

113TH CONGRESS
1ST SESSION

H. R. 717

To amend the Immigration and Nationality Act to promote family unity,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. HONDA (for himself, Mr. GUTIERREZ, Ms. PELOSI, Mr. BECERRA, Mr. CONYERS, Ms. LOFGREN, Ms. CHU, Mr. NADLER, Ms. LEE of California, Mr. GRIJALVA, Mr. ELLISON, Mr. POLIS, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mr. ISRAEL, Ms. CLARKE, Mr. RANGEL, Ms. SCHAKOWSKY, Ms. WILSON of Florida, Mr. HOLT, Mr. FARR, Mr. AL GREEN of Texas, Mr. RUSH, Mr. HASTINGS of Florida, Mr. SIRES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOWENTHAL, Mr. BLUMENAUER, Mr. MORAN, Ms. ESHOO, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. DEUTCH, Mrs. CAPPS, Mr. QUIGLEY, Ms. GABBARD, Mr. POCAN, Ms. PINGREE of Maine, Ms. SINEMA, Mr. CAPUANO, Mr. TAKANO, Ms. MENG, Mr. TONKO, Mr. SABLAN, Ms. CASTOR of Florida, Ms. SPEIER, Mr. CICILLINE, Mr. CÁRDENAS, Mr. CONNOLLY, Mrs. CAROLYN B. MALONEY of New York, Ms. MOORE, Mr. WELCH, Mr. PIERLUISI, Mr. VARGAS, Mr. LANGEVIN, Ms. TSONGAS, Mrs. DAVIS of California, Mr. MARKEY, Mr. VEASEY, Mr. SWALWELL of California, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to promote
family unity, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Reuniting Families Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REDUCING FAMILY-BASED VISA BACKLOGS AND
PROMOTING FAMILY REUNIFICATION**

- Sec. 101. Recapture of immigrant visas lost to bureaucratic delay.
- Sec. 102. Reclassification of spouses and minor children of legal permanent residents as immediate relatives.
- Sec. 103. Country limits.
- Sec. 104. Promoting family unity.
- Sec. 105. Relief for orphans, widows, and widowers.
- Sec. 106. Exemption from immigrant visa limit for certain veterans who are natives of Philippines.
- Sec. 107. Fiancée child status protection.
- Sec. 108. Equal treatment for all stepchildren.
- Sec. 109. Retention of priority dates.

TITLE II—UNITING AMERICAN FAMILIES ACT

- Sec. 201. Definitions of permanent partner and permanent partnership.
- Sec. 202. Definition of child.
- Sec. 203. Worldwide level of immigration.
- Sec. 204. Numerical limitations on individual foreign states.
- Sec. 205. Allocation of immigrant visas.
- Sec. 206. Procedure for granting immigrant status.
- Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 208. Asylum.
- Sec. 209. Adjustment of status of refugees.
- Sec. 210. Inadmissible aliens.
- Sec. 211. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 212. Derivative status for permanent partners of nonimmigrant visa holders.
- Sec. 213. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 214. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 215. Deportable aliens.
- Sec. 216. Removal proceedings.
- Sec. 217. Cancellation of removal; adjustment of status.
- Sec. 218. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 219. Application of criminal penalties for misrepresentation and concealment of facts regarding permanent partnerships.

Sec. 220. Requirements as to residence, good moral character, attachment to the principles of the Constitution.

Sec. 221. Naturalization for permanent partners of citizens.

Sec. 222. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.

Sec. 223. Application to Cuban Adjustment Act.

1 **TITLE I—REDUCING FAMILY-** 2 **BASED VISA BACKLOGS AND** 3 **PROMOTING FAMILY REUNI-** 4 **FICATION**

5 **SEC. 101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-** 6 **REAUCRATIC DELAY.**

7 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
8 MIGRANTS.—Section 201(c) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1151(c)) is amended to read as
10 follows:

11 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
12 IMMIGRANTS.—

13 “(1) IN GENERAL.—Subject to subparagraph
14 (B), the worldwide level of family-sponsored immi-
15 grants under this subsection for a fiscal year is
16 equal to the sum of—

17 “(A) 480,000; and

18 “(B) the sum of—

19 “(i) the number computed under
20 paragraph (2); and

21 “(ii) the number computed under
22 paragraph (3).

1 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
2 FISCAL YEAR.—The number computed under this
3 paragraph for a fiscal year is the difference, if any,
4 between—

5 “(A) the worldwide level of family-spon-
6 sored immigrant visas established for the pre-
7 vious fiscal year; and

8 “(B) the number of visas issued under sec-
9 tion 203(a), subject to this subsection, during
10 the previous fiscal year.

11 “(3) UNUSED VISA NUMBERS FROM FISCAL
12 YEARS 1992 THROUGH 2011.—The number computed
13 under this paragraph is the difference, if any, be-
14 tween—

15 “(A) the difference, if any, between—

16 “(i) the sum of the worldwide levels of
17 family-sponsored immigrant visas estab-
18 lished for fiscal years 1992 through 2011;
19 and

20 “(ii) the number of visas issued under
21 section 203(a), subject to this subsection,
22 during such fiscal years; and

23 “(B) the number of unused visas from fis-
24 cal years 1992 through 2011 that were issued

1 after fiscal year 2011 under section 203(a),
2 subject to this subsection.”.

3 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
4 IMMIGRANTS.—Section 201(d) of the Immigration and
5 Nationality Act (8 U.S.C. 1151(d)) is amended to read
6 as follows:

7 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
8 IMMIGRANTS.—

9 “(1) IN GENERAL.—The worldwide level of em-
10 ployment-based immigrants under this subsection for
11 a fiscal year is equal to the sum of—

12 “(A) 140,000;

13 “(B) the number computed under para-
14 graph (2); and

15 “(C) the number computed under para-
16 graph (3).

17 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
18 FISCAL YEAR.—The number computed under this
19 paragraph for a fiscal year is the difference, if any,
20 between—

21 “(A) the worldwide level of employment-
22 based immigrant visas established for the pre-
23 vious fiscal year; and

1 “(B) the number of visas issued under sec-
2 tion 203(b), subject to this subsection, during
3 the previous fiscal year.

4 “(3) UNUSED VISA NUMBERS FROM FISCAL
5 YEARS 1992 THROUGH 2011.—The number computed
6 under this paragraph is the difference, if any, be-
7 tween—

8 “(A) the difference, if any, between—

9 “(i) the sum of the worldwide levels of
10 employment-based immigrant visas estab-
11 lished for each of fiscal years 1992
12 through 2011; and

13 “(ii) the number of visas issued under
14 section 203(b), subject to this subsection,
15 during such fiscal years; and

16 “(B) the number of unused visas from fis-
17 cal years 1992 through 2011 that were issued
18 after fiscal year 2011 under section 203(b),
19 subject to this subsection.”.

20 (c) Section 201(b) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1151(b)) is amended by adding at the
22 end the following:

23 “(3)(A) Aliens who are beneficiaries (including
24 derivative beneficiaries) of approved immigrant peti-
25 tions bearing priority dates more than ten years

1 prior to the alien’s application for admission as an
 2 immigrant or adjustment of status.

3 “(B) Aliens described in section 203(d) whose
 4 spouse or parent is entitled to an immigrant status
 5 under 203(b).”.

6 (d) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on the date which is 60 days
 8 after the date of the enactment of this Act.

