

115TH CONGRESS
1ST SESSION

S. 354

To amend the Immigration and Nationality Act to eliminate the Diversity Visa Program, to limit the President's discretion in setting the number of refugees admitted annually to the United States, to reduce the number of family-sponsored immigrants, to create a new nonimmigrant classification for the parents of adult United States citizens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2017

Mr. COTTON (for himself and Mr. PERDUE) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the Diversity Visa Program, to limit the President's discretion in setting the number of refugees admitted annually to the United States, to reduce the number of family-sponsored immigrants, to create a new nonimmigrant classification for the parents of adult United States citizens, 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.**

2 This Act may be cited as the “Reforming American
3 Immigration for Strong Employment Act” or the “RAISE
4 Act”.

5 **SEC. 2. ELIMINATION OF DIVERSITY VISA PROGRAM.**

6 (a) IN GENERAL.—Section 203 of the Immigration
7 and Nationality Act (8 U.S.C. 1153) is amended by strik-
8 ing subsection (c).

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) IMMIGRATION AND NATIONALITY ACT.—The
11 Immigration and Nationality Act (8 U.S.C. 1101 et
12 seq.) is amended—

13 (A) in section 101(a)(15)(V), by striking
14 “section 203(d)” and inserting “section
15 203(c)”;

16 (B) in section 201—

17 (i) in subsection (a)—

18 (I) in paragraph (1), by adding
19 “and” at the end; and

20 (II) in paragraph (2), by striking
21 “; and” at the end and inserting a pe-
22 riod; and

23 (III) by striking paragraph (3);
24 and

25 (ii) by striking subsection (e);

26 (C) in section 203—

(i) in subsection (b)(2)(B)(ii)(IV), by striking “section 203(b)(2)(B)” each place such term appears and inserting “clause (i)”;

(ii) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(iii) in subsection (c), as redesignated, by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”;

(iv) in subsection (d), as redesignated—

(I) by striking paragraph (2);

and

(II) by redesignating paragraph (3) as paragraph (2);

(v) in subsection (e), as redesignated, by striking “subsection (a), (b), or (c) of this section” and inserting “subsection (a) or (b)”;

(vi) in subsection (f), as redesignated, by striking “subsections (a), (b), and (c)” and inserting “subsections (a) and (b)”;

and

1 (vii) in subsection (g), as redesign-
 2 nated—

3 (I) by striking “(d)” each place
 4 such term appears and inserting
 5 “(c)”; and

6 (II) in paragraph (2)(B), by
 7 striking “subsection (a), (b), or (c)”
 8 and inserting “subsection (a) or (b)”;
 9 (D) in section 204—

10 (i) in subsection (a)(1), by striking
 11 subparagraph (I);

12 (ii) in subsection (e), by striking “sub-
 13 section (a), (b), or (c) of section 203” and
 14 inserting “subsection (a) or (b) of section
 15 203”; and

16 (iii) in subsection (l)(2)—

17 (I) in subparagraph (B), by
 18 striking “section 203 (a) or (d)” and
 19 inserting “subsection (a) or (c) of sec-
 20 tion 203”; and

21 (II) in subparagraph (C), by
 22 striking “section 203(d)” and insert-
 23 ing “section 203(c)”;

1 (E) in section 214(q)(1)(B)(i), by striking
 2 “section 203(d)” and inserting “section
 3 203(c)”;

4 (F) in section 216(h)(1), in the undesig-
 5 nated matter following subparagraph (C), by
 6 striking “section 203(d)” and inserting “section
 7 203(c)”;

8 (G) in section 245(i)(1)(B), by striking
 9 “section 203(d)” and inserting “section
 10 203(c)”.

11 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—
 12 Section 610(d) of the Departments of Commerce,
 13 Justice, and State, the Judiciary, and Related Agen-
 14 cies Appropriations Act, 1993 (Public Law 102–
 15 395) is amended by striking “section 203(e) of such
 16 Act (8 U.S.C. 1153(e))” and inserting “section
 17 203(d) of such Act (8 U.S.C. 1153(d))”.

18 (c) EFFECTIVE DATE.—The amendments made by
 19 this section shall take effect on the first day of the first
 20 fiscal year beginning on or after the date of the enactment
 21 of this Act.

22 **SEC. 3. ANNUAL ADMISSION OF REFUGEES.**

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

25 (1) by striking subsections (a) and (b);

1 (2) by redesignating subsection (e) as sub-
2 section (a);

3 (3) by redesignating subsection (f) as sub-
4 section (e);

5 (4) by inserting after subsection (a), as redesign-
6 nated, the following:

7 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

8 “(1) IN GENERAL.—The number of refugees
9 who may be admitted under this section in any fiscal
10 year may not exceed 50,000.

11 “(2) ASYLEES.—The President shall annually
12 enumerate the number of aliens who were granted
13 asylum in the previous fiscal year.”; and

14 (5) by striking “Attorney General” each place
15 such term appears and inserting “Secretary of
16 Homeland Security”.

