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1ST SESSION

S. 1720

To amend the Immigration and Nationality Act to establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 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 establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to the United States, 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 “Reforming American
5 Immigration for a Strong Economy Act” or the “RAISE
6 Act”.

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

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

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

9 (A) in section 101(a)(15)(V), by striking
10 “section 203(d)” and inserting “section
11 203(c)”;

12 (B) in section 201—

13 (i) in subsection (a)—

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

16 (II) by striking paragraph (3);
17 and

18 (ii) by striking subsection (e);

19 (C) in section 203—

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

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

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

4 (iv) in subsection (d), as redesign-
 5 nated—

6 (I) by striking paragraph (2);

7 and

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

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

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

18 (vii) in subsection (g), as redesign-
 19 nated—

20 (I) by striking “(d)” each place
 21 such term appears and inserting
 22 “(c)”;

23 (II) in paragraph (2)(B), by
 24 striking “subsection (a), (b), or (c)”
 25 and inserting “subsection (a) or (b)”;

1 (D) in section 204—

2 (i) in subsection (a)(1), by striking
3 subparagraph (I);

4 (ii) in subsection (e), by striking “sub-
5 section (a), (b), or (c) of section 203” and
6 inserting “subsection (a) or (b) of section
7 203”; and

8 (iii) in subsection (l)(2)—

9 (I) in subparagraph (B), by
10 striking “section 203 (a) or (d)” and
11 inserting “subsection (a) or (c) of sec-
12 tion 203”; and

13 (II) in subparagraph (C), by
14 striking “section 203(d)” and insert-
15 ing “section 203(c)”;

16 (E) in section 214(q)(1)(B)(i), by striking
17 “section 203(d)” and inserting “section
18 203(c)”;

19 (F) in section 216(h)(1), in the undesig-
20 nated matter following subparagraph (C), by
21 striking “section 203(d)” and inserting “section
22 203(c)”;

23 (G) in section 245(i)(1)(B), by striking
24 “section 203(d)” and inserting “section
25 203(c)”.

1 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—

2 Section 610(d) of the Departments of Commerce,
3 Justice, and State, the Judiciary, and Related Agen-
4 cies Appropriations Act, 1993 (Public Law 102–
5 395) is amended by striking “section 203(e) of such
6 Act (8 U.S.C. 1153(e))” and inserting “section
7 203(d) of such Act (8 U.S.C. 1153(d))”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the first day of the first
10 fiscal year beginning on or after the date of the enactment
11 of this Act.

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

13 Section 207 of the Immigration and Nationality Act
14 (8 U.S.C. 1157) is amended—

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

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

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

20 (4) by inserting after subsection (a), as redesign-
21 ated, the following:

22 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

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

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

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

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

8 (a) IMMEDIATE RELATIVE REDEFINED.—The Immi-
 9 gration and Nationality Act (8 U.S.C. 1101 et seq.) is
 10 amended—

11 (1) in section 101(b)(1) (8 U.S.C. 1101(b)(1)),
 12 in the matter preceding subparagraph (A), by strik-
 13 ing “under twenty-one years of age who” and insert-
 14 ing “who is younger than 18 years of age and”; and

15 (2) in section 201 (8 U.S.C. 1151)—

16 (A) in subsection (b)(2)(A)—

17 (i) in clause (i), by striking “children,
 18 spouses, and parents of a citizen of the
 19 United States, except that, in the case of
 20 parents, such citizens shall be at least 21
 21 years of age.” and inserting “children and
 22 spouse of a citizen of the United States.”;
 23 and

24 (ii) in clause (ii), by striking “such an
 25 immediate relative” and inserting “the im-

1 mediate relative spouse of a United States
2 citizen”;

3 (B) by striking subsection (c) and insert-
4 ing the following:

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

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

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

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

20 “(ii) acquired such status during such period
21 under a provision of law (other than subsection (b))
22 that exempts adjustment to such status from the nu-
23 merical limitation on the worldwide level of immigra-
24 tion under this section.”; and

25 (C) in subsection (f)—

1 (i) in paragraph (2), by striking “sec-
 2 tion 203(a)(2)(A)” and inserting “section
 3 203(a)”;

4 (ii) by striking paragraph (3);

5 (iii) by redesignating paragraph (4) as
 6 paragraph (3); and

7 (iv) in paragraph (3), as redesignated,
 8 by striking “(1) through (3)” and inserting
 9 “(1) and (2)”.