9 **SEC. 102. RECLASSIFICATION OF SPOUSES AND MINOR**
 10 **CHILDREN OF LEGAL PERMANENT RESI-**
 11 **DENTS AS IMMEDIATE RELATIVES.**

12 (a) IN GENERAL.—Section 201(b)(2) of the Immi-
 13 gration and Nationality Act (8 U.S.C. 1151(b)(2)) is
 14 amended to read as follows:

15 “(2) IMMEDIATE RELATIVE.—

16 “(A) IN GENERAL.—

17 “(i) IMMEDIATE RELATIVE DE-
 18 FINED.—In this subparagraph, the term
 19 ‘immediate relative’ means a child, spouse,
 20 or parent of a citizen of the United States
 21 or a child or spouse of a lawful permanent
 22 resident (and for each family member of a
 23 citizen or lawful permanent resident under
 24 this subparagraph, such individual’s spouse
 25 or child who is accompanying or following

1 to join the individual), except that, in the
2 case of parents, such citizens shall be at
3 least 21 years of age.

4 “(ii) PREVIOUSLY ISSUED VISA.—
5 Aliens admitted under section 211(a) on
6 the basis of a prior issuance of a visa
7 under section 203(a) to their accom-
8 panying parent who is an immediate rel-
9 ative.

10 “(iii) PARENTS AND CHILDREN.—An
11 alien who was the child or parent of a cit-
12 izen of the United States or a child of a
13 lawful permanent resident at the time of
14 the citizen’s or resident’s death if the alien
15 files a petition under 204(a)(1)(A)(ii) with-
16 in 2 years after such date or prior to
17 reaching 21 years of age.

18 “(iv) SPOUSE.—An alien who was the
19 spouse of a citizen of the United States or
20 lawful permanent resident for not less than
21 2 years at the time of the citizen’s or resi-
22 dent’s death or, if married for less than 2
23 years at the time of the citizen’s or resi-
24 dent’s death, proves by a preponderance of
25 the evidence that the marriage was entered

1 into in good faith and not solely for the
2 purpose of obtaining an immigration ben-
3 efit and was not legally separated from the
4 citizen or resident at the time of the citi-
5 zen's or resident's death, and each child of
6 such alien, shall be considered, for pur-
7 poses of this subsection, an immediate rel-
8 ative after the date of the citizen's or resi-
9 dent's death if the spouse files a petition
10 under section 204(a)(1)(A)(ii) before the
11 date on which the spouse remarries.

12 “(v) SPECIAL RULE.—For purposes of
13 this subparagraph, an alien who has filed
14 a petition under clause (iii) or (iv) of sec-
15 tion 204(a)(1)(A) remains an immediate
16 relative if the United States citizen or law-
17 ful permanent resident spouse or parent
18 loses United States citizenship or residence
19 on account of the abuse.

20 “(B) BIRTH DURING TEMPORARY VISIT
21 ABROAD.—Aliens born to an alien lawfully ad-
22 mitted for permanent residence during a tem-
23 porary visit abroad.”.

1 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
2 203(a) of the Immigration and Nationality Act (8 U.S.C.
3 1153(a)) is amended—

4 (1) in paragraph (1), by striking “23,400” and
5 inserting “127,200”;

6 (2) by striking paragraph (2) and inserting the
7 following:

8 “(2) UNMARRIED SONS AND UNMARRIED
9 DAUGHTERS OF PERMANENT RESIDENT ALIENS.—
10 Qualified immigrants who are the unmarried sons or
11 unmarried daughters (but are not the children) of
12 an alien lawfully admitted for permanent residence
13 shall be allocated visas in a number not to exceed
14 80,640, plus any visas not required for the class
15 specified in paragraph (1).”;

16 (3) in paragraph (3), by striking “23,400” and
17 inserting “80,640”; and

18 (4) in paragraph (4), by striking “65,000” and
19 inserting “191,520”.

20 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) RULES FOR DETERMINING WHETHER CER-
22 TAIN ALIENS ARE IMMEDIATE RELATIVES.—Section
23 201(f) of the Immigration and Nationality Act (8
24 U.S.C. 1151(f)) is amended—

1 (A) in paragraph (1), by striking “para-
2 graphs (2) and (3),” and inserting “paragraph
3 (2),”;

4 (B) by striking paragraph (2);

5 (C) by redesignating paragraphs (3) and
6 (4) as paragraphs (2) and (3), respectively; and

7 (D) in paragraph (3), as redesignated by
8 subparagraph (C), by striking “through (3)”
9 and inserting “and (2)”.

10 (2) NUMERICAL LIMITATION TO ANY SINGLE
11 FOREIGN STATE.—Section 202 of the Immigration
12 and Nationality Act (8 U.S.C. 1152) is amended—

13 (A) in subsection (a)(4)—

14 (i) by striking subparagraphs (A) and
15 (B);

16 (ii) by redesignating subparagraphs
17 (C) and (D) as subparagraphs (A) and
18 (B), respectively; and

19 (iii) in subparagraph (A), as redesign-
20 nated by clause (ii), by striking “section
21 203(a)(2)(B)” and inserting “section
22 203(a)(2)”;

23 (B) in subsection (e), in the flush matter
24 following paragraph (3), by striking “, or as
25 limiting the number of visas that may be issued

1 under section 203(a)(2)(A) pursuant to sub-
2 section (a)(4)(A)’’.

3 (3) ALLOCATION OF IMMIGRATION VISAS.—Sec-
4 tion 203(h) of the Immigration and Nationality Act
5 (8 U.S.C. 1153(h)) is amended—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “subsections
9 (a)(2)(A) and (d)” and inserting “sub-
10 section (d)”;

11 (ii) in subparagraph (A), by striking
12 “becomes available for such alien (or, in
13 the case of subsection (d), the date on
14 which an immigrant visa number became
15 available for the alien’s parent),” and in-
16 serting “became available for the alien’s
17 parent,”; and

18 (iii) in subparagraph (B), by striking
19 “applicable”;

20 (B) by amending paragraph (2) to read as
21 follows:

22 “(2) PETITIONS DESCRIBED.—The petition de-
23 scribed in this paragraph is a petition filed under
24 section 204 for classification of the alien’s parent
25 under subsection (a), (b), or (c).”; and

1 (C) in paragraph (3), by striking “sub-
 2 sections (a)(2)(A) and (d)” and inserting “sub-
 3 section (d)”.