17 **SEC. 4. FAMILY-SPONSORED IMMIGRATION PRIORITIES.**

18 (a) IMMEDIATE RELATIVE REDEFINED.—Section
19 201 of the Immigration and Nationality Act (8 U.S.C.
20 1151) is amended—

21 (1) in subsection (b)(2)(A)—

22 (A) in clause (i), by striking “children,
23 spouses, and parents of a citizen of the United
24 States, except that, in the case of parents, such
25 citizens shall be at least 21 years of age.” and

1 inserting “children and spouse of a citizen of
2 the United States.”; and

3 (B) in clause (ii), by striking “such an im-
4 mediate relative” and inserting “the immediate
5 relative spouse of a United States citizen”;

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

8 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
9 IMMIGRANTS.—(1) The worldwide level of family-spon-
10 sored immigrants under this subsection for a fiscal year
11 is equal to 88,000 minus the number computed under
12 paragraph (2).

13 “(2) The number computed under this paragraph for
14 a fiscal year is the number of aliens who were paroled into
15 the United States under section 212(d)(5) in the second
16 preceding fiscal year who—

17 “(A) did not depart from the United States
18 (without advance parole) within 365 days; and

19 “(B)(i) did not acquire the status of an alien
20 lawfully admitted to the United States for perma-
21 nent residence during the two preceding fiscal years;
22 or

23 “(ii) acquired such status during such period
24 under a provision of law (other than subsection (b))
25 that exempts adjustment to such status from the nu-

1 merical limitation on the worldwide level of immigra-
 2 tion under this section.”; and

3 (3) in subsection (f)—

4 (A) in paragraph (2), by striking “section
 5 203(a)(2)(A)” and inserting “section 203(a)”;

6 (B) by striking paragraph (3);

7 (C) by redesignating paragraph (4) as
 8 paragraph (3); and

9 (D) in paragraph (3), as redesignated, by
 10 striking “(1) through (3)” and inserting “(1)
 11 and (2)”.

12 (b) FAMILY-BASED VISA PREFERENCES.—Section
 13 203(a) of the Immigration and Nationality Act (8 U.S.C.
 14 1153(a)) is amended to read as follows:

15 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
 16 NENT RESIDENT ALIENS.—Family-sponsored immigrants
 17 described in this subsection are qualified immigrants who
 18 are the spouse or a child of an alien lawfully admitted
 19 for permanent residence.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) DEFINITION OF V NONIMMIGRANT.—Section
 22 101(a)(15)(V) of the Immigration and Nationality
 23 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-
 24 ing “section 203(a)(2)(A)” each place such term ap-
 25 pears and inserting “section 203(a)”.

1 (2) NUMERICAL LIMITATION TO ANY SINGLE
2 FOREIGN STATE.—Section 202 of such Act (8
3 U.S.C. 1152) is amended—

4 (A) in subsection (a)(4)—

5 (i) by striking subparagraphs (A) and
6 (B) and inserting the following:

7 “(A) 75 PERCENT OF FAMILY-SPONSORED
8 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
9 LIMITATION.—Of the visa numbers made avail-
10 able under section 203(a) in any fiscal year, 75
11 percent shall be issued without regard to the
12 numerical limitation under paragraph (2).

13 “(B) TREATMENT OF REMAINING 25 PER-
14 CENT FOR COUNTRIES SUBJECT TO SUB-
15 SECTION (e).—

16 “(i) IN GENERAL.—Of the visa num-
17 bers made available under section 203(a)
18 in any fiscal year, 25 percent shall be
19 available, in the case of a foreign state or
20 dependent area that is subject to sub-
21 section (e) only to the extent that the total
22 number of visas issued in accordance with
23 subparagraph (A) to natives of the foreign
24 state or dependent area is less than the
25 subsection (e) ceiling.

1 “(ii) SUBSECTION (e) CEILING DE-
 2 FINED.—In clause (i), the term ‘subsection
 3 (e) ceiling’ means, for a foreign state or
 4 dependent area, 77 percent of the max-
 5 imum number of visas that may be made
 6 available under section 203(a) to immi-
 7 grants who are natives of the state or area,
 8 consistent with subsection (e).”; and

9 (ii) by striking subparagraphs (C) and
 10 (D); and

11 (B) in subsection (e)—

12 (i) in paragraph (1), by adding “and”
 13 at the end;

14 (ii) by striking paragraph (2);

15 (iii) by redesignating paragraph (3) as
 16 paragraph (2); and

17 (iv) in the undesignated matter after
 18 paragraph (2), as redesignated, by striking
 19 “, respectively,” and all that follows and
 20 inserting a period.

21 (3) RULES FOR DETERMINING WHETHER CER-
 22 TAIN ALIENS ARE CHILDREN.—Section 203(h) of
 23 such Act (8 U.S.C. 1153(h)) is amended by striking
 24 “(a)(2)(A)” each place such term appears and in-
 25 serting “(a)(2)”.