10 (b) FAMILY-BASED VISA PREFERENCES.—Section
 11 203(a) of the Immigration and Nationality Act (8 U.S.C.
 12 1153(a)) is amended to read as follows:

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

18 (c) CONFORMING AMENDMENTS.—

19 (1) DEFINITION OF V NONIMMIGRANT.—Section
 20 101(a)(15)(V) of the Immigration and Nationality
 21 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-
 22 ing “section 203(a)(2)(A)” each place such term ap-
 23 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.

“(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term ‘subsection (e) ceiling’ means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).”; and

(ii) by striking subparagraphs (C) and (D); and
(B) in subsection (e)—

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

(ii) by striking paragraph (2);

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

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

(3) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—Section 203(h) of such Act (8 U.S.C. 1153(h)) is amended by striking “(a)(2)(A)” each place such term appears and inserting “(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 5 years, but may be extended by the Secretary of
24 Homeland Security for additional 5-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.—Excepted as provided in paragraph
3 (3), any petition under section 204 of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1154) seeking
5 classification of an alien under a family-sponsored
6 immigrant category that was eliminated by the
7 amendments made by this section and filed after the
8 date on which this Act was introduced and any ap-
9 plication for an immigrant visa based on such a peti-
10 tion shall be considered invalid.

11 (3) VALID OFFER OF ADMISSION.—Notwith-
12 standing the termination by this Act of the family-
13 sponsored and employment-based immigrant visa
14 categories, any alien who was granted admission to
15 the United States under subsection (a) or (b) of sec-
16 tion 203 of the Immigration and Nationality Act, as
17 in effect on the day before the date of the enactment
18 of this Act, and is scheduled to receive an immigrant
19 visa in the applicable preference category not later
20 than 1 year after the date of the enactment of this
21 Act, shall be entitled to such visa if the alien enters
22 the United States within 1 year after such date of
23 enactment.

1 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMIGRA-**
 2 **TION CATEGORIES WITH IMMIGRATION**
 3 **POINTS SYSTEM.**

4 (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section
 5 201 of the Immigration and Nationality Act (8 U.S.C.
 6 1151) is amended—

7 (1) in subsection (a), as amended by section
 8 2(b)(1)(B), by amending paragraph (2) to read as
 9 follows:

10 “(2) points-based immigrants described in sec-
 11 tion 203(b), in a number not to exceed—

12 “(A) the number specified in subsection
 13 (d) during any fiscal year; or

14 “(B) 50 percent of the number specified in
 15 subsection (d) during the first 6 months of any
 16 fiscal year.”; and

17 (2) by amending subsection (d) to read as fol-
 18 lows:

19 “(d) WORLDWIDE LEVEL OF POINTS-BASED IMMI-
 20 GRANTS.—

21 “(1) IN GENERAL.—The worldwide level of
 22 points-based immigrant visas issued during any fis-
 23 cal year may not exceed 140,000.

24 “(2) EFFECT OF VISAS ISSUED TO SPOUSES
 25 AND CHILDREN.—The numerical limitation set forth

1 in paragraph (1) shall include any visas issued pur-
 2 suant to section 203(b)(3).”.

3 (b) NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-
 4 EIGN STATES.—Section 202(a) of the Immigration and
 5 Nationality Act (8 U.S.C. 1152(a)) is amended—

6 (1) in paragraph (2)—

7 (A) in the paragraph heading, by striking
 8 “AND EMPLOYMENT-BASED”;

9 (B) by striking “paragraphs (3), (4), and
 10 (5)” and inserting “paragraphs (3) and (4)”;
 11 and

12 (C) by striking “subsections (a) and (b)”
 13 and inserting “subsection (a)”;

14 (2) in paragraph (3), by striking “both sub-
 15 sections (a) and (b)” and inserting “subsection (a)”;
 16 and

17 (3) by striking paragraph (5).

18 (c) APPLICATION PROCESS FOR POINTS-BASED IM-
 19 MIGRANTS.—Section 203 of the Immigration and Nation-
 20 ality Act (8 U.S.C. 1153) is amended—

21 (1) by amending subsection (b) to read as fol-
 22 lows:

23 “(b) APPLICATION PROCESS FOR POINTS-BASED IM-
 24 MIGRANT VISAS.—

25 “(1) ELIGIBILITY SCREENING.—

1 “(A) APPLICATION SUBMISSION.—Any
2 alien seeking to immigrate to the United States
3 who believes that he or she meets the points re-
4 quirement set forth in section 220 may submit
5 an online application to U.S. Citizenship and
6 Immigration Services for placement in the eligi-
7 ble applicant pool.