4 (4) PROCEDURE FOR GRANTING IMMIGRANT
 5 STATUS.—Section 204 of the Immigration and Na-
 6 tionality Act (8 U.S.C. 1154) is amended—

7 (A) in subsection (a)(1)—

8 (i) in subparagraph (A)—

9 (I) in clause (i), by inserting “or
 10 lawful permanent resident” after “cit-
 11 izen”;

12 (II) in clause (ii), by striking
 13 “described in the second sentence of
 14 section 201(b)(2)(A)(i) also” and in-
 15 serting “, alien child, or alien parent
 16 described in section 201(b)(2)(A)”;

17 (III) in clause (iii)—

18 (aa) in subclause (I)(aa), by
 19 inserting “or legal permanent
 20 resident” after “citizen”; and

21 (bb) in subclause (II)(aa)—

22 (AA) in subitems (AA)
 23 and (BB), by inserting “or
 24 legal permanent resident;”

1 after “citizen” each place
2 that term appears;
3 (BB) in subitem (CC),
4 by inserting “or legal per-
5 manent resident” after “cit-
6 izen” each place that term
7 appears; and
8 (CC) in subitem
9 (CC)(bbb), by inserting “or
10 legal permanent resident”
11 after “citizenship”;
12 (IV) in clause (iv), by inserting
13 “or legal permanent resident” after
14 “citizen” each place that term ap-
15 pears;
16 (V) in clause (v)(I), by inserting
17 “or legal permanent resident” after
18 “citizen”; and
19 (VI) in clause (vi)—
20 (aa) by inserting “or legal
21 permanent resident status” after
22 “renunciation of citizenship”;
23 and

1 (bb) by inserting “or legal
2 permanent resident” after “abus-
3 er’s citizenship”;

4 (ii) by striking subparagraph (B);

5 (iii) in subparagraph (C), by striking
6 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
7 (B)(iii)” and inserting “clause (iii) or (iv)
8 of subparagraph (A)”; and

9 (iv) in subparagraph (J), by striking
10 “or clause (ii) or (iii) of subparagraph
11 (B)”;

12 (B) in subsection (a), by striking para-
13 graph (2);

14 (C) in subsection (c)(1), by striking “or
15 preference status”; and

16 (D) in subsection (h), by striking “or a pe-
17 tition filed under subsection (a)(1)(B)(ii)”.

18 **SEC. 103. COUNTRY LIMITS.**

19 Section 202(a)(2) of the Immigration and Nationality
20 Act (8 U.S.C. 1152(a)(2)) is amended by striking “7 per-
21 cent (in the case of a single foreign state) or 2 percent”
22 and inserting “15 percent (in the case of a single foreign
23 state) or 5 percent”.

1 **SEC. 104. PROMOTING FAMILY UNITY.**

2 (a) ALIENS PREVIOUSLY REMOVED.—Section
3 212(a)(9) of the Immigration and Nationality Act (8
4 U.S.C. 1182(a)(9)) is amended—

5 (1) in subparagraph (B)—

6 (A) in clause (iii)—

7 (i) in subclause (I), by striking “18
8 years of age” and inserting “21 years of
9 age”;

10 (ii) by moving subclause (V) 4 ems to
11 the right; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(VI) Clause (i) shall not apply
15 to an alien for whom an immigrant
16 visa is available or was available on or
17 before the date of the enactment of
18 the Reuniting Families Act, and is
19 otherwise admissible to the United
20 States for permanent residence.”; and

21 (B) in clause (v)—

22 (i) by striking “spouse or son or
23 daughter” and inserting “spouse, son,
24 daughter, or parent”;

25 (ii) by striking “extreme”;

1 (iii) by inserting “, son, daughter, or”
2 after “lawfully resident spouse”; and

3 (iv) by striking “alien.” and inserting
4 “alien or, if the Secretary of Homeland Se-
5 curity determines that a waiver is nec-
6 essary for humanitarian purposes, to en-
7 sure family unity or is otherwise in the
8 public interest.”; and

9 (2) in subparagraph (C)—

10 (A) by amending clause (ii) to read as fol-
11 lows:

12 “(ii) EXCEPTIONS.—Clause (i) shall
13 not apply to an alien—

14 “(I) seeking admission more than
15 10 years after the date of the alien’s
16 last departure from the United States
17 if, prior to the alien’s reembarkation
18 at a place outside the United States
19 or attempt to be readmitted from a
20 foreign contiguous territory, the Sec-
21 retary of Homeland Security has con-
22 sented to the alien’s reapplication for
23 admission; or

24 “(II) for whom an immigrant
25 visa is available or was available on or

1 before the date of the enactment of
2 the Reuniting Families Act.”;

3 (B) by redesignating clause (iii) as clause
4 (iv); and

5 (C) by inserting after clause (ii) the fol-
6 lowing:

7 “(iii) For purposes of determining
8 whether an alien has accumulated an ag-
9 gregate period of more than 1 year of un-
10 lawful presence under clause (i), the same
11 rules of unlawful presence construction
12 under section 212(a)(9)(B)(ii) and the ex-
13 ceptions under section 212(a)(9)(B)(iii)
14 shall apply.”.

15 (b) MISREPRESENTATIONS.—The Immigration and
16 Nationality Act (8 U.S.C. 1101 et seq.) is amended—

17 (1) by amending section 212(a)(6)(C)(ii) (8
18 U.S.C. 1182(a)(6)(C)(ii)) to read as follows:

19 “(ii) MISREPRESENTATION OF CITI-
20 ZENSHIP.—

21 “(I) IN GENERAL.—Any alien
22 who willfully misrepresents, or has
23 willfully misrepresented, himself or
24 herself to be a citizen of the United
25 States for any purpose or benefit

1 under this Act (including section
2 274A) or any Federal or State law is
3 inadmissible.

4 “(II) EXCEPTION.—In the case
5 of an alien making a misrepresenta-
6 tion described in subclause (I), if the
7 alien was under the age of 21 at the
8 time of making such misrepresenta-
9 tion that he or she was a citizen, the
10 alien shall not be considered to be in-
11 admissible under any provision of this
12 subsection based on such misrepresen-
13 tation.”;

14 (2) in section 212(a)(6)(C)(iii) (8 U.S.C.
15 1182(a)(6)(C)(iii)), by striking “of clause (i)”;

16 (3) by amending subsection (i)(1) of section
17 212 (8 U.S.C. 1182(i)(1)) to read as follows:

18 “(i)(1) The Attorney General or the Secretary of
19 Homeland Security may, in the discretion of the Attorney
20 General or the Secretary, waive the application of sub-
21 section (a)(6)(C) in the case of an immigrant who is the
22 parent, spouse, son, or daughter of a United States citizen
23 or of an alien lawfully admitted for permanent residence,
24 or an alien granted classification under clause (iii) or (iv)
25 of section 204(a)(1)(A), if it is established to the satisfac-

1 tion of the Attorney General or the Secretary that the ad-
 2 mission to the United States of such alien would not be
 3 contrary to the national welfare, safety, or security of the
 4 United States.”; and

5 (4) by amending section 237(a)(3)(D) (8
 6 U.S.C. 1227(a)(3)(D)) to read as follows:

7 “(D) MISREPRESENTATION OF CITIZEN-
 8 SHIP.—

9 “(i) IN GENERAL.—Any alien who
 10 willfully misrepresents, or has willfully mis-
 11 represented, himself to be a citizen of the
 12 United States for any purpose or benefit
 13 under this Act (including section 274A) or
 14 any Federal or State law is deportable.

15 “(ii) EXCEPTION.—In the case of an
 16 alien making a misrepresentation described
 17 in subclause (i), if the alien was under the
 18 age of 21 at the time of making such mis-
 19 representation that he or she was a citizen,
 20 the alien shall not be considered to be de-
 21 portable under any provision of this sub-
 22 section based on such misrepresentation.”.

23 **SEC. 105. RELIEF FOR ORPHANS, WIDOWS, AND WIDOWERS.**

24 (a) IN GENERAL.—

1 (1) SPECIAL RULE FOR ORPHANS AND
2 SPOUSES.—In applying clauses (iii) and (iv) of sec-
3 tion 201(b)(2)(A) of the Immigration and Nation-
4 ality Act, as added by section 102(a) of this Act, to
5 an alien whose citizen or lawful permanent resident
6 relative died before the date of the enactment of this
7 Act, the alien relative may file the classification peti-
8 tion under section 204(a)(1)(A)(ii) of such Act, as
9 amended by section 102(c)(4)(A)(i)(II) of this Act,
10 not later than 2 years after the date of the enact-
11 ment of this Act.

