUIREMENT FOR CONGRESSIONAL APPROVAL**
9 **FOR EXTENSION OF DESIGNATION OF FOR-**
10 **EIGN STATES FOR PURPOSES OF TEMPORARY**
11 **PROTECTED STATUS.**

12 Effective on October 1, 2006, the period of designa-
13 tion of a foreign state under section 244(b) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1254(b)) may not
15 be extended beyond the initial designation period without
16 the approval of both Houses of Congress.

17 **SEC. 106. ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-**
18 **SIFICATIONS; CONVERSION OF CERTAIN EX-**
19 **ISTING IMMIGRANT CLASSIFICATION PETI-**
20 **TIONS.**

21 (a) ESTABLISHMENT OF NONIMMIGRANT CLASSI-
22 FICATIONS.—Effective October 1, 2006, the Secretary of
23 Homeland Security shall establish the following new non-
24 immigrant classifications (under section 101(a)(15) of the
25 Immigration and Nationality Act (8 U.S.C. 1101(a)(15)):

1 (1) SPOUSES AND MINOR CHILDREN OF LAW-
2 FUL PERMANENT RESIDENTS.—

3 (A) IN GENERAL.—A nonimmigrant classi-
4 fication for an alien who is the spouse or child
5 of an alien lawfully admitted for permanent res-
6 idence.

7 (B) PERIOD OF VALIDITY OF NON-
8 IMMIGRANT VISA.—A visa issued for non-
9 immigrant classification under this paragraph
10 shall be valid for a period of 3 years. Such visa
11 may be renewed indefinitely so long as the prin-
12 cipal alien is residing in the United States and
13 the nonimmigrant alien remains the spouse or
14 child of such alien.

15 (C) SUBSEQUENT ADJUSTMENT TO LAW-
16 FUL PERMANENT RESIDENT STATUS AS IMME-
17 DIATE RELATIVES UPON NATURALIZATION OF
18 PRINCIPAL ALIEN.—If the principal alien de-
19 scribed in subparagraph (A) becomes a natural-
20 ized citizen of the United States, the alien may
21 apply for permanent resident status of such
22 spouse and child as an immediate relative under
23 section 201(b)(2)(A) of the Immigration and
24 Nationality Act (8 U.S.C. 1151(b)(2)(A)) and,
25 for purposes of making such determination, the

1 age of the child shall be the age of such child
2 as of the date of approval of the nonimmigrant
3 status under subparagraph (A).

4 (2) PARENTS OF ADULT UNITED STATES CITI-
5 ZENS.—

6 (A) IN GENERAL.—A nonimmigrant classi-
7 fication for an alien who is the parent of a citi-
8 zen of the United States if the citizen is at
9 least 21 years of age.

10 (B) PERIOD OF VALIDITY OF NON-
11 IMMIGRANT VISA.—A visa issued for non-
12 immigrant classification under this subpara-
13 graph shall be valid for a period of 5 years.
14 Such visa may be renewed indefinitely so long
15 as the citizen son or daughter is residing in the
16 United States.

17 (C) LIMITATIONS ON EMPLOYMENT AND
18 PUBLIC BENEFITS AND SUPPORT BY PETI-
19 TIONING CITIZEN SON OR DAUGHTER.—An
20 alien provided nonimmigrant status under this
21 paragraph is not authorized to be employed in
22 the United States and is not entitled, notwith-
23 standing any other provision of law, to any ben-
24 efits funded by the Federal Government or any
25 State. In the case of such an alien, the peti-

1 tioning United States citizen son or daughter
2 shall be responsible for the support of the alien
3 in the United States, regardless of the re-
4 sources of such alien.

5 (b) CONVERSION OF CURRENT CLASSIFICATION PE-
6 TITIONS.—

7 (1) FAMILY SECOND PREFERENCE CONVER-
8 SIONS.—In the case of a classification petition under
9 section 204(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1154(a)) for preference status de-
11 scribed in section 203(a)(2)(A) of such Act (8
12 U.S.C. 1153(a)(2)(A)) for an alien that has been
13 filed before October 1, 2006, as of such date such
14 petition shall be deemed to be a petition for classi-
15 fication of the alien involved as a nonimmigrant
16 under the classification established under subsection
17 (a)(1).

