

115TH CONGRESS
1ST SESSION

H. R. 3265

To amend the Immigration and Nationality Act to permit certain E–2 nonimmigrant investors to adjust status to lawful permanent resident status.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2017

Mr. RUTHERFORD (for himself and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to permit certain E–2 nonimmigrant investors to adjust status to lawful permanent resident status.

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 “E–2 Visa Improvement
5 Act of 2017”.

1 **SEC. 2. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT**
2 **STATUS OF CERTAIN E-2 NONIMMIGRANT IN-**
3 **VESTORS.**

4 (a) IN GENERAL.—Section 203(b)(5) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1153(b)(5)) is
6 amended—

7 (1) in subparagraph (A)(ii), by inserting “ex-
8 cept as provided in subparagraph (E)(i),” after
9 “(ii)”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(E) SPECIAL RULES FOR CERTAIN E-2
13 NONIMMIGRANT INVESTORS.—

14 “(i) IN GENERAL.—In the case of an
15 alien who has been present in the United
16 States in the status of an alien described
17 in section 101(a)(15)(E)(ii) for at least 10
18 years the alien is deemed as satisfying the
19 requirement of subparagraph (A)(ii) if the
20 enterprise has created full-time employ-
21 ment for not fewer than two individuals
22 described in such subparagraph (A)(ii).

23 “(ii) LIMITATION.—Not more than
24 10,000 visas may be made available under
25 this paragraph to principal aliens described
26 in clause (i) in any fiscal year, except that

1 such visas shall not be included in the
2 number in subparagraph (A) and shall not
3 count towards that limitation on the total
4 visas made available under this para-
5 graph.”.

6 (b) CONFORMING AMENDMENT.—Section 201(b)(1)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1151(b)(1)) is amended by adding at the end the fol-
9 lowing:

10 “(F) Aliens who receive an immigrant visa
11 under section 203(b)(5)(E).”.

12 (c) TREATMENT OF CERTAIN CHILDREN OF NON-
13 IMMIGRANT INVESTORS.—Section 214 of the Immigration
14 and Nationality Act (8 U.S.C. 1184) is amended by add-
15 ing at the end the following:

16 “(s) CERTAIN CHILDREN OF NONIMMIGRANT INVES-
17 TORS.—In the case of an alien seeking or that has status
18 under section 101(a)(15)(E)(ii), notwithstanding section
19 101(b)(1), if the son or daughter of that alien is 26 years
20 of age or younger, that son or daughter shall be deemed
21 a child of the alien accompanying or following to join him.
22 The Secretary of Homeland Security may provide employ-
23 ment authorization to such a son or daughter who is 18
24 years of age or older and 26 years of age or younger, and
25 who applies for such authorization. If the alien’s status

1 is terminated, such authorization shall also terminate on
2 the same date.”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 subsections (a) and (b) shall take effect on the date of
5 the enactment of this Act. Periods of presence in the
6 United States in the status of an alien described in section
7 101(a)(15)(E)(ii) of the Immigration and Nationality Act
8 (8 U.S.C. 1101(a)(15)(E)(ii)) before such date shall be
9 counted towards satisfying the time requirement specified
10 in subparagraph (E) of section 203(b)(5) of such Act (8
11 U.S.C. 1153(b)(5)) (as added by paragraph (3) of sub-
12 section (a)).

13 (e) IMMEDIATE ELIGIBILITY FOR ADJUSTMENT OF
14 STATUS OF CERTAIN LONG-TERM E-2 NONIMMIGRANT
15 INVESTORS.—An alien who has been present in the United
16 States in the status of an alien described in section
17 101(a)(15)(E)(ii) of the Immigration and Nationality Act
18 for not less than 10 years may be immediately eligible to
19 adjust status to that of an alien lawfully admitted for per-
20 manent residence pursuant to the amendment made by
21 subsection (a).

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