

115TH CONGRESS
2D SESSION

H. R. 4944

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Ms. JUDY CHU of California (for herself, Ms. JAYAPAL, Mr. MCGOVERN, Ms. MENG, Ms. ESHOO, Mrs. NAPOLITANO, Mr. SWALWELL of California, Mr. LOWENTHAL, Mr. CORREA, Mr. TAKANO, Ms. HANABUSA, Ms. ROYBAL-ALLARD, Mr. AL GREEN of Texas, Ms. MATSUI, Mr. KRISHNAMOORTHY, Ms. BONAMICI, Ms. NORTON, Ms. WILSON of Florida, Mr. GRIJALVA, Ms. CLARK of Massachusetts, Ms. BARRAGÁN, Ms. JACKSON LEE, Mr. PAL-LONE, Mr. SOTO, Mr. NADLER, Ms. LOFGREN, Mr. GUTIÉRREZ, Mr. GOMEZ, Ms. BORDALLO, Mr. VARGAS, Mr. CUMMINGS, Ms. MOORE, Mr. KHANNA, Mr. QUIGLEY, Mr. SCOTT of Virginia, Mr. SCHIFF, Ms. CLARKE of New York, Mrs. WATSON COLEMAN, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. TED LIEU of California, Mr. ELLISON, Ms. LEE, Mr. SMITH of Washington, Ms. SCHAKOWSKY, and Mr. VEASEY) 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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, permanent partners, and minor children of legal permanent residents as immediate relatives.
- Sec. 103. Repeal of 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. Allocation of immigrant visas.
- Sec. 204. Procedure for granting immigrant status.
- Sec. 205. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 206. Asylum.
- Sec. 207. Adjustment of status of refugees.
- Sec. 208. Inadmissible aliens.
- Sec. 209. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 210. Derivative status for permanent partners of nonimmigrant visa holders.
- Sec. 211. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 212. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 213. Deportable aliens.
- Sec. 214. Removal proceedings.
- Sec. 215. Cancellation of removal; adjustment of status.
- Sec. 216. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 217. Application of criminal penalties for misrepresentation and concealment of facts regarding permanent partnerships.
- Sec. 218. Requirements as to residence, good moral character, attachment to the principles of the Constitution.
- Sec. 219. Naturalization for permanent partners of citizens.
- Sec. 220. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
- Sec. 221. 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.—The worldwide level of fam-
14 ily-sponsored immigrants under this subsection for a
15 fiscal year is equal to the sum of—

16 “(A) 480,000;

17 “(B) the number computed under para-
18 graph (2); and

19 “(C) the number computed under para-
20 graph (3).

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

1 “(A) the worldwide level of family-spon-
 2 sored immigrant visas established for the pre-
 3 vious fiscal year; and

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

7 “(3) UNUSED VISA NUMBERS FROM FISCAL
 8 YEARS 1992 THROUGH 2016.—The number computed
 9 under this paragraph is the difference, if any, be-
 10 tween—

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

12 “(i) the sum of the worldwide levels of
 13 family-sponsored immigrant visas estab-
 14 lished for fiscal years 1992 through 2016;
 15 and

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

19 “(B) the number of unused visas from fis-
 20 cal years 1992 through 2016 that were issued
 21 after fiscal year 2016 under section 203(a),
 22 subject to this subsection.”.

23 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
 24 IMMIGRANTS.—Section 201(d) of the Immigration and

1 Nationality Act (8 U.S.C. 1151(d)) is amended to read
2 as follows:

3 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
4 IMMIGRANTS.—

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

8 “(A) 140,000;

9 “(B) the number computed under para-
10 graph (2); and

11 “(C) the number computed under para-
12 graph (3).

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

17 “(A) the worldwide level of employment-
18 based immigrant visas established for the pre-
19 vious fiscal year; and

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

23 “(3) UNUSED VISA NUMBERS FROM FISCAL
24 YEARS 1992 THROUGH 2016.—The number computed

1 under this paragraph is the difference, if any, be-
2 tween—

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

4 “(i) the sum of the worldwide levels of
5 employment-based immigrant visas estab-
6 lished for each of fiscal years 1992
7 through 2016; and

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

11 “(B) the number of unused visas from fis-
12 cal years 1992 through 2016 that were issued
13 after fiscal year 2016 under section 203(b),
14 subject to this subsection.”.

15 (c) ALIENS NOT SUBJECT TO DIRECT NUMERICAL
16 LIMITATIONS.—Section 201(b) of the Immigration and
17 Nationality Act (8 U.S.C. 1151(b)) is amended by adding
18 at the end the following:

19 “(3)(A) Aliens who are beneficiaries (including
20 derivative beneficiaries) of approved immigrant peti-
21 tions bearing priority dates more than ten years
22 prior to the alien’s application for admission as an
23 immigrant or adjustment of status.

1 “(B) Aliens described in section 203(d) whose
 2 spouse, permanent partner, or parent is entitled to
 3 an immigrant status under section 203(b).”.