18 (2) IMMEDIATE RELATIVE PETITIONS FOR PAR-
19 ENTS.—In the case of a classification petition under
20 section 204(a) of the Immigration and Nationality
21 Act (8 U.S.C. 1154(a)) for immediate relative status
22 status under section 201(b)(2)(A) of such Act (8
23 U.S.C. 1151(b)(2)(A)) as the parent of a United
24 States citizen that has been filed before October 1,
25 2006, as of such date such petition shall be deemed

1 to be a petition for classification of the alien in-
2 volved as a nonimmigrant under the classification
3 established under subsection (a)(2).

4 **TITLE II—MISCELLANEOUS**
5 **PROVISIONS**

6 **SEC. 201. LIMITATION ON AUTOMATIC BIRTHRIGHT CITI-**
7 **ZENSHIP.**

8 Notwithstanding any other provision of law, with re-
9 spect to an individual born after the date of the enactment
10 of this Act, the individual shall not be a national or citizen
11 at birth under section 301 of the Immigration and Nation-
12 ality Act (8 U.S.C. 1401) unless at least one of the indi-
13 vidual's parents is, at the time of birth, a citizen or na-
14 tional of the United States or an alien lawfully admitted
15 for permanent residence.

16 **SEC. 202. REQUIREMENT FOR IMMIGRANTS TO PROVIDE**
17 **AFFIDAVIT OF ALLEGIANCE TO THE UNITED**
18 **STATES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, no alien shall be provided an immigrant visa
21 or otherwise provided status as an alien lawfully admitted
22 to the United States for permanent residence unless the
23 alien has executed an affidavit of allegiance to the United
24 States that is in a form approved by the Secretary of
25 Homeland Security.

1 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
2 fect on and after such date, not later than 60 days after
3 the date of the enactment of this Act, as the Secretary
4 of Homeland Security specifies after having approved the
5 form for the affidavit under such section.

6 **SEC. 203. REQUIREMENT OF AFFIDAVIT OF SUPPORT FOR**
7 **EMPLOYMENT-BASED IMMIGRANTS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, no alien shall be provided an an immigrant
10 visa or otherwise provided status as an alien lawfully ad-
11 mitted to the United States for permanent residence as
12 an employment-based immigrant under section 203(b) of
13 the Immigration and Nationality Act (8 U.S.C. 1153(b))
14 unless there has been executed an affidavit of support that
15 meets the requirements of section 213A of such Act (8
16 U.S.C. 1183a) alien has executed an affidavit of allegiance
17 to the United States that is in a form approved by the
18 Secretary of Homeland Security.

19 (b) EFFECTIVE DATE.—Subsection (a) shall apply to
20 visas and lawful permanent residence status provided after
21 the date of the enactment of this Act.

22 **SEC. 204. MAKING VOTING IN FOREIGN ELECTION A BASIS**
23 **FOR AUTOMATIC LOSS OF CITIZENSHIP.**

24 (a) IN GENERAL.—Section 349(a) of the Immigra-
25 tion and Nationality Act (8 U.S.C. 1481(a)) is amended—

1 (1) by striking the period at the end of para-
2 graph (7) and inserting “; or”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(8) voting in an election in a foreign coun-
6 try.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) apply to voting occurring after the date of
9 the enactment of this Act.

10 **SEC. 205. TREATING ILLEGAL PRESENCE IN THE UNITED**
11 **STATES AS NOT DEMONSTRATING GOOD**
12 **MORAL CHARACTER.**

13 (a) IN GENERAL.—Section 101(f) of the Immigration
14 and Nationality Act (8 U.S.C. 1101(f)) is amended—

15 (1) by striking “or” at the end of paragraph
16 (8);

17 (2) by striking the period at the end of para-
18 graph (9) and inserting “; or”; and

19 (3) by inserting after paragraph (9) the fol-
20 lowing new paragraph:

21 “(10) one who—

22 “(A) at the time good moral character is
23 required to be demonstrated, is unlawfully
24 present in the United States without having
25 been admitted or paroled;

1 “(B) at the time good moral character is
2 required to be demonstrated, has been inspected
3 and admitted to the United States but gained
4 such admission through fraud or misrepresenta-
5 tion; or

6 “(C) at any time has been unlawfully
7 present in the United States for an aggregate
8 period of 181 days or more.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to determinations of good moral
11 character made after the date of the enactment of this
12 Act.

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