

113TH CONGRESS
1ST SESSION

H. R. 477

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2013

Mr. GINGREY of Georgia (for himself, Mrs. BLACK, Mr. PALAZZO, Mr. JONES, Ms. FOXX, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. BARLETTA, Mr. ROHRABACHER, and Mr. NUNNELEE) introduced the following bill; which was referred to the Committee on the Judiciary

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, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Family Pri-
5 ority Act”.

1 **SEC. 2. IMMEDIATE RELATIVE DEFINITION.**

2 Section 201(b)(2)(A)(i) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

4 (1) by striking “children, spouses, and parents”
5 and inserting “children and spouses”; and

6 (2) by striking “States, except that” and all
7 that follows through “of age.” and inserting
8 “States.”.

9 **SEC. 3. CHANGE IN FAMILY-SPONSORED IMMIGRANT CAT-**
10 **EGORIES.**

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

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

19 **SEC. 4. CHANGE IN WORLDWIDE LEVEL OF FAMILY-SPON-**
20 **SORED IMMIGRANTS.**

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

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

24 “(1) The worldwide level of family-sponsored
25 immigrants under this subsection for a fiscal year is
26 equal to—

1 “(A) 88,000; minus

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

4 (2) by striking paragraphs (2), (3), and (5);

5 and

6 (3) by redesignating paragraph (4) as para-
7 graph (2).

8 **SEC. 5. CONFORMING AMENDMENTS.**

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

12 (1) in subsection (a)(4)—

13 (A) by amending subparagraphs (A) and
14 (B) to read as follows:

15 “(A) 75 PERCENT OF FAMILY-SPONSORED
16 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
17 LIMITATION.—Of the visa numbers made avail-
18 able under section 203(a) in any fiscal year, 75
19 percent shall be issued without regard to the
20 numerical limitation under paragraph (2).

21 “(B) TREATMENT OF REMAINING 25 PER-
22 CENT FOR COUNTRIES SUBJECT TO SUB-
23 SECTION (e).—

24 “(i) IN GENERAL.—Of the visa num-
25 bers made available under section 203(a)

in any fiscal year, the remaining 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subsection (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling (as defined in clause (ii)).

“(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term ‘subsection (e) ceiling’ means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area consistent with subsection (e).”; and

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

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

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

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

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

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

12 (1) in subsection (a)(1)—

13 (A) in subparagraph (A)(i), by striking “to
14 classification by reason of a relationship de-
15 scribed in paragraph (1), (3), or (4) of section
16 203(a) or”;

17 (B) in subparagraph (B), by striking
18 “203(a)(2)(A)” and “203(a)(2)” each place
19 such terms appear and inserting “203(a)”;

20 (C) in subparagraph (D)(i)(I), by striking
21 “a petitioner for preference status under para-
22 graph (1), (2), or (3)” and all that follows
23 through the period at the end and inserting “an
24 individual under 21 years of age for purposes of
25 adjudicating such petition and for purposes of

1 admission as an immediate relative under sec-
2 tion 201(b)(2)(A)(i) or a family-sponsored im-
3 migrant under section 203(a), as appropriate,
4 notwithstanding the actual age of the indi-
5 vidual.”;

6 (2) in subsection (f)(1), by striking “201(b),
7 203(a)(1), or 203(a)(3), as appropriate.” and insert-
8 ing “201(b).”; and

9 (3) by striking subsection (k).

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

14 (e) CONDITIONAL PERMANENT RESIDENT STATUS
15 FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGH-
16 TERS.—Section 216(h)(1)(C) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1186a(h)(1)(C)) is amended by
18 striking “203(a)(2)” and inserting “203(a)”.

19 (f) CLASSES OF DEPORTABLE ALIENS.—Section
20 237(a)(1)(E)(ii) of the Immigration and Nationality Act
21 (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking
22 “203(a)(2)” and inserting “203(a)”.

1 **SEC. 6. NONIMMIGRANT STATUS FOR ALIEN PARENT OF**
2 **ADULT UNITED STATES CITIZENS.**

3 (a) IN GENERAL.—Section 101(a)(15) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1101(a)(15)) is
5 amended—

6 (1) in subparagraph (U), by striking “or” at
7 the end;

8 (2) in subparagraph (V), by striking the period
9 at the end and inserting “or”; and

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

11 “(W) Subject to section 214(s), an alien who is
12 a parent of a citizen of the United States, if the cit-
13 izen is at least 21 years of age.”.

14 (b) CONDITIONS ON ADMISSION.—Section 214 of the
15 Immigration and Nationality Act (8 U.S.C. 1184) is
16 amended by adding at the end the following:

17 “(s)(1) The initial period of authorized admission for
18 a nonimmigrant described in section 101(a)(15)(W) shall
19 be 5 years. Such period may be extended by the Secretary
20 of Homeland Security so long as the United States citizen
21 son or daughter of the nonimmigrant is residing in the
22 United States.

23 “(2) A nonimmigrant described in section
24 101(a)(15)(W) is not authorized to be employed in the
25 United States and is not eligible, notwithstanding any
26 other provision of law, for any Federal, State, or local pub-

1 lic benefit. In the case of such a nonimmigrant, the United
2 States citizen son or daughter shall be responsible for the
3 support of the nonimmigrant, regardless of the resources
4 of the nonimmigrant.

5 “(3) An alien is ineligible to receive a visa and ineli-
6 gible to be admitted into the United States as a non-
7 immigrant described in section 101(a)(15)(W) unless the
8 alien provides satisfactory proof that the United States
9 citizen son or daughter has arranged for the provision to
10 the alien, at no cost to the alien, of health insurance cov-
11 erage applicable during the period of the alien’s presence
12 in the United States.”.

13 **SEC. 7. EFFECTIVE DATE; APPLICABILITY.**

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

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

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

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