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

7 **SEC. 102. RECLASSIFICATION OF SPOUSES, PERMANENT**
 8 **PARTNERS, AND MINOR CHILDREN OF LEGAL**
 9 **PERMANENT RESIDENTS AS IMMEDIATE REL-**
 10 **ATIVES.**

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

14 “(2) IMMEDIATE RELATIVE.—

15 “(A) IN GENERAL.—

16 “(i) IMMEDIATE RELATIVE DE-
 17 FINED.—In this subparagraph, the term
 18 ‘immediate relative’ means a child, spouse,
 19 permanent partner, or parent of a citizen
 20 of the United States or a child, spouse, or
 21 permanent partner 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
 25 spouse, permanent partner, or child who is

1 accompanying or following to join the indi-
2 vidual), except that, in the case of parents,
3 such citizens shall be at least 21 years of
4 age.

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

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

19 “(iv) SPOUSE OR PERMANENT PART-
20 NER.—An alien who was the spouse or per-
21 manent partner of a citizen of the United
22 States or lawful permanent resident for
23 not less than 2 years at the time of the
24 citizen’s or resident’s death or, if married
25 for less than 2 years at the time of the

1 citizen's or resident's death, proves by a
2 preponderance of the evidence that the
3 marriage or permanent partnership was
4 entered into in good faith and not solely
5 for the purpose of obtaining an immigra-
6 tion benefit and was not legally separated
7 from the citizen or resident (or, in the case
8 of a permanent partnership, whose perma-
9 nent partnership was not terminated) at
10 the time of the citizen's or resident's
11 death, and each child of such alien, shall
12 be considered, for purposes of this sub-
13 section, an immediate relative after the
14 date of the citizen's or resident's death if
15 the spouse or permanent partner files a pe-
16 tition under section 204(a)(1)(A)(ii) before
17 the date on which the spouse or permanent
18 partner remarries or enters a permanent
19 partnership with another person.

20 “(v) SPECIAL RULE.—For purposes of
21 this subparagraph, an alien who has filed
22 a petition under clause (iii) or (iv) of sec-
23 tion 204(a)(1)(A) remains an immediate
24 relative if the United States citizen or law-
25 ful permanent resident spouse, permanent

1 partner, or parent loses United States citi-
2 zenship or residence on account of the
3 abuse.

4 “(B) BIRTH DURING TEMPORARY VISIT
5 ABROAD.—Aliens born to an alien lawfully ad-
6 mitted for permanent residence during a tem-
7 porary visit abroad.”.

8 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
9 203(a) of the Immigration and Nationality Act (8 U.S.C.
10 1153(a)) is amended—

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

13 (2) by striking paragraph (2) and inserting the
14 following:

15 “(2) UNMARRIED SONS WITHOUT PERMANENT
16 PARTNERS AND UNMARRIED DAUGHTERS WITHOUT
17 PERMANENT PARTNERS OF PERMANENT RESIDENT
18 ALIENS.—Qualified immigrants who are the unmar-
19 ried sons without permanent partners or unmarried
20 daughters without permanent partners (but are not
21 the children) of an alien lawfully admitted for per-
22 manent residence shall be allocated visas in a num-
23 ber not to exceed 80,640, plus any visas not required
24 for the class specified in paragraph (1).”;

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

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

5 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

10 (A) in paragraph (1), by striking “para-
11 graphs (2) and (3),” and inserting “paragraph
12 (2),”;

13 (B) by striking paragraph (2);

14 (C) by redesignating paragraphs (3) and
15 (4) as paragraphs (2) and (3), respectively; and

16 (D) in paragraph (3), as redesignated by
17 subparagraph (C), by striking “through (3)”
18 and inserting “and (2)”.

19 (2) ALLOCATION OF IMMIGRATION VISAS.—Sec-
20 tion 203(h) of the Immigration and Nationality Act
21 (8 U.S.C. 1153(h)) is amended—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “subsections

1 (a)(2)(A) and (d)” and inserting “sub-
2 section (d)”;

3 (ii) in subparagraph (A), by striking
4 “becomes available for such alien (or, in
5 the case of subsection (d), the date on
6 which an immigrant visa number became
7 available for the alien’s parent),” and in-
8 serting “became available for the alien’s
9 parent,”; and

10 (iii) in subparagraph (B), by striking
11 “applicable”;

12 (B) by amending paragraph (2) to read as
13 follows:

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

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

21 (3) PROCEDURE FOR GRANTING IMMIGRANT
22 STATUS.—Section 204 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1154) is amended—

24 (A) in subsection (a)(1)—

25 (i) in subparagraph (A)—

1 (I) in clause (i), by inserting “or
2 lawful permanent resident” after “cit-
3 izen”;

4 (II) in clause (ii), by striking
5 “described in the second sentence of
6 section 201(b)(2)(A)(i) also” and in-
7 serting “, alien child, or alien parent
8 described in section 201(b)(2)(A)”;

9 (III) in clause (iii)—

10 (aa) in subclause (I)(aa), by
11 inserting “or legal permanent
12 resident” after “citizen”; and

13 (bb) in subclause (II)(aa)—
14 (AA) in subitems (AA)
15 and (BB), by inserting “or
16 legal permanent resident;”
17 after “citizen” each place
18 that term appears;