1 (4) PROCEDURE FOR GRANTING IMMIGRANT
2 STATUS.—Section 204 of such Act (8 U.S.C. 1154)
3 is amended—

4 (A) in subsection (a)(1)—

5 (i) in subparagraph (A)(i), by striking
6 “to classification by reason of a relation-
7 ship described in paragraph (1), (3), or (4)
8 of section 203(a) or”;

9 (ii) in subparagraph (B)—

10 (I) in clause (i), by redesignating
11 the second subclause (I) as subclause
12 (II); and

13 (II) by striking “203(a)(2)(A)”
14 each place such terms appear and in-
15 serting “203(a)”;

16 (iii) in subparagraph (D)(i)(I), by
17 striking “a petitioner” and all that follows
18 through “(a)(1)(B)(iii).” and inserting “an
19 individual younger than 21 years of age for
20 purposes of adjudicating such petition and
21 for purposes of admission as an immediate
22 relative under section 201(b)(2)(A)(i) or a
23 family-sponsored immigrant under section
24 203(a), as appropriate, notwithstanding
25 the actual age of the individual.”;

1 (B) in subsection (f)(1), by striking “,
2 203(a)(1), or 203(a)(3), as appropriate”; and

3 (C) by striking subsection (k).

4 (5) WAIVERS OF INADMISSIBILITY.—Section
5 212 of such Act (8 U.S.C. 1182) is amended—

6 (A) in subsection (a)(6)(E)(ii), by striking
7 “section 203(a)(2)” and inserting “section
8 203(a)”; and

9 (B) in subsection (d)(11), by striking
10 “(other than paragraph (4) thereof)”.

11 (6) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
12 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
13 1184(q)(1)(B)(i)) is amended by striking “section
14 203(a)(2)(A)” each place such term appears and in-
15 serting “section 203(a)”.

16 (7) DEFINITION OF ALIEN SPOUSE.—Section
17 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))
18 is amended by striking “section 203(a)(2)” and in-
19 serting “section 203(a)”.

20 (8) CLASSES OF DEPORTABLE ALIENS.—Sec-
21 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.
22 1227(a)(1)(E)(ii)) is amended by striking “section
23 203(a)(2)” and inserting “section 203(a)”.

1 (d) CREATION OF NONIMMIGRANT CLASSIFICATION
 2 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
 3 ZENS.—

4 (1) IN GENERAL.—Section 101(a)(15) of the
 5 Immigration and Nationality Act (8 U.S.C.
 6 1101(a)(15)) is amended—

7 (A) in subparagraph (T)(ii)(III), by strik-
 8 ing the period at the end and inserting a semi-
 9 colon;

10 (B) in subparagraph (U)(iii), by striking
 11 “or” at the end;

12 (C) in subparagraph (V)(ii)(II), by striking
 13 the period at the end and inserting “; or”; and

14 (D) by adding at the end the following:

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

18 (2) CONDITIONS ON ADMISSION.—Section 214
 19 of such Act (8 U.S.C. 1184) is amended by adding
 20 at the end the following:

21 “(s)(1) The initial period of authorized admission for
 22 a nonimmigrant described in section 101(a)(15)(W) shall
 23 be five years, but may be extended by the Secretary of
 24 Homeland Security for additional five-year periods if the

1 United States citizen son or daughter of the nonimmigrant
2 is still residing in the United States.

3 “(2) A nonimmigrant described in section
4 101(a)(15)(W)—

5 “(A) is not authorized to be employed in the
6 United States; and

7 “(B) is not eligible for any Federal, State, or
8 local public benefit.

9 “(3) Regardless of the resources of a nonimmigrant
10 described in section 101(a)(15)(W), the United States cit-
11 izen son or daughter who sponsored the nonimmigrant
12 parent shall be responsible for the nonimmigrant’s support
13 while the nonimmigrant resides in the United States.

14 “(4) An alien is ineligible to receive a visa or to be
15 admitted into the United States as a nonimmigrant de-
16 scribed in section 101(a)(15)(W) unless the alien provides
17 satisfactory proof that the United States citizen son or
18 daughter has arranged for health insurance coverage for
19 the alien, at no cost to the alien, during the anticipated
20 period of the alien’s residence in the United States.”.

21 (e) EFFECTIVE DATE; APPLICABILITY.—

22 (1) EFFECTIVE DATE.—The amendments made
23 by this section shall take effect on the first day of
24 the first fiscal year that begins after the date of the
25 enactment of this Act.

1 (2) INVALIDITY OF CERTAIN PETITIONS AND
2 APPLICATIONS.—Any petition under section 204 of
3 the Immigration and Nationality Act (8 U.S.C.
4 1154) seeking classification of an alien under a fam-
5 ily-sponsored immigrant category that was elimi-
6 nated by the amendments made by this section and
7 filed after the date on which this Act was introduced
8 and any application for an immigrant visa based on
9 such a petition shall be considered invalid.

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