

109TH CONGRESS
1ST SESSION

S. 1278

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 SENATE OF THE UNITED STATES

JUNE 21, 2005

Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG) introduced the following bill; which was read twice and 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Uniting American Families Act” or the “Permanent
 5 Partners Immigration Act”.

6 (b) **AMENDMENTS TO IMMIGRATION AND NATION-**
 7 **ALITY ACT.**—Except as otherwise specifically provided,
 8 whenever in this Act an amendment or repeal is expressed
 9 as the amendment or repeal of a section or other provision,
 10 the reference shall be considered to be made to that sec-
 11 tion or provision in the Immigration and Nationality Act
 12 (8 U.S.C. 1101 et seq.).

13 **SEC. 2. DEFINITIONS.**

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

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

17 (2) by adding at the end the following:

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

20 “(A) is in a committed, intimate relationship
 21 with another individual 18 years of age or older in
 22 which both parties intend a lifelong commitment;

23 “(B) is financially interdependent with the indi-
 24 vidual described in subparagraph (A);

1 “(C) is not married to or in a permanent part-
 2 nership with anyone other than the individual de-
 3 scribed in subparagraph (A);

4 “(D) is unable to contract, with the individual
 5 described in subparagraph (A), a marriage cog-
 6 nizable under this Act; and

7 “(E) is not a first, second, or third degree blood
 8 relation of the individual described in subparagraph
 9 (A).

10 “(52) The term ‘permanent partnership’ means the
 11 relationship that exists between 2 permanent partners.”.

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

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

15 (1) by inserting “permanent partners,” after
 16 “spouses,”;

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

19 (3) by striking “remarries.” and inserting “re-
 20 marries or enters into a permanent partnership with
 21 another person.”.

22 **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
 23 **EIGN STATES.**

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

1 (1) in the paragraph header, by inserting “,
2 PERMANENT PARTNERS,” after “SPOUSES”;

3 (2) in the header to subparagraph (A), by in-
4 serting “, PERMANENT PARTNERS,” after
5 “SPOUSES”; and

6 (3) in the header to subparagraph (C), in the
7 heading by inserting “WITHOUT PERMANENT PART-
8 NERS” after “DAUGHTERS”.

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

11 (1) by striking “except that (1)” and inserting
12 the following: “, except that—

13 “(1”;

14 (2) by striking “(2) if an alien” and inserting
15 the following:

16 “(2) if an alien”;

17 (3) by striking “his spouse” and inserting “the
18 spouse or permanent partner of the alien”;

19 (4) by inserting “or permanent partners” after
20 “husband and wife”;

21 (5) by striking “the spouse he” and inserting
22 “the spouse or permanent partner who the alien”;

23 (6) by striking “such spouse” and inserting
24 “such spouse or permanent partner”;

1 (7) by striking “(3) an alien” and inserting the
 2 following:

3 “(3) an alien”; and

4 (8) by striking “(4) an alien” and inserting the
 5 following:

6 “(4) an alien”.

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

8 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
 9 BERS OF PERMANENT RESIDENT ALIENS AND CITI-
 10 ZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

11 (1) in paragraph (2), by striking “(2)” and all
 12 that follows through “permanent residence,” and in-
 13 serting the following:

14 “(2) SPOUSES, PERMANENT PARTNERS, AND
 15 UNMARRIED SONS AND DAUGHTERS WITHOUT PER-
 16 MANENT PARTNERS OF PERMANENT RESIDENT
 17 ALIENS.—Qualified immigrants who are—

18 “(A) the spouses, permanent partners, or
 19 children of an alien lawfully admitted for per-
 20 manent residence; or

21 “(B) the unmarried sons without perma-
 22 nent partners or unmarried daughters without
 23 permanent partners of an alien lawfully admit-
 24 ted for permanent residence,”; and

1 (2) in paragraph (3), by striking “(3)” and all
 2 that follows through “citizens” and inserting the fol-
 3 lowing:

4 “(3) MARRIED SONS AND DAUGHTERS OF CITI-
 5 ZENS AND SONS AND DAUGHTERS OF CITIZENS
 6 WITH PERMANENT PARTNERS.—Qualified immi-
 7 grants who are the married sons, married daughters,
 8 or sons or daughters with permanent partners, of
 9 citizens”.

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

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

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

18 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
 19 (8 U.S.C. 1154(a)(1)) is amended—

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

22 (2) in subparagraph (A)(iii)—

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

1 (B) in subclause (I), by inserting “or per-
 2 manent partnership” after “marriage” each
 3 place such term appears; and
 4 (3) in subparagraph (B)—

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

8 (B) by inserting “or permanent partner-
 9 ship” after “marriage” each place such term
 10 appears.