19 (BB) in subitem (CC),
20 by inserting “or legal per-
21 manent resident” after “cit-
22 izen” each place that term
23 appears; and

24 (CC) in subitem
25 (CC)(bbb), by inserting “or

1 legal permanent resident”
2 after “citizenship”;

3 (IV) in clause (iv), by inserting
4 “or legal permanent resident” after
5 “citizen” each place that term ap-
6 pears;

7 (V) in clause (v)(I), by inserting
8 “or legal permanent resident” after
9 “citizen”; and

10 (VI) in clause (vi)—

11 (aa) by inserting “or legal
12 permanent resident status” after
13 “renunciation of citizenship”;
14 and

15 (bb) by inserting “or legal
16 permanent resident” after “abus-
17 er’s citizenship”;

18 (ii) by striking subparagraph (B);

19 (iii) in subparagraph (C), by striking
20 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
21 (B)(iii)” and inserting “clause (iii) or (iv)
22 of subparagraph (A)”;

23 (iv) in subparagraph (J), by striking
24 “or clause (ii) or (iii) of subparagraph
25 (B)”;

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

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

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

7 **SEC. 103. REPEAL OF COUNTRY LIMITS.**

8 The Immigration and Nationality Act (8 U.S.C. 1101
9 et seq.) is amended by striking section 202 (8 U.S.C.
10 1152).

11 **SEC. 104. PROMOTING FAMILY UNITY.**

12 (a) REPEAL OF THREE- AND TEN-YEAR AND PERMA-
13 NENT BARS.—Section 212(a)(9) of the Immigration and
14 Nationality Act (8 U.S.C. 1182(a)(9)) is amended to read
15 as follows:

16 “(9) ALIENS PREVIOUSLY REMOVED.—

17 “(A) ARRIVING ALIEN.—Any alien who has
18 been ordered removed under section 235(b)(1)
19 or at the end of proceedings under section 240
20 initiated upon the alien’s arrival in the United
21 States and who again seeks admission within 5
22 years of the date of such removal (or within 20
23 years in the case of a second or subsequent re-
24 moval or at any time in the case of an alien

1 convicted of an aggravated felony) is inadmis-
2 sible.

3 “(B) OTHER ALIENS.—Any alien not de-
4 scribed in subparagraph (A), and who seeks ad-
5 mission within 10 years of the date of such
6 alien’s departure or removal (or within 20 years
7 of such date in the case of a second or subse-
8 quent removal or at any time in the case of an
9 alien convicted of an aggravated felony), is in-
10 admissible if the alien—

11 “(i) has been ordered removed under
12 section 240 or any other provision of law;
13 or

14 “(ii) departed the United States while
15 an order of removal was outstanding.

16 “(C) EXCEPTION.—Subparagraphs (A)
17 and (B) shall not apply to an alien seeking ad-
18 mission within a period if, prior to the date of
19 the alien’s reembarkation at a place outside the
20 United States or attempt to be admitted from
21 foreign contiguous territory, the Secretary of
22 Homeland Security has consented to the alien’s
23 reapplying for admission.”.

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

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

3 “(ii) MISREPRESENTATION OF CITI-
4 ZENSHIP.—

5 “(I) IN GENERAL.—Any alien
6 who willfully misrepresents, or has
7 willfully misrepresented, himself or
8 herself to be a citizen of the United
9 States for any purpose or benefit
10 under this Act (including section
11 274A) or any Federal or State law is
12 inadmissible.

13 “(II) EXCEPTION.—In the case
14 of an alien making a misrepresenta-
15 tion described in subclause (I), if the
16 alien was under the age of 21 at the
17 time of making such misrepresenta-
18 tion that he or she was a citizen, the
19 alien shall not be considered to be in-
20 admissible under any provision of this
21 subsection based on such misrepresen-
22 tation.”;

23 (2) in section 212(a)(6)(C)(iii) (8 U.S.C.
24 1182(a)(6)(C)(iii)), by striking “of clause (i)”;

1 (3) by amending subsection (i)(1) of section
2 212 (8 U.S.C. 1182(i)(1)) to read as follows:

3 “(i)(1) The Attorney General or the Secretary of
4 Homeland Security may, in the discretion of the Attorney
5 General or the Secretary, waive the application of sub-
6 section (a)(6)(C) in the case of an immigrant who is the
7 parent, spouse, permanent partner, son, or daughter of a
8 United States citizen or of an alien lawfully admitted for
9 permanent residence, or an alien granted classification
10 under clause (iii) or (iv) of section 204(a)(1)(A), if it is
11 established to the satisfaction of the Attorney General or
12 the Secretary that the admission to the United States of
13 such alien would not be contrary to the national welfare,
14 safety, or security of the United States.”; and

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

17 “(D) MISREPRESENTATION OF CITIZEN-
18 SHIP.—

19 “(i) IN GENERAL.—Any alien who
20 willfully misrepresents, or has willfully mis-
21 represented, himself to be a citizen of the
22 United States for any purpose or benefit
23 under this Act (including section 274A) or
24 any Federal or State law is deportable.