8 “(B) APPLICATION ELEMENTS.—Each ap-
9 plication submitted under subparagraph (A)
10 shall include—

11 “(i) the identification of the points for
12 which the applicant is eligible under sec-
13 tion 220;

14 “(ii) an attestation by the applicant,
15 under penalty of disqualification, that the
16 applicant has sufficient documentation to
17 verify the points claimed under clause (i);

18 “(iii) the electronic submission of an
19 application fee in the amount of \$160; and

20 “(iv) any other information required
21 by the Director of U.S. Citizenship and
22 Immigration Services, by regulation.

23 “(C) ELIGIBLE APPLICANT POOL.—

24 “(i) IN GENERAL.—Each application
25 that meets the points requirement set forth

1 in section 220 shall be placed in an eligible
2 applicant pool, which shall be sorted by
3 total points.

4 “(ii) TIE-BREAKING FACTORS.—Appli-
5 cations with equal points will be sorted
6 based on the following tie-breaking factors:

7 “(I) Applicants whose highest
8 educational degree is a doctorate de-
9 gree (or equivalent foreign degree)
10 shall be ranked higher than applicants
11 whose highest educational degree is a
12 professional degree (as defined in sec-
13 tion 220(a)) or equivalent foreign de-
14 gree, who shall be ranked higher than
15 applicants whose highest educational
16 degree is a master’s degree (or equiv-
17 alent foreign degree), who shall be
18 ranked higher than applicants whose
19 highest educational degree is a bach-
20 elor’s degree (or equivalent foreign de-
21 gree), who shall be ranked higher
22 than applicants whose highest edu-
23 cational degree is a high school di-
24 ploma (as defined in section 220(a))
25 or equivalent foreign diploma, who

1 shall be ranked higher than applicants
2 without a high school diploma, with
3 United States degrees ranked higher
4 than their foreign counterparts.

5 “(II) Applicants with equal
6 points and equal educational attain-
7 ment shall be ranked according to
8 their respective English language pro-
9 ficiency test rankings (as defined in
10 section 220(a)).

11 “(III) Applicants with equal
12 points, equal educational attainment,
13 and equal English language pro-
14 ficiency test rankings shall be ranked
15 according to their age, with applicants
16 who are nearest their 25th birthdays
17 being ranked higher.

18 “(D) DURATION.—Applications shall re-
19 main in the eligible applicant pool for 12
20 months. An applicant who is not invited to
21 apply for a point-based immigrant visa during
22 the 12-month period in which the application
23 remains in the eligible applicant pool may re-
24 apply for placement in the eligible applicant
25 pool.

1 “(2) VISA PETITION.—

2 “(A) INVITATION.—Every 6 months, the
3 Director of U.S. Citizenship and Immigration
4 Services shall invite the highest ranked appli-
5 cants in the eligible applicant pool, in a number
6 that is expected to yield 50 percent of the
7 point-based immigrant visas authorized under
8 section 201(d) for the fiscal year, including
9 spouses and dependent children accompanying
10 or following to join the principle alien, to file a
11 petition for a points-based immigrant visa.

12 “(B) PETITION ELEMENTS.—Subject to
13 subparagraph (C), the Director of U.S. Citizen-
14 ship and Immigration Services shall award a
15 points-based immigrant visa to any applicant
16 invited to file a petition under subparagraph
17 (A) who, not later than 90 days after receiving
18 such invitation, files a petition with the Direc-
19 tor that includes—

20 “(i) valid documentation proving that
21 the applicant is entitled to all of the points
22 claimed in the application submitted pur-
23 suant to paragraph (1);

24 “(ii) an attestation from the prospec-
25 tive employer, if applicable—

1 “(I) of the annual salary being
2 offered to the applicant; and

3 “(II) that the job being offered
4 to the applicant is a new or vacant po-
5 sition that does not displace a United
6 States worker;

7 “(iii)(I) proof that the applicant’s
8 United States employer has secured health
9 insurance that meet all applicable regula-
10 tions; or

11 “(II) evidence that the applicant has
12 posted a bond to be used to purchase the
13 health insurance described in subclause (I);
14 and

15 “(iv) a fee in the amount of \$345.

16 “(C) DISPOSITION OF PETITIONS EXCEED-
17 ING THE ANNUAL NUMERICAL LIMITATION.—If
18 the Director receives a petition that complies
19 with the requirements under subparagraph (B)
20 after the numerical limitation set forth in sec-
21 tion 201(d) has been reached for the applicable
22 fiscal year, the Director shall—

23 “(i) issue a points-based immigrant
24 visa to the petitioner;

1 “(ii) delay the admission into the
2 United States of the petitioner and his or
3 her spouse and children, if applicable, until
4 the first day of the following fiscal year;
5 and

6 “(iii) reduce the number of points-
7 based immigrant visas that may be issued
8 during the following fiscal year accord-
9 ingly.

