

110TH CONGRESS  
1ST SESSION

# S. 1328

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

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IN THE SENATE OF THE UNITED STATES

MAY 8, 2007

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

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; TABLE OF CON-  
3 TENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Uniting American Families Act of 2007”.

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

13 (c) **TABLE OF CONTENTS.**—The table of contents for  
14 this Act is as follows:

- Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
- Sec. 2. Definitions of permanent partner and permanent partnership.
- Sec. 3. Worldwide level of immigration.
- Sec. 4. Numerical limitations on individual foreign states.
- Sec. 5. Allocation of immigrant visas.
- Sec. 6. Procedure for granting immigrant status.
- Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 8. Asylum.
- Sec. 9. Adjustment of status of refugees.
- Sec. 10. Inadmissible aliens.
- Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 14. Deportable aliens.
- Sec. 15. Removal proceedings.
- Sec. 16. Cancellation of removal; adjustment of status.
- Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.

See. 19. Requirements as to residence, good moral character, attachment to the principles of the constitution.

See. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.

See. 21. Application to Cuban Adjustment Act.

**1 SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PER-**

**2                   MANENT PARTNERSHIP.**

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

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

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

7                   “(52) The term ‘permanent partner’ means an  
8                   individual 18 years of age or older who—

9                   “(A) is in a committed, intimate relation-  
10                   ship with another individual 18 years of age or  
11                   older in which both individuals intend a lifelong  
12                   commitment;

13                   “(B) is financially interdependent with  
14                   that other individual;

15                   “(C) is not married to, or in a permanent  
16                   partnership with, any individual other than that  
17                   other individual;

18                   “(D) is unable to contract with that other  
19                   individual a marriage cognizable under this Act;  
20                   and

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

1           “(53) The term ‘permanent partnership’ means  
2           the relationship that exists between 2 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 “spouse” each place it appears and in-  
8           serting “spouse or permanent partner”;

9           (2) by striking “spouses” and inserting  
10           “spouse, permanent partner,”;

11           (3) by inserting “(or, in the case of a perma-  
12           nent partnership, whose permanent partnership was  
13           not terminated)” after “was not legally separated  
14           from the citizen”; and

15           (4) by striking “remarries.” and inserting “re-  
16           marries or enters a permanent partnership with an-  
17           other person.”.

18 **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-  
19           EIGN STATES.**

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

22           (1) in the paragraph heading, by inserting “,  
23           PERMANENT PARTNERS,” after “SPOUSES”;

8 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)  
9 (8 U.S.C. 1152(b)(2)) is amended—

10 (1) by striking “his spouse” and inserting “his  
11 or her spouse or permanent partner”;

12 (2) by striking "such spouse" each place it ap-  
13 pears and inserting "such spouse or permanent part-  
14 ner"; and

15 (3) by inserting “or permanent partners” after  
16 “husband and wife”.

## 17 SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

18 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-  
19 BERS OF PERMANENT RESIDENT ALIENS.—Section  
20 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

21 (1) by striking the paragraph heading and in-  
22 serting the following:

23               “(2) SPOUSES, PERMANENT PARTNERS, UNMAR-  
24                RIED SONS WITHOUT PERMANENT PARTNERS, AND

1       UNMARRIED DAUGHTERS WITHOUT PERMANENT  
2       PARTNERS OF PERMANENT RESIDENT ALIENS.—”;

3               (2) in subparagraph (A), by inserting “, permanent  
4       partners,” after “spouses”; and

5               (3) in subparagraph (B), by striking “or unmarried  
6       daughters” and inserting “without permanent  
7       partners or the unmarried daughters without  
8       permanent partners”.

9       (b) PREFERENCE ALLOCATION FOR SONS AND  
10      DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.  
11      1153(a)(3)) is amended—

12               (1) by striking the paragraph heading and inserting the following:

14               “(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT  
15       PARTNERS OF CITIZENS.—”; and

17               (2) by inserting “, or sons or daughters with permanent partners,” after “daughters”.