1 “(ii) EXCEPTION.—In the case of an
2 alien making a misrepresentation described
3 in subclause (i), if the alien was under the
4 age of 21 at the time of making such mis-
5 representation that he or she was a citizen,
6 the alien shall not be considered to be de-
7 portable under any provision of this sub-
8 section based on such misrepresentation.”.

9 (c) WAIVERS OF INADMISSIBILITY.—Section 212 of
10 the Immigration and Nationality Act (8 U.S.C. 1182) is
11 amended by inserting after subsection (b) the following:

12 “(c) Notwithstanding any other provision of law, the
13 Secretary of Homeland Security or the Attorney General
14 may waive the operation of any one or more grounds of
15 inadmissibility set forth in this section for humanitarian
16 purposes, to assure family unity, or when it is otherwise
17 in the public interest. This waiver shall be available to in-
18 dividuals eligible for relief under subsection (h).”.

19 (d) WAIVERS OF DEPORTABILITY.—Section 237 of
20 the Immigration and Nationality Act (8 U.S.C. 1227) is
21 amended by adding at the end the following:

22 “(e) Notwithstanding any other provision of law, the
23 Secretary of Homeland Security or the Attorney General
24 may waive the operation of any one or more grounds of
25 removal set forth in this section for humanitarian pur-

1 poses, to assure family unity, or when it is otherwise in
2 the public interest.”.

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

4 (a) IN GENERAL.—

5 (1) SPECIAL RULE FOR ORPHANS, SPOUSES,
6 AND PERMANENT PARTNERS.—In applying clauses
7 (iii) and (iv) of section 201(b)(2)(A) of the Immigra-
8 tion and Nationality Act, as added by section 102(a)
9 of this Act, to an alien whose citizen or lawful per-
10 manent resident relative died before the date of the
11 enactment of this Act, the alien relative may file the
12 classification petition under section 204(a)(1)(A)(ii)
13 of such Act, as amended by section
14 102(c)(4)(A)(i)(II) of this Act, not later than 2
15 years after the date of the enactment of this Act.

16 (2) ELIGIBILITY FOR PAROLE.—If an alien was
17 excluded, deported, removed, or departed voluntarily
18 before the date of the enactment of this Act based
19 solely upon the alien’s lack of classification as an
20 immediate relative (as defined in section
21 201(b)(2)(A)(iv) of the Immigration and Nationality
22 Act, as amended by section 102(a) of this Act) due
23 to the death of such citizen or resident—

24 (A) such alien shall be eligible for parole
25 into the United States pursuant to the Sec-

1 retary of Homeland Security’s discretionary au-
2 thority under section 212(d)(5) of such Act (8
3 U.S.C. 1182(d)(5)); and

4 (B) such alien’s application for adjustment
5 of status shall be considered notwithstanding
6 section 212(a)(9) of such Act (8 U.S.C.
7 1182(a)(9)).

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

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

18 (B) such alien’s application for adjustment
19 of status shall be considered notwithstanding
20 section 212(a)(9) of such Act (8 U.S.C.
21 1182(a)(9)).

22 (b) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
23 TIVE PETITIONS.—

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

4 (A) by striking “After an investigation”
5 and inserting the following:

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

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

9 “(2) DEATH OF QUALIFYING RELATIVE.—

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

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

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

22 “(ii) is a family-sponsored immigrant
23 (as described in subsection (a) or (d) of
24 section 203);

1 “(iii) is a derivative beneficiary of an
2 employment-based immigrant under section
3 203(b) (as described in section 203(d)); or

4 “(iv) is the spouse, permanent part-
5 ner, or child of a refugee (as described in
6 section 207(c)(2)) or an asylee (as de-
7 scribed in section 208(b)(3)).”.

8 (2) TRANSITION PERIOD.—

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

15 (B) INAPPLICABILITY OF BARS TO
16 ENTRY.—Notwithstanding section 212(a)(9) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1182(a)(9)), an alien’s application for an immi-
19 grant visa shall be considered if the alien was
20 excluded, deported, removed, or departed volun-
21 tarily before the date of the enactment of this
22 Act.

23 (c) NATURALIZATION.—Section 319(a) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
25 ed—

1 (1) by inserting “or permanent partner” after
2 “spouse” each place such term appears;

3 (2) by inserting “(or, if the spouse is deceased,
4 the spouse was a citizen of the United States)” after
5 “citizen of the United States”; and

6 (3) by inserting “or permanent partnership”
7 after “marital union”.

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

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

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

14 “(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS,
15 WIDOWERS, AND ORPHANS.—In the case of an alien who
16 would have been statutorily eligible for any waiver of inad-
17 missibility under this Act but for the death of a qualifying
18 relative, the eligibility of such alien shall be preserved as
19 if the death had not occurred and the death of the quali-
20 fying relative shall be the functional equivalent of hardship
21 for purposes of any waiver of inadmissibility which re-
22 quires a showing of hardship.”.