11 (b) IMMIGRATION FRAUD PREVENTION.—Section
 12 204(c) (8 U.S.C. 1154(c)) is amended—

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

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

17 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
 18 **OF EMERGENCY SITUATION REFUGEES.**

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

20 (1) in paragraph (2)—

21 (A) by inserting “, permanent partner,”
 22 after “spouse” each place such term appears;
 23 and

24 (B) by inserting “, permanent partner’s,”
 25 after “spouse’s”; and

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

3 **SEC. 8. ASYLUM.**

4 Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amend-
5 ed—

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

8 (2) in subparagraph (A), by inserting “, perma-
9 nent partner,” after “spouse”.

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

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

13 **SEC. 10. INADMISSIBLE ALIENS.**

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

17 (1) in paragraph (3)(D)(iv), by inserting “per-
18 manent partner,” after “spouse,” each place such
19 term appears;

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

22 (3) in paragraph (6)(E)(ii), by inserting “per-
23 manent partner,” after “spouse,” each place such
24 term appears; and

1 (4) in paragraph (9)(B)(v), by inserting “, per-
 2 manent partner,” after “spouse” each place such
 3 term appears.

4 (b) WAIVERS OF INADMISSIBILITY ON HUMANI-
 5 TARIAN AND FAMILY UNITY GROUNDS.—Section 212(d)
 6 (8 U.S.C. 1182(d)) is amended—

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

9 (2) in paragraph (12), by inserting “, perma-
 10 nent partner,” after “spouse”.

11 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
 12 LATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C.
 13 1182(g)(1)(A)) is amended by inserting “, permanent
 14 partner,” after “spouse”.

15 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
 16 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
 17 1182(h)(1)(B)) is amended by inserting “permanent part-
 18 ner,” after “spouse,” each place such term appears.

19 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
 20 amended—

21 (1) by inserting “permanent partner,” after
 22 “spouse,”; and

23 (2) by inserting “, permanent partner,” after
 24 “resident spouse”.
 25

1 **SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
 2 **NERS AWAITING THE AVAILABILITY OF AN**
 3 **IMMIGRANT VISA.**

4 Section 214(r) (8 U.S.C. 1184(r)) is amended—

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

7 (2) in paragraph (2), by inserting “or perma-
 8 nent partnership” after “marriage” each place such
 9 term appears.

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

13 (a) SECTION HEADING.—

14 (1) IN GENERAL.—The section header for sec-
 15 tion 216 (8 U.S.C. 1186a) is amended by striking
 16 “**AND SONS**” and inserting “**, PERMANENT PART-**
 17 **NERS, SONS,**”.

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

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

21 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
 22 1186a(a)) is amended—

23 (1) in paragraph (1), by inserting “or perma-
 24 nent partner” after “spouse”; and

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by inserting “or
3 permanent partner” after “spouse”; and

4 (B) by inserting “permanent partner,”
5 after “spouse,” each place it appears.

6 (c) TERMINATION OF STATUS IF FINDING THAT
7 QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8
8 U.S.C. 1186a(b)) is amended—

9 (1) in the subsection header, by inserting “OR
10 PERMANENT PARTNERSHIP” after “MARRIAGE”;
11 and

12 (2) in paragraph (1)(A)—

13 (A) in the matter preceding clause (i), by
14 inserting “or permanent partnership” after
15 “marriage”; and

16 (B) by amending clause (ii) to read as fol-
17 lows—

18 “(ii) has been judicially annulled or
19 terminated, or has ceased to satisfy the
20 criteria for being considered a permanent
21 partnership under this Act, other than
22 through the death of a spouse or perma-
23 nent partner; or”.

1 (d) REQUIREMENTS OF TIMELY PETITION AND
 2 INTERVIEW FOR REMOVAL OF CONDITION.—Section
 3 216(c) (8 U.S.C. 1186a(c)) is amended—

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

8 (2) in paragraphs (3)(A), (3)(D), (4)(B), and
 9 (4)(C), by inserting “or permanent partnership”
 10 after “marriage” each place such term appears.