19       (c) EMPLOYMENT CREATION.—Section  
20      203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended  
21      by inserting “permanent partner,” after “spouse.”.

22       (d) TREATMENT OF FAMILY MEMBERS.—Section  
23      203(d) (8 U.S.C. 1153(d)) is amended—

24               (1) by inserting “or permanent partner” after “section 101(b)(1)”;

25       and

(2) by inserting “, permanent partner,” after “the spouse”.

### 3 SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

4 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)

5 (8 U.S.C. 1154(a)(1)) is amended—

6 (1) in subparagraph (A)—

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

9 (B) in clause (iii)—

10 (i) by inserting “or permanent part-  
11 ner” after “spouse” each place it appears;  
12 and

13 (ii) in subclause (I), by inserting “or  
14 permanent partnership” after “marriage”  
15 each place it appears;

16 (C) in clause (v)(I), by inserting “perma-  
17 nent partner,” after “is the spouse,”;

18 (D) in clause (vi)—

19 (i) by inserting “or termination of the  
20 permanent partnership” after “divorce”;  
21 and

22 (ii) by inserting “, permanent part-  
23 ner.” after “spouse”; and

24 (2) in subparagraph (B)—

1 (A) by inserting “or permanent partner”  
2 after “spouse” each place it appears;

3 (B) in clause (ii)—  
4 (i) in subclause (I)(aa), by inserting  
5 “or permanent partnership” after “mar-  
6 riage”;  
7 (ii) in subclause (I)(bb), by inserting  
8 “or permanent partnership” after “mar-  
9 riage” the first place it appears; and  
10 (iii) in subclause (II)(aa), by inserting  
11 “(or the termination of the permanent  
12 partnership)” after “termination of the  
13 marriage”.

14 (b) IMMIGRATION FRAUD PREVENTION.—Section  
15 204(c) (8 U.S.C. 1154(c)) is amended—

16 (1) by inserting “or permanent partner” after  
17 “spouse” each place it appears; and  
18 (2) by inserting “or permanent partnership”  
19 after “marriage” each place it appears

20 SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION  
21 OF EMERGENCY SITUATION REFUGEES.

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

23 (1) in paragraph (2)—  
24 (A) by inserting “, permanent partner,”  
25 after “spouse” each place it appears; and

1 (B) by inserting “, permanent partner’s,”  
2 after “spouse’s”; and  
3 (2) in paragraph (4), by inserting “, permanent  
4 partner,” after “spouse”.

## 5 SEC. 8. ASYLUM.

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

10 (2) in subparagraph (A), by inserting “, permanent  
11 partner,” after “spouse”.

## 12 SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

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

## 15 SEC. 10. INADMISSIBLE ALIENS.

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

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

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

7 (2) in paragraph (12), by inserting “, permanent  
8 partner,” after “spouse”.

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

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

17 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESEN-  
18 TATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is  
19 amended by inserting “permanent partner,” after  
20 “spouse.”

21 SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-  
22 NERS AWAITING THE AVAILABILITY OF AN  
23 IMMIGRANT VISA.

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

## 6 SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS

## 9 (a) SECTION HEADING.—

10 (1) IN GENERAL.—The heading for section 216  
11 (8 U.S.C. 1186a) is amended by striking “AND  
12 SONS” and inserting “, PERMANENT PARTNERS,  
13 SONS, ” after

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

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

17 (b) IN GENERAL.—Section 216(a) (8 U.S.C.  
18 1186a(a)) is amended—

22 (A) in subparagraph (A), by inserting “or  
23 permanent partner” after “spouse”:

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

11 (2) in paragraph (1)(A)—

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

14 (B) in clause (ii)—

15 (i) by inserting “or has ceased to sat-  
16 isfy the criteria for being considered a per-  
17 manent partnership under this Act,” after  
18 “terminated,”; and

19 (ii) by inserting “or permanent part-  
20 ner” after “spouse”.