23 (e) SURVIVING RELATIVE CONSIDERATION FOR CER-
24 TAIN PETITIONS AND APPLICATIONS.—Section 204(l)(1)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1154(l)(1)) is amended—

3 (1) by striking “who resided in the United
4 States at the time of the death of the qualifying rel-
5 ative and who continues to reside in the United
6 States”; and

7 (2) by striking “any related applications,” and
8 inserting “any related applications (including affida-
9 vits of support),”.

10 (f) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1151(b)(2)(A)(i)) is amended by striking “within 2 years
13 after such date”.

14 (g) FAMILY-SPONSORED IMMIGRANTS.—Section
15 212(a)(4)(C)(i) is amended—

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

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

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

21 “(IV) the status as a surviving
22 relative under section 204(l); or”.

1 **SEC. 106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
2 **CERTAIN VETERANS WHO ARE NATIVES OF**
3 **PHILIPPINES.**

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

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

10 “(F) Aliens who are eligible for an immigrant
11 visa under paragraph (1) or (3) of section 203(a)
12 and who have a parent who was naturalized pursu-
13 ant to section 405 of the Immigration Act of 1990
14 (8 U.S.C. 1440 note).”.

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

16 (a) **DEFINITION.**—Section 101(a)(15)(K)(iii) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1101(a)(15)(K)(iii)) is amended by inserting “, if a deter-
19 mination of the age of such minor child is made using
20 the age of the alien on the date on which the petition is
21 filed with the Secretary of Homeland Security to classify
22 the alien’s parent as the fiancée or fiancé of a United
23 States citizen (in the case of an alien parent described in
24 clause (i)) or as the spouse or permanent partner of a
25 United States citizen under section 201(b)(2)(A)(i) (in the

1 case of an alien parent described in clause (ii));” before
2 the semicolon at the end.

3 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
4 214(d) of the Immigration and Nationality Act (8 U.S.C.
5 1184(d)(1)) is amended—

6 (1) by redesignating paragraphs (2) and (3) as
7 paragraphs (3) and (4), respectively; and

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

10 “(2)(A) If an alien does not marry the petitioner
11 under paragraph (1) within 3 months after the alien and
12 the alien’s minor children are admitted into the United
13 States, such alien and children shall be required to depart
14 from the United States. If such aliens fail to depart from
15 the United States, they shall be removed in accordance
16 with sections 240 and 241.

17 “(B) Subject to subparagraphs (C) and (D), if an
18 alien marries the petitioner described in section
19 101(a)(15)(K)(i) within 3 months after the alien is admit-
20 ted into the United States, the Secretary of Homeland Se-
21 curity or the Attorney General, subject to the provisions
22 of section 245(d), may adjust the status of the alien, and
23 any minor children accompanying or following to join the
24 alien, to that of an alien lawfully admitted for permanent
25 residence on a conditional basis under section 216 if the

1 alien and any such minor children apply for such adjust-
2 ment and are not determined to be inadmissible to the
3 United States.

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

8 “(D) An alien eligible for a waiver of inadmissibility
9 as otherwise authorized under this Act shall be permitted
10 to apply for adjustment of his or her status to that of
11 an alien lawfully admitted for permanent residence under
12 this section.”.

13 (c) AGE DETERMINATION.—Section 245(d) of the
14 Immigration and Nationality Act (8 U.S.C. 1155(d)) is
15 amended—

16 (1) by inserting “(1)” before “The Attorney
17 General”; and

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

19 “(2) A determination of the age of an alien admitted
20 to the United States under section 101(a)(15)(K)(iii) shall
21 be made, for purposes of adjustment to the status of an
22 alien lawfully admitted for permanent residence on a con-
23 ditional basis under section 216, using the age of the alien
24 on the date on which the petition is filed with the Sec-
25 retary of Homeland Security to classify the alien’s parent

1 as the fiancée or fiancé of a United States citizen (in the
2 case of an alien parent admitted to the United States
3 under section 101(a)(15)(K)(i)) or as the spouse or per-
4 manent partner of a United States citizen under section
5 201(b)(2)(A)(i) (in the case of an alien parent admitted
6 to the United States under section 101(a)(15)(K)(ii)).”.

7 (d) EFFECTIVE DATE.—

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

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

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

17 (B) have been denied, but would have been
18 approved if such amendments had been in effect
19 at the time of adjudication of the petition or
20 application.

21 (3) MOTION TO REOPEN OR RECONSIDER.—A
22 motion to reopen or reconsider a petition or applica-
23 tion described in paragraph (2)(B) shall be granted
24 if such motion is filed with the Secretary of Home-

1 land Security or the Attorney General not later than
2 2 years after the date of the enactment of this Act.