12 (2) ELIGIBILITY FOR PAROLE.—If an alien was
13 excluded, deported, removed, or departed voluntarily
14 before the date of the enactment of this Act based
15 solely upon the alien’s lack of classification as an
16 immediate relative (as defined in section
17 201(b)(2)(A)(iv) of the Immigration and Nationality
18 Act, as amended by section 102(a) of this Act) due
19 to the death of such citizen or resident—

20 (A) such alien shall be eligible for parole
21 into the United States pursuant to the Sec-
22 retary of Homeland Security’s discretionary au-
23 thority under section 212(d)(5) of such Act (8
24 U.S.C. 1182(d)(5)); and

1 (B) such alien’s application for adjustment
2 of status shall be considered notwithstanding
3 section 212(a)(9) of such Act (8 U.S.C.
4 1182(a)(9)).

5 (3) ELIGIBILITY FOR PAROLE.—If an alien de-
6 scribed in section 204(l) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1154(l)), was excluded, de-
8 ported, removed, or departed voluntarily before the
9 date of the enactment of this Act—

10 (A) such alien shall be eligible for parole
11 into the United States pursuant to the Sec-
12 retary of Homeland Security’s discretionary au-
13 thority under section 212(d)(5) of such Act (8
14 U.S.C. 1182(d)(5)); and

15 (B) such alien’s application for adjustment
16 of status shall be considered notwithstanding
17 section 212(a)(9) of such Act (8 U.S.C.
18 1182(a)(9)).

19 (b) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
20 TIVE PETITIONS.—

21 (1) IN GENERAL.—Section 204(b) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1154(b)) is
23 amended—

24 (A) by striking “After an investigation”
25 and inserting the following:

1 “(1) IN GENERAL.—After an investigation”;
2 and

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

4 “(2) DEATH OF QUALIFYING RELATIVE.—

5 “(A) IN GENERAL.—Any alien described in
6 subparagraph (B) whose qualifying relative died
7 before the completion of immigrant visa proc-
8 essing may have an immigrant visa application
9 adjudicated as if such death had not occurred.
10 An immigrant visa issued before the death of
11 the qualifying relative shall remain valid after
12 such death.

13 “(B) ALIEN DESCRIBED.—An alien de-
14 scribed in this subparagraph is an alien who—

15 “(i) is an immediate relative (as de-
16 scribed in section 201(b)(2)(A));

17 “(ii) is a family-sponsored immigrant
18 (as described in subsection (a) or (d) of
19 section 203);

20 “(iii) is a derivative beneficiary of an
21 employment-based immigrant under section
22 203(b) (as described in section 203(d)); or

23 “(iv) is the spouse or child of a ref-
24 ugee (as described in section 207(c)(2)) or

1 an asylee (as described in section
2 208(b)(3)).”.

3 (2) TRANSITION PERIOD.—

4 (A) IN GENERAL.—Notwithstanding a de-
5 nial or revocation of an application for an immi-
6 grant visa for an alien whose qualifying relative
7 died before the date of the enactment of this
8 Act, such application may be renewed by the
9 alien through a motion to reopen, without fee.

10 (B) INAPPLICABILITY OF BARS TO
11 ENTRY.—Notwithstanding section 212(a)(9) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1182(a)(9)), an alien’s application for an immi-
14 grant visa shall be considered if the alien was
15 excluded, deported, removed, or departed volun-
16 tarily before the date of the enactment of this
17 Act.

18 (c) NATURALIZATION.—Section 319(a) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
20 ed by inserting “(or, if the spouse is deceased, the spouse
21 was a citizen of the United States)” after “citizen of the
22 United States”.

23 (d) WAIVERS OF INADMISSIBILITY.—Section 212 of
24 the Immigration and Nationality Act (8 U.S.C. 1182) is
25 amended—

1 (1) by redesignating the second subsection (t)
2 as subsection (u); and

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

4 “(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS,
5 WIDOWERS, AND ORPHANS.—In the case of an alien who
6 would have been statutorily eligible for any waiver of inad-
7 missibility under this Act but for the death of a qualifying
8 relative, the eligibility of such alien shall be preserved as
9 if the death had not occurred and the death of the quali-
10 fying relative shall be the functional equivalent of hardship
11 for purposes of any waiver of inadmissibility which re-
12 quires a showing of hardship.”.

13 (e) SURVIVING RELATIVE CONSIDERATION FOR CER-
14 TAIN PETITIONS AND APPLICATIONS.—Section 204(l)(1)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1154(l)(1)) is amended—

17 (1) by striking “who resided in the United
18 States at the time of the death of the qualifying rel-
19 ative and who continues to reside in the United
20 States”; and

21 (2) by striking “any related applications,” and
22 inserting “any related applications (including affida-
23 vits of support),”.

24 (f) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i)
25 of the Immigration and Nationality Act (8 U.S.C.

1 1151(b)(2)(A)(i)) is amended by striking “within 2 years
2 after such date”.

3 (g) FAMILY-SPONSORED IMMIGRANTS.—Section
4 212(a)(4)(C)(i) is amended—

5 (1) in subclause (I), by striking “, or” and in-
6 serting a semicolon;

7 (2) in subclause (II), by striking “or” at the
8 end; and

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

10 “(IV) the status as a surviving
11 relative under 204(l); or”.

12 **SEC. 106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
13 **CERTAIN VETERANS WHO ARE NATIVES OF**
14 **PHILIPPINES.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “Filipino Veterans Family Reunification Act”.

17 (b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL
18 LIMITATIONS.—Section 201(b)(1) of the Immigration and
19 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-
20 ing at the end the following:

21 “(F) Aliens who are eligible for an immigrant
22 visa under paragraph (1) or (3) of section 203(a)
23 and who have a parent who was naturalized pursu-
24 ant to section 405 of the Immigration Act of 1990
25 (8 U.S.C. 1440 note).”.

1 **SEC. 107. FIANCÉE CHILD STATUS PROTECTION.**

2 (a) DEFINITION.—Section 101(a)(15)(K)(iii) of the
3 Immigration and Nationality Act (8 U.S.C.
4 1101(a)(15)(K)(iii)) is amended by inserting “, provided
5 that a determination of the age of such minor child is
6 made using the age of the alien on the date on which the
7 petition is filed with the Secretary of Homeland Security
8 to classify the alien’s parent as the fiancée or fiancé of
9 a United States citizen (in the case of an alien parent de-
10 scribed in clause (i)) or as the spouse of a United States
11 citizen under section 201(b)(2)(A)(i) (in the case of an
12 alien parent described in clause (ii));” before the semicolon
13 at the end.

14 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
15 214(d) of the Immigration and Nationality Act (8 U.S.C.
16 1184(d)(1)) is amended—

17 (1) by redesignating paragraphs (2) and (3) as
18 paragraphs (3) and (4), respectively; and

19 (2) in paragraph (1), by striking “In the event”
20 and inserting the following:

21 “(2)(A) If an alien does not marry the petitioner
22 under paragraph (1) within 3 months after the alien and
23 the alien’s minor children are admitted into the United
24 States, such alien and children shall be required to depart
25 from the United States. If such aliens fail to depart from

1 the United States, they shall be removed in accordance
2 with sections 240 and 241.