21 (d) REQUIREMENTS OF TIMELY PETITION AND  
22 INTERVIEW FOR REMOVAL OF CONDITION.—Section  
23 216(c) (8 U.S.C. 1186a(c)) is amended—

24 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),  
25 (3)(C), (4)(B), and (4)(C), by inserting "or perma-

1       nent partner” after “spouse” each place it appears;  
2       and

3               (2) in paragraph (3)(A), (3)(D), (4)(B), and  
4       (4)(C), by inserting “or permanent partnership”  
5       after “marriage” each place it appears.

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

8               (1) in subparagraph (A)—

9                       (A) in the heading, by inserting “OR PER-  
10                       MANENT PARTNERSHIP” after “MARRIAGE”;

11                       (B) in clause (i)—

12                               (i) by inserting “or permanent part-  
13                               nership” after “marriage”;

14                               (ii) in subclause (I), by inserting be-  
15                               fore the comma at the end “, or is a per-  
16                               manent partnership recognized under this  
17                               Act”;

18                               (iii) in subclause (II)—

19                                       (I) by inserting “or has not  
20                                       ceased to satisfy the criteria for being  
21                                       considered a permanent partnership  
22                                       under this Act,” after “terminated,”;  
23                                       and

24                                       (II) by inserting “or permanent  
25                                       partner” after “spouse”;

(C) in clause (ii), by inserting “or permanent partner” after “spouse”; and

3 (2) in subparagraph (B)(i)—

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

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

8 (f) DEFINITIONS.—Section 216(g) (8 U.S.C.  
9 1186a(g)) is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “or permanent partner”  
12 after “spouse” each place it appears; and

13 (B) by inserting “or permanent partner-  
14 ship” after “marriage” each place it appears;

15 (2) in paragraph (2), by inserting “or permanent  
16 partnership” after “marriage”;

17 (3) in paragraph (3), by inserting “or permanent  
18 partnership” after “marriage”; and

19 (4) in paragraph (4)—

20 (A) by inserting “or permanent partner”  
21 after “spouse” each place it appears; and

22 (B) by inserting “or permanent partner-  
23 ship” after “marriage”.

## 1 SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS

2 FOR CERTAIN ALIEN ENTREPRENEURS,  
3 SPOUSES, PERMANENT PARTNERS, AND CHIL-  
4 DREN.

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

6 is amended—

7 (1) in the section heading, by inserting “, PER-  
8 MANENT PARTNERS,” after “SPOUSES”; and9 (2) in paragraphs (1), (2)(A), (2)(B), and  
10 (2)(C), by inserting “or permanent partner” after  
11 “spouse” each place it appears.12 (b) TERMINATION OF STATUS IF FINDING THAT  
13 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section  
14 216A(b)(1) is amended by inserting “or permanent part-  
15 ner” after “spouse” in the matter following subparagraph  
16 (C).17 (c) REQUIREMENTS OF TIMELY PETITION AND  
18 INTERVIEW FOR REMOVAL OF CONDITION.—Section  
19 216A(c) is amended, in paragraphs (1), (2)(A)(ii), and  
20 (3)(C), by inserting “or permanent partner” after  
21 “spouse”.22 (d) DEFINITIONS.—Section 216A(f)(2) is amended  
23 by inserting “or permanent partner” after “spouse” each  
24 place it appears.

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

“Sec. 216. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.”.

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

5       Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amend-  
6 ed—

7               (1) in subparagraph (D)(i), by inserting “or  
8 permanent partners” after “spouses” each place it  
9 appears;

10              (2) in subparagraphs (E)(ii), (E)(iii), and  
11 (H)(i)(I), by inserting “or permanent partner” after  
12 “spouse”;

13              (3) by inserting after subparagraph (E) the fol-  
14 lowing:

15               “(F) PERMANENT PARTNERSHIP FRAUD.—  
16               An alien shall be considered to be deportable as  
17 having procured a visa or other documentation  
18 by fraud (within the meaning of section  
19 212(a)(6)(C)(i)) and to be in the United States  
20 in violation of this Act (within the meaning of  
21 subparagraph (B)) if—