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

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

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

10 Section 203 of the Immigration and Nationality Act
11 (8 U.S.C. 1153) is amended—

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

14 “(3) RETENTION OF PRIORITY DATE.—If the
15 age of an alien is determined under paragraph (1)
16 to be 21 years of age or older for the purposes of
17 subsections (a)(2)(A) and (d), and a parent of the
18 alien files a family-based petition for such alien, the
19 priority date for such petition shall be the original
20 priority date issued upon receipt of the original
21 family- or employment-based petition for which ei-
22 ther parent was a beneficiary.”; and

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

24 “(i) PERMANENT PRIORITY DATES.—The priority
25 date for any family- or employment-based petition shall

1 be the date of filing of the petition with the Secretary of
 2 Homeland Security (or the Secretary of State, if applica-
 3 ble), unless the filing of the petition was preceded by the
 4 filing of a labor certification with the Secretary of Labor,
 5 in which case that date shall constitute the priority date.
 6 The beneficiary of any petition shall retain his or her ear-
 7 liest priority date based on any petition filed on his or
 8 her behalf that was approvable when filed, regardless of
 9 the category of subsequent petitions.”.

10 **TITLE II—UNITING AMERICAN** 11 **FAMILIES ACT**

12 **SEC. 201. DEFINITIONS OF PERMANENT PARTNER AND** 13 **PERMANENT PARTNERSHIP.**

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

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

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

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

21 “(A) is in a committed, intimate relation-
 22 ship with another individual 18 years of age or
 23 older in which both parties intend a lifelong
 24 commitment;

1 “(B) is financially interdependent with
2 that other individual, unless the Secretary of
3 Homeland Security or the Secretary of State
4 has determined, on a case-by-case basis, that
5 the requirement under this subparagraph is un-
6 reasonable;

7 “(C) is not married to or in a permanent
8 partnership with anyone other than that other
9 individual;

10 “(D) is unable to contract with that other
11 individual a marriage cognizable under this Act;
12 and

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

15 “(53) The term ‘permanent partnership’ means
16 the relationship that exists between two permanent
17 partners.

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

21 **SEC. 202. DEFINITION OF CHILD.**

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

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

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

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

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

16 (2) in paragraph (2), by inserting “or a de-
17 ceased permanent partner of the deceased parent,
18 father, or mother,” after “deceased parent, father,
19 and mother”.

20 **SEC. 203. ALLOCATION OF IMMIGRANT VISAS.**

21 (a) PREFERENCE ALLOCATION FOR SONS AND
22 DAUGHTERS OF CITIZENS.—Section 203(a)(3) of the Im-
23 migration and Nationality Act (8 U.S.C. 1153(a)(3)) is
24 amended—

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

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

6 (b) EMPLOYMENT CREATION.—Section
 7 203(b)(5)(A)(ii) of such Act (8 U.S.C. 1153(b)(5)(A)(ii))
 8 is amended by inserting “permanent partner,” after
 9 “spouse,”.

10 (c) TREATMENT OF FAMILY MEMBERS.—Section
 11 203(d) of such Act (8 U.S.C. 1153(d)) is amended—

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

14 (2) by striking “or (E)” and inserting “(E), or
 15 (H)”.

16 **SEC. 204. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

17 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
 18 of the Immigration and Nationality Act (8 U.S.C.
 19 1154(a)(1)) is amended—

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

22 (2) in subparagraph (A)(iii)—

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

1 (B) in subclause (I), by inserting “or per-
 2 manent partnership” after “marriage” each
 3 place it appears;

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

6 (4) in subparagraph (A)(vi)—

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

9 (B) by inserting “, permanent partner,”
 10 after “spouse”; and

11 (5) in subparagraph (B)—

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

14 (B) by inserting “or permanent partner-
 15 ship” after “marriage” in clause (ii)(I)(aa) and
 16 the first place it appears in clause (ii)(I)(bb);
 17 and

18 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
 19 serting “(or the termination of the permanent
 20 partnership)” after “termination of the mar-
 21 riage”.

22 (b) IMMIGRATION FRAUD PREVENTION.—Section
 23 204(c) of such Act (8 U.S.C. 1154(c)) is amended—

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

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

8 (d) SURVIVAL OF RIGHTS TO PETITION.—Section
9 204(h) of such Act (8 U.S.C. 1154(h)) is amended—

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

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

14 SEC. 205. ANNUAL ADMISSION OF REFUGEES AND ADMIS-
15 SION OF EMERGENCY SITUATION REFUGEES.

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

18 (1) in paragraph (2)—

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

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

23 (C) in subparagraph (A)—

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

1 (ii) by inserting “, or (H)” after
2 “(E)”; and

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

5 **SEC. 206. ASYLUM.**

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

8 (1) in the paragraph heading, by inserting “OR
9 PERMANENT PARTNER” after “SPOUSE”; and

10 (2) in subparagraph (A)—

11 (A) by inserting “or permanent partner”
12 after “spouse”;

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

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

15 **SEC. 207. ADJUSTMENT OF STATUS OF REFUGEES.**

16 Section 209(b)(3) of the Immigration and Nationality
17 Act (8 U.S.C. 1159(b)(3)) is amended by inserting “or
18 permanent partner” after “spouse”.

19 **SEC. 208. INADMISSIBLE ALIENS.**

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

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

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

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

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

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

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

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

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

17 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
18 RELATED GROUNDS.—Section 212(h)(1)(B) of such Act
19 (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “per-
20 manent partner,” after “spouse,”.

