

111TH CONGRESS  
1ST SESSION

# H. R. 878

To amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. GINGREY of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DEAL of Georgia, Ms. FALLIN, Mr. GOHMERT, Mr. HARPER, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. LINDER, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. ROE of Tennessee, and Mr. WESTMORELAND) 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 make changes related to family-sponsored immigrants and to reduce the number of such immigrants.

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 “Nuclear Family Pri-  
5 ority Act”.

1 **SEC. 2. CHANGE IN FAMILY-SPONSORED IMMIGRANT CAT-**  
 2 **EGORIES.**

3 Section 203(a) of the Immigration and Nationality  
 4 Act (8 U.S.C. 1153(a)) is amended to read as follows:

5 “(a) PREFERENCE ALLOCATION FOR SPOUSES AND  
 6 CHILDREN OF PERMANENT RESIDENT ALIENS.—Quali-  
 7 fied immigrants who are the spouses or children of an  
 8 alien lawfully admitted for permanent residence shall be  
 9 allotted visas in a number not to exceed the worldwide  
 10 level specified in section 201(c).”.

11 **SEC. 3. CHANGE IN WORLDWIDE LEVEL OF FAMILY-SPON-**  
 12 **SORED IMMIGRANTS.**

13 Section 201(c) of the Immigration and Nationality  
 14 Act (8 U.S.C. 1151(c)) is amended—

15 (1) by amending paragraph (1) to read as follows:

16 “(1) The worldwide level of family-sponsored  
 17 immigrants under this subsection for a fiscal year is  
 18 equal to—

19 “(A) 88,000; minus

20 “(B) the number computed under para-  
 21 graph (2).”;

22 (2) by striking paragraphs (2), (3), and (5);  
 23 and

24 (3) by redesignating paragraph (4) as para-  
 25 graph (2).

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 (a) NUMERICAL LIMITATION TO ANY SINGLE FOR-  
3 EIGN STATE.—Section 202 of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1152) is amended—

5 (1) in subsection (a)(4)—

6 (A) by amending subparagraphs (A) and  
7 (B) to read as follows:

8 “(A) 75 PERCENT OF FAMILY-SPONSORED  
9 IMMIGRANTS NOT SUBJECT TO PER COUNTRY  
10 LIMITATION.—Of the visa numbers made avail-  
11 able under section 203(a) in any fiscal year, 75  
12 percent shall be issued without regard to the  
13 numerical limitation under paragraph (2).

14 “(B) TREATMENT OF REMAINING 25 PER-  
15 CENT FOR COUNTRIES SUBJECT TO SUB-  
16 SECTION (e).—

17 “(i) IN GENERAL.—Of the visa num-  
18 bers made available under section 203(a)  
19 in any fiscal year, the remaining 25 per-  
20 cent shall be available, in the case of a for-  
21 eign state or dependent area that is sub-  
22 ject to subsection (e) only to the extent  
23 that the total number of visas issued in ac-  
24 cordance with subsection (A) to natives of  
25 the foreign state or dependent area is less

1 than the subsection (e) ceiling (as defined  
2 in clause (ii)).

3 “(ii) SUBSECTION (E) CEILING DE-  
4 FINED.—In clause (i), the term ‘subsection  
5 (e) ceiling’ means, for a foreign state or  
6 dependent area, 77 percent of the max-  
7 imum number of visas that may be made  
8 available under section 203(a) to immi-  
9 grants who are natives of the state or area  
10 consistent with subsection (e).”; and

11 (B) by striking subparagraphs (C) and  
12 (D); and  
13 (2) in subsection (e)—

14 (A) in paragraph (1), by adding “and” at  
15 the end;

16 (B) by striking paragraph (2) and redesign-  
17 ating paragraph (3) as paragraph (2); and

18 (C) in the final sentence, by striking “re-  
19 spectively,” and all that follows through the pe-  
20 riod at the end and inserting “respectively.”.

21 (b) RULES FOR DETERMINING WHETHER CERTAIN  
22 ALIENS ARE CHILDREN.—Section 203(h) of the Immigra-  
23 tion and Nationality Act (8 U.S.C. 1153(h)) is amended  
24 by striking “(a)(2)(A)” each place such term appears and  
25 inserting “(a)”.

1 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-  
2 TUS.—Section 204 of the Immigration and Nationality  
3 Act (8 U.S.C. 1154) is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (A)(i), by striking “to  
6 classification by reason of a relationship de-  
7 scribed in paragraph (1), (3), or (4) of section  
8 203(a) or”;

9 (B) in subparagraph (B), by striking  
10 “203(a)(2)(A)” and “203(a)(2)” each place  
11 such terms appear and inserting “203(a)”; and

12 (C) in subparagraph (D)(i)(I), by striking  
13 “a petitioner for preference status under para-  
14 graph (1), (2), or (3)” and all that follows  
15 through the period at the end and inserting “an  
16 individual under 21 years of age for purposes of  
17 adjudicating such petition and for purposes of  
18 admission as an immediate relative under sec-  
19 tion 201(b)(2)(A)(i) or a family-sponsored im-  
20 migrant under section 203(a), as appropriate,  
21 notwithstanding the actual age of the indi-  
22 vidual.”;

23 (2) in subsection (f)(1), by striking “201(b),  
24 203(a)(1), or 203(a)(3), as appropriate.” and insert-  
25 ing “201(b).”; and

1 (3) by striking subsection (k).

2 (d) WAIVERS OF INADMISSIBILITY.—Section  
3 212(d)(11) of the Immigration and Nationality Act (8  
4 U.S.C. 1182(d)(11)) is amended by striking “(other than  
5 paragraph (4) thereof)”.

6 (e) CONDITIONAL PERMANENT RESIDENT STATUS  
7 FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGH-  
8 TERS.—Section 216(g)(1)(C) of the Immigration and Na-  
9 tionality Act (8 U.S.C. 1186a(g)(1)(C)) is amended by  
10 striking “203(a)(2)” and inserting “203(a)”.

11 (f) CLASSES OF DEPORTABLE ALIENS.—Section  
12 237(a)(1)(E)(ii) of the Immigration and Nationality Act  
13 (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking  
14 “203(a)(2)” and inserting “203(a)”.

15 **SEC. 5. EFFECTIVE DATE; APPLICABILITY.**

16 The amendments made by this Act shall take effect  
17 on the first day of the second fiscal year that begins after  
18 the date of the enactment of this Act, except that the fol-  
19 lowing shall be considered invalid:

20 (1) Any petition under section 204 of the Immi-  
21 gration and Nationality Act (8 U.S.C. 1154) seeking  
22 classification of an alien under a family-sponsored  
23 immigrant category eliminated by the amendments  
24 made by this Act that is filed after the date of the  
25 introduction of this Act.

- 1           (2) Any application for an immigrant visa based
- 2           on a petition described in paragraph (1).