3 “(B) Subject to subparagraphs (C) and (D), if an
4 alien marries the petitioner described in section
5 101(a)(15)(K)(i) within 3 months after the alien is admit-
6 ted into the United States, the Secretary of Homeland Se-
7 curity or the Attorney General, subject to the provisions
8 of section 245(d), may adjust the status of the alien, and
9 any minor children accompanying or following to join the
10 alien, to that of an alien lawfully admitted for permanent
11 residence on a conditional basis under section 216 if the
12 alien and any such minor children apply for such adjust-
13 ment and are not determined to be inadmissible to the
14 United States.

15 “(C) Paragraphs (5) and (7)(A) of section 212(a)
16 shall not apply to an alien who is eligible to apply for ad-
17 justment of his or her status to an alien lawfully admitted
18 for permanent residence under this section.

19 “(D) An alien eligible for a waiver of inadmissibility
20 as otherwise authorized under this Act shall be permitted
21 to apply for adjustment of his or her status to that of
22 an alien lawfully admitted for permanent residence under
23 this section.”.

1 (c) AGE DETERMINATION.—Section 245(d) of the
2 Immigration and Nationality Act (8 U.S.C. 1155(d)) is
3 amended—

4 (1) by inserting “(1)” before “The Attorney
5 General”; and

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

7 “(2) A determination of the age of an alien admitted
8 to the United States under section 101(a)(15)(K)(iii) shall
9 be made, for purposes of adjustment to the status of an
10 alien lawfully admitted for permanent residence on a con-
11 ditional basis under section 216, using the age of the alien
12 on the date on which the petition is filed with the Sec-
13 retary of Homeland Security to classify the alien’s parent
14 as the fiancée or fiancé of a United States citizen (in the
15 case of an alien parent admitted to the United States
16 under section 101(a)(15)(K)(i)) or as the spouse of a
17 United States citizen under section 201(b)(2)(A)(i) (in the
18 case of an alien parent admitted to the United States
19 under section 101(a)(15)(K)(ii)).”.

20 (d) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 this section shall be effective as if included in the
23 Immigration Marriage Fraud Amendments of 1986
24 (Public Law 99–639).

1 (2) APPLICABILITY.—The amendments made
2 by this section shall apply to all petitions or applica-
3 tions described in such amendments that—

4 (A) are pending as of the date of the en-
5 actment of this Act; or

6 (B) have been denied, but would have been
7 approved if such amendments had been in effect
8 at the time of adjudication of the petition or
9 application.

10 (3) MOTION TO REOPEN OR RECONSIDER.—A
11 motion to reopen or reconsider a petition or applica-
12 tion described in paragraph (2)(B) shall be granted
13 if such motion is filed with the Secretary of Home-
14 land Security or the Attorney General not later than
15 2 years after the date of the enactment of this Act.

16 **SEC. 108. EQUAL TREATMENT FOR ALL STEPCHILDREN.**

17 Section 101(b)(1)(B) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1101(b)(1)(B)) is amended by striking
19 “, provided the child had not reached the age of eighteen
20 years at the time the marriage creating the status of step-
21 child occurred”.

22 **SEC. 109. RETENTION OF PRIORITY DATES.**

23 Section 203 of the Immigration and Nationality Act
24 (8 U.S.C. 1153) is amended—

1 (1) by amending subsection (h)(3) to read as
2 follows:

3 “(3) RETENTION OF PRIORITY DATE.—If the
4 age of an alien is determined under paragraph (1)
5 to be 21 years of age or older for the purposes of
6 subsections (a)(2)(A) and (d), and a parent of the
7 alien files a family-based petition for such alien, the
8 priority date for such petition shall be the original
9 priority date issued upon receipt of the original
10 family- or employment-based petition for which ei-
11 ther parent was a beneficiary.”; and

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

13 “(i) PERMANENT PRIORITY DATES.—The priority
14 date for any family- or employment-based petition shall
15 be the date of filing of the petition with the Secretary of
16 Homeland Security (or the Secretary of State, if applica-
17 ble), unless the filing of the petition was preceded by the
18 filing of a labor certification with the Secretary of Labor,
19 in which case that date shall constitute the priority date.
20 The beneficiary of any petition shall retain his or her ear-
21 liest priority date based on any petition filed on his or
22 her behalf that was approvable when filed, regardless of
23 the category of subsequent petitions.”.

1 **TITLE II—UNITING AMERICAN**
2 **FAMILIES ACT**

3 **SEC. 201. DEFINITIONS OF PERMANENT PARTNER AND**
4 **PERMANENT PARTNERSHIP.**

5 Section 101(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)) is amended—

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

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

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

12 “(A) is in a committed, intimate relation-
13 ship with another individual 18 years of age or
14 older in which both parties intend a lifelong
15 commitment;

16 “(B) is financially interdependent with
17 that other individual;

18 “(C) is not married to or in a permanent
19 partnership with anyone other than that other
20 individual;

21 “(D) is unable to contract with that other
22 individual a marriage cognizable under this Act;
23 and

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

1 “(53) The term ‘permanent partnership’ means
2 the relationship that exists between two permanent
3 partners.

4 “(54) The term ‘alien permanent partner’
5 means the individual in a permanent partnership
6 who is being sponsored for a visa”.

7 **SEC. 202. DEFINITION OF CHILD.**

8 (a) TITLES I AND II.—Section 101(b)(1) of the Im-
9 migration and Nationality Act (8 U.S.C. 1101(b)(1)) is
10 amended by adding at the end the following:

11 “(H)(i) a biological child of an alien permanent
12 partner if the child was under the age of 18 at the
13 time the permanent partnership was formed; or

14 “(ii) a child adopted by an alien permanent
15 partner while under the age of 16 years if the child
16 has been in the legal custody of, and has resided
17 with, such adoptive parent for at least 2 years and
18 if the child was under the age of 18 at the time the
19 permanent partnership was formed.”.

20 (b) TITLE III.—Section 101(c) of the Immigration
21 and Nationality Act (8 U.S.C. 1101(c)) is amended—

22 (1) in paragraph (1), by inserting “or as de-
23 scribed in subsection (b)(1)(H)” after “The term
24 ‘child’ means an unmarried person under twenty-one
25 years of age”; and

1 (2) in paragraph (2), by inserting “or a de-
 2 ceased permanent partner of the deceased parent,
 3 father, or mother,” after “deceased parent, father,
 4 and mother”.

5 **SEC. 203. WORLDWIDE LEVEL OF IMMIGRATION.**

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

8 (1) by inserting “permanent partners,” after
 9 “spouses,”;

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

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

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

19 **SEC. 204. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
 20 **EIGN STATES.**

21 (a) PER COUNTRY LEVELS.—Section 202(a)(4) of
 22 the Immigration and Nationality Act (8 U.S.C.
 23 1152(a)(4)) is amended—

24 (1) in the heading, by inserting “, PERMANENT
 25 PARTNERS,” after “SPOUSES”;

1 (2) in the heading of subparagraph (A), by in-
 2 serting “, PERMANENT PARTNERS,” after
 3 “SPOUSES”; and

4 (3) in the heading of subparagraph (C), by
 5 striking “AND DAUGHTERS” inserting “WITHOUT
 6 PERMANENT PARTNERS AND UNMARRIED DAUGH-
 7 TERS WITHOUT PERMANENT PARTNERS”.

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

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

12 (2) by inserting “or permanent partners” after
 13 “husband and wife”.