21 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) of such Act (8 U.S.C.
22 1182(i)(1)) is amended by inserting “permanent partner,”
23 1182(i)(1)) is amended by inserting “permanent partner,”
24 after “spouse,”.

1 **SEC. 209. NONIMMIGRANT STATUS FOR PERMANENT PART-**
 2 **NERS AWAITING THE AVAILABILITY OF AN**
 3 **IMMIGRANT VISA.**

4 Section 214 of the Immigration and Nationality Act
 5 (8 U.S.C. 1184) is amended—

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

8 (2) in subsection (r)—

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

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

13 **SEC. 210. DERIVATIVE STATUS FOR PERMANENT PART-**
 14 **NERS OF NONIMMIGRANT VISA HOLDERS.**

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

17 (1) in subparagraph (A)—

18 (A) in clause (i), by inserting “, which
 19 shall include permanent partners” after “imme-
 20 diate family”;

21 (B) in clause (ii), by inserting “, which
 22 shall include permanent partners” after “imme-
 23 diate families”; and

24 (C) in clause (iii), by inserting “, which
 25 shall include permanent partners,” after “im-
 26 mediate families,”;

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

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

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

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

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

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

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

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

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

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

- 1 (12) in subparagraph (L), by inserting “or per-
- 2 manent partner” after “spouse”;
- 3 (13) in subparagraph (M)(ii), by inserting “or
- 4 permanent partner” after “spouse”;
- 5 (14) in subparagraph (O)(iii), by inserting “or
- 6 permanent partner” after “spouse”;
- 7 (15) in subparagraph (P)(iv), by inserting “or
- 8 permanent partner” after “spouse”;
- 9 (16) in subparagraph (Q)(ii)(II), by inserting
- 10 “or permanent partner” after “spouse”;
- 11 (17) in subparagraph (R), by inserting “or per-
- 12 manent partner” after “spouse”;
- 13 (18) in subparagraph (S), by inserting “or per-
- 14 manent partner” after “spouse”;
- 15 (19) in subparagraph (T)(ii)(I), by inserting
- 16 “or permanent partner” after “spouse”;
- 17 (20) in subparagraph (T)(ii)(II), by inserting
- 18 “or permanent partner” after “spouse”;
- 19 (21) in subparagraph (U)(ii)(I), by inserting
- 20 “or permanent partner” after “spouse”;
- 21 (22) in subparagraph (U)(ii)(II), by inserting
- 22 “or permanent partner” after “spouse”; and
- 23 (23) in subparagraph (V), by inserting “perma-
- 24 nent partner or” after “beneficiary (including a”.

1 **SEC. 211. CONDITIONAL PERMANENT RESIDENT STATUS**
2 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
3 **PARTNERS, AND SONS AND DAUGHTERS.**

4 (a) SECTION HEADING.—

5 (1) IN GENERAL.—The heading for section 216
6 of the Immigration and Nationality Act (8 U.S.C.
7 1186a) is amended by inserting “AND PERMANENT
8 PARTNERS” after “SPOUSES”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents of such Act is amended by amending the item
11 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.”.

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

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

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

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

20 (4) in paragraph (2)(C), by inserting “perma-
21 nent partner,” after “spouse,”.

22 (c) TERMINATION OF STATUS IF FINDING THAT
23 QUALIFYING MARRIAGE IMPROPER.—Section 216(b) of
24 such Act (8 U.S.C. 1186a(b)) is amended—

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

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

5 (3) in paragraph (1)(A)(ii)—

6 (A) by inserting “or has ceased to satisfy
7 the criteria for being considered a permanent
8 partnership under this Act,” after “termi-
9 nated,”; and

10 (B) by inserting “or permanent partner”
11 after “spouse”.

12 (d) REQUIREMENTS OF TIMELY PETITION AND
13 INTERVIEW FOR REMOVAL OF CONDITION.—Section
14 216(c) of such Act (8 U.S.C. 1186a(c)) is amended—

15 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
16 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
17 nent partner” after “spouse” each place it appears;
18 and

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

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

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

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

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

9 (4) in subparagraph (A)(i)(II)—

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

14 (B) by inserting “or permanent partner”
 15 after “spouse”;

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

18 (6) in subparagraph (B)(i)—

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

21 (B) by inserting “or permanent partner”
 22 after “spouse”.

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

25 (1) in paragraph (1)—

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

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

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

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

9 (4) in paragraph (4)—

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

12 (B) by inserting “or permanent partner-
 13 ship” after “marriage”.

14 **SEC. 212. CONDITIONAL PERMANENT RESIDENT STATUS**
 15 **FOR CERTAIN ALIEN ENTREPRENEURS,**
 16 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
 17 **DREN.**

18 (a) SECTION HEADING.—

19 (1) IN GENERAL.—The heading for section
 20 216A of the Immigration and Nationality Act (8
 21 U.S.C. 1186b) is amended by inserting “OR PERMA-
 22 NENT PARTNERS” after “SPOUSES”.

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

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

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

5 (c) TERMINATION OF STATUS IF FINDING THAT
6 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
7 216A(b)(1) of such Act (8 U.S.C. 1186b(b)(1)) is amend-
8 ed by inserting “or permanent partner” after “spouse” in
9 the matter following subparagraph (C).

