

114TH CONGRESS
2D SESSION

H. R. 5742

To amend the Immigration and Nationality Act to provide for the admission of certain sons and daughters of citizens of the United States, which citizens served on active duty in the Armed Forces of the United States abroad, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2016

Mr. KIND introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the admission of certain sons and daughters of citizens of the United States, which citizens served on active duty in the Armed Forces of the United States abroad, 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 “Uniting Families Act
5 of 2016”.

1 **SEC. 2. ADMISSION OF CERTAIN SONS AND DAUGHTERS OF**
2 **CITIZENS OF THE UNITED STATES WHO**
3 **SERVED IN THE ARMED FORCES.**

4 (a) CLASSIFICATION AS A NONIMMIGRANT.—Section
5 101(a)(15) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(15)) is amended—

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

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

11 (3) by inserting after subparagraph (V) the fol-
12 lowing:

13 “(W) subject to section 214(s), an alien
14 who—

15 “(i) is 18 years of age or older and is
16 the genetic son or daughter of a citizen of
17 the United States, which citizen served on
18 active duty in the Armed Forces of the
19 United States abroad; or

20 “(ii) is the spouse or child of an alien
21 described in clause (i) and is accom-
22 panying, or following to join, the alien.”.

23 (b) REQUIREMENTS FOR ADMISSION.—Section 214
24 of the Immigration and Nationality Act (8 U.S.C. 1184)
25 is amended by adding at the end the following:

1 “(s)(1) A visa shall not be issued under section
2 101(a)(15)(W) until a petition has been filed in the United
3 States by the citizen parent of the visa applicant and ap-
4 proved by the Secretary of Homeland Security.

5 “(2) The petition shall be in such form and contain
6 such information as the Secretary of Homeland Security
7 shall prescribe, and shall include the following informa-
8 tion:

9 “(A) DNA evidence that establishes that the
10 beneficiary is the genetic child of the petitioner.

11 “(B) An agreement in writing that the parent
12 will provide financial support for the beneficiary
13 until the beneficiary’s status is adjusted to the sta-
14 tus of an alien lawfully admitted for permanent resi-
15 dence.

16 “(C) Information that establishes that the peti-
17 tioner—

18 “(i) is a citizen of the United States; and

19 “(ii) served on active duty in the Armed
20 Forces of the United States abroad.

21 “(3) The period of authorized admission for an alien
22 admitted to the United States as a nonimmigrant under
23 section 101(a)(15)(W) shall be 5 years, which may be ex-
24 tended for one additional 2-year period.

1 “(4) The total number of principal aliens who may
2 be admitted under section 101(a)(15)(W) during any fis-
3 cal year may not exceed 5,000.”.

4 (c) ADJUSTMENT OF STATUS.—Section 245 of the
5 Immigration and Nationality Act (8 U.S.C. 1255) is
6 amended by adding at the end the following:

7 “(n)(1) The Secretary of Homeland Security may ad-
8 just the status of an alien admitted to the United States
9 as a nonimmigrant under section 101(a)(15)(W) to that
10 of an alien lawfully admitted for permanent residence if
11 the alien—

12 “(A) is admissible to the United States as an
13 immigrant; and

14 “(B) satisfies the requirements under section
15 312, unless the alien is a child described in section
16 101(a)(15)(W)(ii) who is under the age of 18.

17 “(2) The numerical limitations of sections 201
18 and 202 shall not apply to the adjustment of aliens
19 to lawful permanent resident status under this sub-
20 section.”.

21 (d) NATURALIZATION.—Section 312(b) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1423(b)) is amend-
23 ed by inserting at the end the following:

1 “(4) The requirements of subsection (a) shall
2 not apply to any person who has satisfied such re-
3 quirements under section 245(n)(1)(B).”.

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