14 **SEC. 205. ALLOCATION OF IMMIGRANT VISAS.**

15 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
 16 BERS OF PERMANENT RESIDENT ALIENS.—Section
 17 203(a)(2) of the Immigration and Nationality Act (8
 18 U.S.C. 1153(a)(2)) is amended—

19 (1) in the heading—

20 (A) by striking “AND” after “SPOUSES”
 21 and inserting “, PERMANENT PARTNERS,”; and

22 (B) by inserting “WITHOUT PERMANENT
 23 PARTNERS” after “SONS” and after “DAUGH-
 24 TERS”;

1 (2) in subparagraph (A), by inserting “, perma-
2 nent partners,” after “spouses”; and

3 (3) in subparagraph (B), by inserting “without
4 permanent partners” after “sons” and after “daugh-
5 ters”.

6 (b) PREFERENCE ALLOCATION FOR SONS AND
7 DAUGHTERS OF CITIZENS.—Section 203(a)(3) of such
8 Act (8 U.S.C. 1153(a)(3)) is amended—

9 (1) in the heading, by inserting “AND DAUGH-
10 TERS AND SONS WITH PERMANENT PARTNERS” after
11 “DAUGHTERS”; and

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

14 (c) EMPLOYMENT CREATION.—Section
15 203(b)(5)(A)(ii) of such Act (8 U.S.C. 1153(b)(5)(A)(ii))
16 is amended by inserting “permanent partner,” after
17 “spouse,”.

18 (d) TREATMENT OF FAMILY MEMBERS.—Section
19 203(d) of such Act (8 U.S.C. 1153(d)) is amended—

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

22 (2) by striking “or (E)” and inserting “(E), or
23 (H)”.

1 **SEC. 206. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

2 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1154(a)(1)) is amended—

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

7 (2) in subparagraph (A)(iii)—

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

10 (B) in subclause (I), by inserting “or per-
11 manent partnership” after “marriage” each
12 place it appears;

13 (3) in subparagraph (A)(v)(I), by inserting
14 “permanent partner,” after “is the spouse,”;

15 (4) in subparagraph (A)(vi)—

16 (A) by inserting “or termination of the
17 permanent partnership” after “divorce”; and

18 (B) by inserting “, permanent partner,”
19 after “spouse”; and

20 (5) in subparagraph (B)—

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

23 (B) by inserting “or permanent partner-
24 ship” after “marriage” in clause (ii)(I)(aa) and
25 the first place it appears in clause (ii)(I)(bb);
26 and

1 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
 2 serting “(or the termination of the permanent
 3 partnership)” after “termination of the mar-
 4 riage”.

5 (b) IMMIGRATION FRAUD PREVENTION.—Section
 6 204(c) of such Act (8 U.S.C. 1154(c)) is amended—

7 (1) by inserting “or permanent partner” after
 8 “spouse” each place it appears; and

9 (2) by inserting “or permanent partnership”
 10 after “marriage” each place it appears.

11 (c) RESTRICTIONS ON PETITIONS BASED ON MAR-
 12 RIAGES ENTERED WHILE IN EXCLUSION OR DEPORTA-
 13 TION PROCEEDINGS.—Section 204(g) of such Act (8
 14 U.S.C. 1154(g)) is amended by inserting “or permanent
 15 partnership” after “marriage” each place it appears.

16 (d) SURVIVAL OF RIGHTS TO PETITION.—Section
 17 204(h) of such Act (8 U.S.C. 1154(h)) is amended—

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

20 (2) by inserting “or formation of a new perma-
 21 nent partnership” after “Remarriage”.

22 **SEC. 207. ANNUAL ADMISSION OF REFUGEES AND ADMIS-**
 23 **SION OF EMERGENCY SITUATION REFUGEES.**

24 Section 207(c) of the Immigration and Nationality
 25 Act (8 U.S.C. 1157(c)) is amended—

1 (1) in paragraph (2)—

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

4 (B) by inserting “or permanent partner’s”
5 after “spouse’s”; and

6 (C) in subparagraph (A)—

7 (i) by striking “or” after “(D),”; and

8 (ii) by inserting “, or (H)” after
9 “(E)”; and

10 (2) in paragraph (4), by inserting “or perma-
11 nent partner” after “spouse”.

12 **SEC. 208. ASYLUM.**

13 Section 208(b)(3) of the Immigration and Nationality
14 Act (8 U.S.C. 1158(b)(3)) is amended—

15 (1) in the paragraph heading, by inserting “OR
16 PERMANENT PARTNER” after “SPOUSE”;

17 (2) in subparagraph (A)—

18 (A) by inserting “or permanent partner”
19 after “spouse”;

20 (B) by striking “or” after “(D),”; and

21 (C) by inserting “, or (H)” after “(E)”.

22 **SEC. 209. ADJUSTMENT OF STATUS OF REFUGEES.**

23 Section 209(b)(3) of the Immigration and Nationality
24 Act (8 U.S.C. 1159(b)(3)) is amended by inserting “or

25 permanent partner” after “spouse”.

1 **SEC. 210. INADMISSIBLE ALIENS.**

2 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
3 ADMISSION.—Section 212(a) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1182(a)) is amended—

5 (1) in paragraph (3)(D)(iv), by inserting “per-
6 manent partner,” after “spouse,”;

7 (2) in paragraph (4)(C)(I)(I), by inserting “,
8 permanent partner,” after “spouse”;

9 (3) in paragraph (6)(E)(ii), by inserting “per-
10 manent partner,” after “spouse,”; and

11 (4) in paragraph (9)(B)(v), by inserting “, per-
12 manent partner,” after “spouse”.

13 (b) WAIVERS.—Section 212(d) of such Act (8 U.S.C.
14 1182(d)) is amended—

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

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

19 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
20 LATED GROUNDS.—Section 212(g)(1)(A) of such Act (8
21 U.S.C. 1182(g)(1)(A)) is amended by inserting “or per-
22 manent partner” after “spouse”.

23 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
24 RELATED GROUNDS.—Section 212(h)(1)(B) of such Act
25 (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “per-
26 manent partner,” after “spouse,”.

1 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) of such Act (8 U.S.C. 21182(i)(1)) is amended by inserting “permanent partner,” after “spouse,”.

5 **SEC. 211. NONIMMIGRANT STATUS FOR PERMANENT PART-**
 6 **NERS AWAITING THE AVAILABILITY OF AN**
 7 **IMMIGRANT VISA.**

8 Section 214 of the Immigration and Nationality Act
 9 (8 U.S.C. 1184) is amended—

10 (1) in subsection (e)(2), by inserting “or per-
 11 manent partner” after “spouse”; and

12 (2) in subsection (r)—

13 (A) in paragraph (1), by inserting “or per-
 14 manent partner” after “spouse”; and

15 (B) by inserting “or permanent partner-
 16 ship” after “marriage” each place it appears.