10 (d) REQUIREMENTS OF TIMELY PETITION AND
11 INTERVIEW FOR REMOVAL OF CONDITION.—Section
12 216A(c) of such Act (8 U.S.C. 1186b(c)) is amended, in
13 paragraphs (1), (2)(A)(ii), and (3)(C), by inserting “or
14 permanent partner” after “spouse”.

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

18 **SEC. 213. DEPORTABLE ALIENS.**

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

21 (1) in paragraph (1)(D)(i), by inserting “or
22 permanent partners” after “spouses” each place it
23 appears;

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

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

7 **SEC. 214. REMOVAL PROCEEDINGS.**

8 Section 240 of the Immigration and Nationality Act
9 (8 U.S.C. 1229a) is amended—

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

13 (2) in subsection (e)(1), by inserting “or per-
14 manent partner” after “spouse”.

15 **SEC. 215. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
16 **STATUS.**

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

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

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

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

1 **SEC. 216. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
2 **THAT OF PERSON ADMITTED FOR PERMA-**
3 **NENT RESIDENCE.**

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

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

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

12 (2) by adding at the end the following new
13 paragraph:

14 “(4) Paragraph (1) and section 204(g) shall not
15 apply with respect to a permanent partnership if the alien
16 establishes by clear and convincing evidence to the satis-
17 faction of the Secretary of Homeland Security that the
18 permanent partnership was entered into in good faith and
19 in accordance with section 101(a)(52) and the permanent
20 partnership was not entered into for the purpose of pro-
21 curing the alien’s admission as an immigrant and no fee
22 or other consideration was given (other than a fee or other
23 consideration to an attorney for assistance in preparation
24 of a lawful petition) for the filing of a petition under sec-
25 tion 204(a) or 214(d) with respect to the alien permanent
26 partner. In accordance with regulations, there shall be

1 only one level of administrative appellate review for each
2 alien under the previous sentence.”.

3 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
4 PAYING FEE.—Section 245(i)(1) of such Act (8 U.S.C.
5 1255(i)(1)) is amended by inserting “or permanent part-
6 ner” after “spouse” each place it appears.

7 (d) ADJUSTMENT OF STATUS FOR CERTAIN ALIEN
8 INFORMANTS.—Section 245(j) of such Act (8 U.S.C.
9 1255(j)) is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “or permanent partner”
12 after “spouse”; and

13 (B) by inserting “sons and daughters with
14 and without permanent partners,” after
15 “daughters,”; and

16 (2) in paragraph (2)—

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

19 (B) by inserting “sons and daughters with
20 and without permanent partners,” after
21 “daughters,”.

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

1 **SEC. 217. APPLICATION OF CRIMINAL PENALTIES FOR MIS-**
2 **REPRESENTATION AND CONCEALMENT OF**
3 **FACTS REGARDING PERMANENT PARTNER-**
4 **SHIPS.**

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

7 “(c) Any individual who knowingly enters into a mar-
8 riage or permanent partnership for the purpose of evading
9 any provision of the immigration laws shall be imprisoned
10 for not more than 5 years, or fined not more than
11 \$250,000, or both.”.

12 **SEC. 218. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
13 **CHARACTER, ATTACHMENT TO THE PRIN-**
14 **CIPLES OF THE CONSTITUTION.**

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

18 **SEC. 219. NATURALIZATION FOR PERMANENT PARTNERS**
19 **OF CITIZENS.**

20 Section 319 of the Immigration and Nationality Act
21 (8 U.S.C. 1430) is amended—

22 (1) in subsection (b)(1), by inserting “or per-
23 manent partner” after “spouse”;

24 (2) in subsection (b)(3), by inserting “or per-
25 manent partner” after “spouse”;

26 (3) in subsection (d)—

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

3 (B) by inserting “or permanent partner-
 4 ship” after “marital union”;

5 (4) in subsection (e)(1)—

6 (A) by inserting “or permanent partner”
 7 after “spouse”; and

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

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

12 **SEC. 220. APPLICATION OF FAMILY UNITY PROVISIONS TO**
 13 **PERMANENT PARTNERS OF CERTAIN LIFE**
 14 **ACT BENEFICIARIES.**

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

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

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

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

23 (A) in the subsection headings, by insert-
 24 ing “, **PERMANENT PARTNERS,**” after
 25 “**SPOUSES**”; and

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

3 **SEC. 221. APPLICATION TO CUBAN ADJUSTMENT ACT.**

4 (a) IN GENERAL.—The first section of Public Law
 5 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is
 6 amended—

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

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

12 (b) CONFORMING AMENDMENTS.—

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

18 (2) VIOLENCE AGAINST WOMEN ACT.—Section
 19 1506(c)(2)(A)(I)(IV) of the Violence Against Women
 20 Act of 2000 (8 U.S.C. 1229a note; division B of
 21 Public Law 106–386) is amended by striking “or
 22 spouse” and inserting “, spouse, or permanent part-
 23 ner”.

○