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

13 (1) in subparagraph (A)—

14 (A) in the header, by inserting “OR PER-
 15 MANENT PARTNERSHIP” after “MARRIAGE”;

16 (B) in clause (i)—

17 (i) in the matter preceding subclause
 18 (I), by inserting “or permanent partner-
 19 ship” after “marriage”;

20 (ii) in subclause (I), by adding at the
 21 end the following: “or is a permanent part-
 22 nership recognized under this Act;” and

23 (iii) in subclause (II)—

24 (I) by inserting “or has not
 25 ceased to satisfy the criteria for being

1 considered a permanent partnership
 2 under this Act,” after “terminated,”;
 3 and

4 (II) by striking “, and” and in-
 5 serting “or permanent partner; and”
 6 after “spouse”; and

7 (C) in clause (ii), by inserting “or perma-
 8 nent partner” after “spouse”; and

9 (2) in subparagraph (B)(i)—

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

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

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

16 (1) in paragraph (1)—

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

20 (B) by inserting “or permanent partner-
 21 ship” after “marriage” each place such term
 22 appears;

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

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

4 (4) in paragraph (4)—

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

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

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

14 (a) SECTION HEADING.—

15 (1) IN GENERAL.—Section 216A (8 U.S.C.
 16 1186b) is amended in the heading by inserting
 17 “**PERMANENT PARTNERS,** ” after “**SPOUSES,**”.

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

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

21 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
 22 1186b(a)) is amended by inserting “or permanent part-
 23 ner” after “spouse” each place such 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”.

5 (d) REQUIREMENTS OF TIMELY PETITION AND
 6 INTERVIEW FOR REMOVAL OF CONDITION.—Section
 7 216A(c) (8 U.S.C. 1186b(c)) is amended by inserting “or
 8 permanent partner” after “spouse” each place such term
 9 appears.

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

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

14 (a) IN GENERAL.—Section 237(a) (8 U.S.C.
 15 1227(a)) is amended—

16 (1) in paragraph (1)—

17 (A) in subparagraph (D)(i), by inserting
 18 “or permanent partners” after “spouses” each
 19 place such term appears;

20 (B) in subparagraph (E), by inserting
 21 “permanent partner,” after “spouse,” each
 22 place such term appears;

23 (C) in subparagraph (H)(i)(I), by inserting
 24 “or permanent partner” after “spouse”; and

25 (D) by adding at the end the following:

“(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 before such admission and which, not later than 2 years after 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

(2) in paragraph (2)(E)(i), by inserting “or
permanent partner” after “spouse” each place such
term appears; and

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

Section 237(a) (8 U.S.C. 1227(a)) is amended by striking

“Attorney General” each place that term appears and in-

serting “Secretary of Homeland Security”.

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

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

23 (2) in paragraph (2)—

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

4 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
 5 **THAT OF PERSON ADMITTED FOR PERMA-**
 6 **NENT RESIDENCE.**

7 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—
 8 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
 9 ing “or permanent partnership” after “marriage”.

10 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
 11 (8 U.S.C. 1255(e)) is amended—

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

14 (2) by adding at the end the following:

15 “(4) Paragraph (1) and section 204(g) shall not
 16 apply with respect to a permanent partnership if the alien
 17 establishes by clear and convincing evidence to the satis-
 18 faction of the Secretary of Homeland Security that the
 19 permanent partnership was entered into in good faith and
 20 in accordance with section 101(a)(51) and the permanent
 21 partnership was not entered into for the purpose of pro-
 22 curing the alien’s admission as an immigrant and no fee
 23 or other consideration was given (other than a fee or other
 24 consideration to an attorney for assistance in preparation
 25 of a lawful petition) for the filing of a petition under sec-

tion 204(a) or 214(d) with respect to the alien permanent partner. In accordance with regulations, there shall be only 1 level of administrative appellate review for each alien seeking relief under this paragraph.”.

(c) 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 “, permanent partner,” after “spouse”.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275(c) (8 U.S.C. 1325(c)) is amended by inserting “or permanent partnership” after “marriage”.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended, in the matter following paragraph (2), by inserting “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 inserting “or permanent partnership” after “marriage” each place such term appears.

1 **SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO**
2 **PERMANENT PARTNERS OF CERTAIN LIFE**
3 **ACT BENEFICIARIES.**

4 Section 1504 of the LIFE Act Amendments of 2000
5 (114 Stat. 2763A–325) is amended—

6 (1) in the section header, by inserting “, **PER-**
7 **MANENT PARTNERS,**” after “**SPOUSES**”;

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

10 (3) in subsections (b) and (c)—

11 (A) in the subsection headers, by inserting
12 “, PERMANENT PARTNERS,” after “SPOUSES”;
13 and

14 (B) by inserting “, permanent partner,”
15 after “spouse” each place such term appears.

○