17 **SEC. 212. DERIVATIVE STATUS FOR PERMANENT PART-**
 18 **NERS OF NONIMMIGRANT VISA HOLDERS.**

19 Section 101(a)(15) of the Immigration and Nation-
 20 ality Act (8 U.S.C. 1101(a)(15)) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i), by inserting “, which
 23 shall include permanent partners” after “imme-
 24 diate family”;

1 (B) in clause (ii), by inserting “, which
2 shall include permanent partners” after “imme-
3 diate families”; and

4 (C) in clause (iii), by inserting “, which
5 shall include permanent partners,” after “im-
6 mediate families,”;

7 (2) in subparagraph (E), by inserting “or per-
8 manent partner” after “spouse”;

9 (3) in subparagraph (F)(ii), by inserting “or
10 permanent partner” after “spouse”;

11 (4) in subparagraph (G)(i), by inserting “,
12 which shall include his or her permanent partner”
13 after “members of his or their immediate family”;

14 (5) in subparagraph (G)(ii), by inserting “,
15 which shall include permanent partners,” after “the
16 members of their immediate families”;

17 (6) in subparagraph (G)(iii), by inserting “,
18 which shall include his permanent partner,” after
19 “the members of his immediate family”;

20 (7) in subparagraph (G)(iv), by inserting “,
21 which shall include permanent partners” after “the
22 members of their immediate families”;

23 (8) in subparagraph (G)(v), by inserting “,
24 which shall include permanent partners” after “the
25 members of the immediate families”;

1 (9) in subparagraph (H), by inserting “or per-
2 manent partner” after “spouse”;

3 (10) in subparagraph (I), by inserting “or per-
4 manent partner” after “spouse”;

5 (11) in subparagraph (J), by inserting “or per-
6 manent partner” after “spouse”;

7 (12) in subparagraph (L), by inserting “or per-
8 manent partner” after “spouse”;

9 (13) in subparagraph (M)(ii), by inserting “or
10 permanent partner” after “spouse”;

11 (14) in subparagraph (O)(iii), by inserting “or
12 permanent partner” after “spouse”;

13 (15) in subparagraph (P)(iv), by inserting “or
14 permanent partner” after “spouse”;

15 (16) in subparagraph (Q)(ii)(II), by inserting
16 “or permanent partner” after “spouse”;

17 (17) in subparagraph (R), by inserting “or per-
18 manent partner” after “spouse”;

19 (18) in subparagraph (S), by inserting “or per-
20 manent partner” after “spouse”;

21 (19) in subparagraph (T)(ii)(I), by inserting
22 “or permanent partner” after “spouse”;

23 (20) in subparagraph (T)(ii)(II), by inserting
24 “or permanent partner” after “spouse”;

1 (21) in subparagraph (U)(ii)(I), by inserting
 2 “or permanent partner” after “spouse”;

3 (22) in subparagraph (U)(ii)(II), by inserting
 4 “or permanent partner” after “spouse”; and

5 (23) in subparagraph (V), by inserting “perma-
 6 nent partner or” after “beneficiary (including a”.

7 **SEC. 213. CONDITIONAL PERMANENT RESIDENT STATUS**
 8 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
 9 **PARTNERS, AND SONS AND DAUGHTERS.**

10 (a) SECTION HEADING.—

11 (1) IN GENERAL.—The heading for section 216
 12 of the Immigration and Nationality Act (8 U.S.C.
 13 1186a) is amended by inserting “AND PERMANENT
 14 PARTNERS” after “SPOUSES”.

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

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

18 (b) IN GENERAL.—Section 216(a) of such Act (8
 19 U.S.C. 1186a(a)) is amended—

20 (1) in paragraph (1), by inserting “or perma-
 21 nent partner” after “spouse”;

22 (2) in paragraph (2)(A), by inserting “or per-
 23 manent partner” after “spouse”;

1 (3) in paragraph (2)(B), by inserting “perma-
2 nent partner,” after “spouse,”; and

3 (4) in paragraph (2)(C), by inserting “perma-
4 nent 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—

8 (1) in the heading, by inserting “OR PERMA-
9 NENT PARTNERSHIP” after “MARRIAGE”;

10 (2) in paragraph (1)(A), by inserting “or per-
11 manent partnership” after “marriage”; and

12 (3) in paragraph (1)(A)(ii)—

13 (A) by inserting “or has ceased to satisfy
14 the criteria for being considered a permanent
15 partnership under this Act,” after “termi-
16 nated,”; and

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

19 (d) REQUIREMENTS OF TIMELY PETITION AND
20 INTERVIEW FOR REMOVAL OF CONDITION.—Section
21 216(c) of such Act (8 U.S.C. 1186a(c)) is amended—

22 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
23 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
24 nent partner” after “spouse” each place it appears;
25 and

1 (2) in paragraph (3)(A), in the matter following
2 clause (ii), and in paragraph (3)(D), (4)(B), and
3 (4)(C), by inserting “or permanent partnership”
4 after “marriage” each place it appears.

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

7 (1) in the heading of subparagraph (A), by in-
8 serting “OR PERMANENT PARTNERSHIP” after “MAR-
9 RIAGE”;

10 (2) in subparagraph (A)(i), by inserting “or
11 permanent partnership” after “marriage”;

12 (3) in subparagraph (A)(I)(I), by inserting be-
13 fore the comma at the end “, or is a permanent
14 partnership recognized under this Act”;

15 (4) in subparagraph (A)(I)(II)—

16 (A) by inserting “or has not ceased to sat-
17 isfy the criteria for being considered a perma-
18 nent partnership under this Act,” after “termi-
19 nated,”; and

20 (B) by inserting “or permanent partner”
21 after “spouse”;

22 (5) in subparagraph (A)(ii), by inserting “or
23 permanent partner” after “spouse”; and

24 (6) in subparagraph (B)(i)—

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

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

5 (f) DEFINITIONS.—Section 216(g) of such Act (8
 6 U.S.C. 1186a(g)) is amended—

7 (1) in paragraph (1)—

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

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

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

14 (3) in paragraph (3), by inserting “or perma-
 15 nent partnership” after “marriage”; and

16 (4) in paragraph (4)—

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

19 (B) by inserting “or permanent partner-
 20 ship” after “marriage”.

21 **SEC. 214. CONDITIONAL PERMANENT RESIDENT STATUS**
 22 **FOR CERTAIN ALIEN ENTREPRENEURS,**
 23 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
 24 **DREN.**

25 (a) SECTION HEADING.—

1 (1) IN GENERAL.—The heading for section
 2 216A of the Immigration and Nationality Act (8
 3 U.S.C. 1186b) is amended by inserting “OR PERMA-
 4 NENT PARTNERS” after “SPOUSES”.

5 (2) CLERICAL AMENDMENT.—The table of con-
 6 tents of such Act is amended by amending the item
 7 relating to section 216A to read as follows:

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

8 (b) IN GENERAL.—Section 216A(a) of such Act (8
 9 U.S.C. 1186b(a)) is amended, in paragraphs (1), (2)(A),
 10 (2)(B), and (2)(C), by inserting “or permanent partner”
 11 after “spouse” each place it appears.

12 (c) TERMINATION OF STATUS IF FINDING THAT
 13 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
 14 216A(b)(1) of such Act (8 U.S.C. 1186b(b)(1)) is amend-
 15 ed by inserting “or permanent partner” after “spouse” in
 16 the matter following subparagraph (C).

17 (d) REQUIREMENTS OF TIMELY PETITION AND
 18 INTERVIEW FOR REMOVAL OF CONDITION.—Section
 19 216A(c) of such Act (8 U.S.C. 1186b(c)) is amended, in
 20 paragraphs (1), (2)(A)(ii), and (3)(C), by inserting “or
 21 permanent partner” after “spouse”.

22 (e) DEFINITIONS.—Section 216A(f)(2) of such Act (8
 23 U.S.C. 1186b(f)(2)) is amended by inserting “or perma-
 24 nent partner” after “spouse” each place it appears.