22               “(i) the alien obtains any admission to  
23 the United States with an immigrant visa  
24 or other documentation procured on the

1 basis of a permanent partnership entered  
2 into less than 2 years prior to such admis-  
3 sion and which, within 2 years subsequent  
4 to such admission, is terminated because  
5 the criteria for permanent partnership are  
6 no longer fulfilled, unless the alien estab-  
7 lishes to the satisfaction of the Secretary  
8 of Homeland Security that such permanent  
9 partnership was not contracted for the  
10 purpose of evading any provision of the im-  
11 migration laws; or

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

## 23 SEC. 15. REMOVAL PROCEEDINGS.

24 Section 240 (8 U.S.C. 1229a) is amended—

6 SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF  
7 STATUS.

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

21 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—

22 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-

23 ing “or permanent partnership” after “marriage”.

24 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)

25 (8 U.S.C. 1255(e)) is amended—

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

4 “(4)(A) Paragraph (1) and section 204(g) shall not  
5 apply with respect to a permanent partnership if the alien  
6 establishes by clear and convincing evidence to the satis-  
7 faction of the Secretary of Homeland Security that—

8                   “(i) the permanent partnership was entered  
9                   into in good faith and in accordance with section  
10                  101(a)(52);

11                   “(ii) the permanent partnership was not en-  
12                   tered into for the purpose of procuring the alien’s  
13                   admission as an immigrant; and

14                 “(iii) no fee or other consideration was given  
15                 (other than a fee or other consideration to an attorney  
16                 for assistance in preparation of a lawful petition)  
17                 for the filing of a petition under section 204(a)  
18                 or 214(d) with respect to the alien permanent part-  
19                 ner.

20       “(B) The Secretary shall promulgate regulations that  
21 provide for only 1 level of administrative appellate review  
22 for each alien under subparagraph (A).”.

23 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS  
24 PAYING FEE.—Section 245(i)(B) (8) U.S.C.

1 1255(i)(1)(B)) is amended by inserting “, permanent  
2 partner,” after “spouse”.

3 **SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR**  
4 **MISREPRESENTATION AND CONCEALMENT**  
5 **OF FACTS REGARDING PERMANENT PART-**  
6 **NERSHIPS.**

7 Section 275(c) (8 U.S.C. 1325(c)) is amended to read  
8 as follows:

9 “(c) Any individual who knowingly enters into a mar-  
10 riage or permanent partnership for the purpose of evading  
11 any provision of the immigration laws shall be imprisoned  
12 for not more than 5 years, fined not more than \$250,000,  
13 or both.”.

14 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**  
15 **CHARACTER, ATTACHMENT TO THE PRIN-**  
16 **CIPLES OF THE CONSTITUTION.**

17 Section 316(b) (8 U.S.C. 1427(b)) is amended by in-  
18 serting “, permanent partner,” after “spouse”.

19 **SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO**  
20 **PERMANENT PARTNERS OF CERTAIN LIFE**  
21 **ACT BENEFICIARIES.**

22 Section 1504 of the LIFE Act (division B of Public  
23 Law 106-554; 114 Stat. 2763-325) is amended—

24 (1) in the heading, by inserting “, **PERMA-**  
25 **NENT PARTNERS,”** after “**SPOUSES”;**

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

3 (3) in each of subsections (b) and (c)—

4 (A) in the subsection headings, by insert-  
5 ing “, PERMANENT PARTNERS,” after  
6 “SPOUSES”; and

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

## 9 SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

10 (a) IN GENERAL.—The first section of Public Law  
11 89-732 (8 U.S.C. 1255 note) is amended—

12 (1) in the next to last sentence, by inserting “,  
13 permanent partner,” after “spouse” the first 2  
14 places it appears; and

15 (2) in the last sentence, by inserting “, permanent  
16 partners,” after “spouses”.

17 (b) CONFORMING AMENDMENT.—Section  
18 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by  
19 striking “or spouse” and inserting “, spouse, or perma-  
20 nent partner”.

○