1 **SEC. 215. DEPORTABLE ALIENS.**

2 Section 237(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1227(a)) is amended—

4 (1) in paragraph (1)(D)(i), by inserting “or
5 permanent partners” after “spouses” each place it
6 appears;

7 (2) in paragraphs (1)(E)(ii), (1)(E)(iii), and
8 (1)(H)(I)(I), by inserting “or permanent partner”
9 after “spouse”;

10 (3) by adding at the end of paragraph (1) the
11 following new subparagraph:

12 “(I) PERMANENT PARTNERSHIP FRAUD.—

13 An alien shall be considered to be deportable as
14 having procured a visa or other documentation
15 by fraud (within the meaning of section
16 212(a)(6)(C)(i)) and to be in the United States
17 in violation of this Act (within the meaning of
18 subparagraph (B)) if—

19 “(i) the alien obtains any admission to
20 the United States with an immigrant visa
21 or other documentation procured on the
22 basis of a permanent partnership entered
23 into less than 2 years prior to such admis-
24 sion and which, within 2 years subsequent
25 to such admission, is terminated because
26 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 opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien’s admission as an immigrant.”; and

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

SEC. 216. REMOVAL PROCEEDINGS.

Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting “PERMANENT PARTNERS,” after “SPOUSES,”; and

(2) in subsection (e)(1), by inserting “or permanent partner” after “spouse”.

1 **SEC. 217. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
 2 **STATUS.**

3 Section 240A(b) of the Immigration and Nationality
 4 Act (8 U.S.C. 1229b(b)) is amended—

5 (1) in paragraph (1)(D), by inserting “or per-
 6 manent partner” after “spouse”;

7 (2) in the heading for paragraph (2), by insert-
 8 ing “, PERMANENT PARTNER,” after “SPOUSE”; and

9 (3) in paragraph (2)(A), by inserting “, perma-
 10 nent partner,” after “spouse” each place it appears.

11 **SEC. 218. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
 12 **THAT OF PERSON ADMITTED FOR PERMA-**
 13 **NENT RESIDENCE.**

14 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—
 15 Section 245(d) of the Immigration and Nationality Act (8
 16 U.S.C. 1255(d)) is amended by inserting “or permanent
 17 partnership” after “marriage”.

18 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
 19 of such Act (8 U.S.C. 1255(e)) is amended—

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

22 (2) by adding at the end the following new
 23 paragraph:

24 “(4) Paragraph (1) and section 204(g) shall not
 25 apply with respect to a permanent partnership if the alien
 26 establishes by clear and convincing evidence to the satis-

1 faction of the Secretary of Homeland Security that the
 2 permanent partnership was entered into in good faith and
 3 in accordance with section 101(a)(52) and the permanent
 4 partnership was not entered into for the purpose of pro-
 5 curing the alien’s admission as an immigrant and no fee
 6 or other consideration was given (other than a fee or other
 7 consideration to an attorney for assistance in preparation
 8 of a lawful petition) for the filing of a petition under sec-
 9 tion 204(a) or 214(d) with respect to the alien permanent
 10 partner. In accordance with regulations, there shall be
 11 only one level of administrative appellate review for each
 12 alien under the previous sentence.”.

13 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
 14 PAYING FEE.—Section 245(i)(1) of such Act (8 U.S.C.
 15 1255(i)(1)) is amended by inserting “or permanent part-
 16 ner” after “spouse” each place it appears.

17 (d) ADJUSTMENT OF STATUS FOR CERTAIN ALIEN
 18 INFORMANTS.—Section 245(j) of such Act (8 U.S.C.
 19 1255(j)) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “or permanent partner”
 22 after “spouse”; and

23 (B) by inserting “sons and daughters with
 24 and without permanent partners,” after
 25 “daughters,”; and

1 (2) in paragraph (2)—

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

4 (B) by inserting “sons and daughters with
5 and without permanent partners,” after
6 “daughters,”.

7 (e) TRAFFICKING.—Section 245(l)(1) of such Act is
8 amended by inserting “permanent partner,” after
9 “spouse,”.

10 **SEC. 219. APPLICATION OF CRIMINAL PENALTIES FOR MIS-**
11 **REPRESENTATION AND CONCEALMENT OF**
12 **FACTS REGARDING PERMANENT PARTNER-**
13 **SHIPS.**

14 Section 275(c) of the Immigration and Nationality
15 Act (8 U.S.C. 1325(c)) is amended to read as follows:

16 “(c) Any individual who knowingly enters into a mar-
17 riage or permanent partnership for the purpose of evading
18 any provision of the immigration laws shall be imprisoned
19 for not more than 5 years, or fined not more than
20 \$250,000, or both.”.

1 **SEC. 220. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
 2 **CHARACTER, ATTACHMENT TO THE PRIN-**
 3 **CIPLES OF THE CONSTITUTION.**

4 Section 316(b) of the Immigration and Nationality
 5 Act (8 U.S.C. 1427(b)) is amended by inserting “or per-
 6 manent partner” after “spouse”.

7 **SEC. 221. NATURALIZATION FOR PERMANENT PARTNERS**
 8 **OF CITIZENS.**

9 Section 319 of the Immigration and Nationality Act
 10 (8 U.S.C. 1430) is amended—

11 (1) in subsection (a), by inserting “or perma-
 12 nent partner” after “spouse” each place it appears;

13 (2) in subsection (a), by inserting “or perma-
 14 nent partnership” after “marital union”;

15 (3) in subsection (b)(1), by inserting “or per-
 16 manent partner” after “spouse”;

17 (4) in subsection (b)(3), by inserting “or per-
 18 manent partner” after “spouse”;

19 (5) in subsection (d)—

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 “marital union”;

24 (6) in subsection (e)(1)—

25 (A) by inserting “or permanent partner”
 26 after “spouse”; and

1 (B) by inserting “or permanent partner-
2 ship” after “marital union”; and

3 (7) in subsection (e)(2), by inserting “or per-
4 manent partner” after “spouse”.

5 **SEC. 222. APPLICATION OF FAMILY UNITY PROVISIONS TO**
6 **PERMANENT PARTNERS OF CERTAIN LIFE**
7 **ACT BENEFICIARIES.**

8 Section 1504 of the LIFE Act (division B of the Mis-
9 cellaneous Appropriations Act, 2001, as enacted into law
10 by section 1(a)(4) of Public Law 106–554) is amended—

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

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

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

16 (A) in the subsection headings, by insert-
17 ing “, PERMANENT PARTNERS,” after
18 “SPOUSES”; and

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

21 **SEC. 223. APPLICATION TO CUBAN ADJUSTMENT ACT.**

22 (a) IN GENERAL.—The first section of Public Law
23 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is
24 amended—

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

4 (2) in the last sentence, by inserting “, perma-
5 nent partners,” after “spouses”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) IMMIGRATION AND NATIONALITY ACT.—Sec-
8 tion 101(a)(51)(D) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101(a)(51)(D)) is amended by
10 striking “or spouse” and inserting “, spouse, or per-
11 manent partner”.

12 (2) VIOLENCE AGAINST WOMEN ACT.—Section
13 1506(c)(2)(A)(I)(IV) of the Violence Against Women
14 Act of 2000 (8 U.S.C. 1229a note; division B of
15 Public Law 106–386) is amended by striking “or
16 spouse” and inserting “, spouse, or permanent part-
17 ner”.

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