10 “(3) VISAS FOR SPOUSES AND CHILDREN.—

11 “(A) SPOUSE.—The legal spouse of an ap-
12 plicant under this subsection who is accom-
13 panying or following to join the applicant in the
14 United States shall be issued a points-based im-
15 migrant visa under this section upon the ap-
16 proval of the spouse’s petition under paragraph
17 (2).

18 “(B) MINOR CHILDREN.—Any children of
19 an applicant under this subsection who have not
20 reached 18 years of age as of the date on which
21 a petition is filed under paragraph (2) and are
22 accompanying or following to join the applicant
23 in the United States shall be issued a points-
24 based immigrant visa under this section upon

1 the approval of the parent's petition under
2 paragraph (2).

3 “(C) DEPENDENT ADULT CHILDREN.—

4 Any adult child of an applicant under this sub-
5 section who is unable to care for himself or her-
6 self may be admitted into the United States, on
7 a temporary basis, until he or she is capable to
8 care for himself or herself, but may not be au-
9 thorized to work in the United States or to re-
10 ceive any other benefits of permanent residence.

11 “(4) INFLATION ADJUSTMENTS.—The Director
12 shall adjust the amount of the fees required under
13 paragraphs (1)(B)(iii) and (2)(B)(iv) every 2 years,
14 as appropriate, to reflect inflation.

15 “(5) INELIGIBILITY FOR PUBLIC BENEFITS.—

16 An alien who has been issued a points-based immi-
17 grant visa under this subsection, and every member
18 of the household of such alien, shall not be eligible
19 for any Federal means-tested public benefit (as de-
20 fined and implemented in section 403 of the Per-
21 sonal Responsibility and Work Opportunity Rec-
22 onciliation Act of 1996 (8 U.S.C. 1613)) during the
23 5-year period beginning on the date on which such
24 visa was issued.”; and

1 (2) in subsection (d)(1), as redesignated by sec-
 2 tion 2(b)(1)(C)(ii), by striking “or (b)”.

3 (d) ESTABLISHMENT OF IMMIGRATION POINTS SYS-
 4 TEM.—

5 (1) IN GENERAL.—Chapter 2 of title II of the
 6 Immigration and Nationality Act (8 U.S.C. 1181 et
 7 seq.) is amended by adding at the end the following:

8 **“SEC. 220. IMMIGRATION POINTS SYSTEM.**

9 **“(a) DEFINITIONS.—**In this section:

10 **“(1) ENGLISH LANGUAGE PROFICIENCY**
 11 **TEST.—**The term ‘English language proficiency test’
 12 means—

13 **“(A)** the International English Language
 14 Testing System (IELTS), as administered by a
 15 partnership between the British Council, IDP
 16 Education, and Cambridge English Language
 17 Assessment;

18 **“(B)** the Test of English as a Foreign
 19 Language (TOEFL), as administered by the
 20 Educational Testing Service; or

21 **“(C)** any other test to measure English
 22 proficiency that has been approved by the Com-
 23 missioner of U.S. Citizenship and Immigration
 24 Services for purposes of subsection (e) that
 25 meets the standards of English language ability

1 measurement and anti-fraud integrity set by the
2 IELTS or the TOEFL.

3 “(2) ENGLISH LANGUAGE PROFICIENCY TEST
4 RANKING.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), the term ‘English language pro-
7 ficiency test ranking’ means the decile rank of
8 the applicant’s English language proficiency
9 test score, when compared with all of the other
10 people who took the same test during the same
11 period.

12 “(B) ADJUSTMENT.—The Commissioner of
13 U.S. Citizenship and Immigration Services, in
14 consultation with the Secretary of Education,
15 may adjust the decile rank of an applicant’s
16 English language proficiency test score if the
17 number of people taking such test is too small
18 or unusually skewed to make such decile rank
19 inconsistent with the decile rank the applicant
20 would have received if he or she had taken the
21 IELTS or TOEFL.

22 “(3) HIGH SCHOOL.—The term ‘high school’
23 has the meaning given such term in section 8101 of
24 the Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 7801).

1 “(4) IELTS.—The term ‘IELTS’ means the
2 International English Language Testing System.

3 “(5) INSTITUTION OF HIGHER EDUCATION.—
4 The term ‘institution of higher education’ has the
5 same meaning given that term in section 101 of the
6 Higher Education Act of 1965 (20 U.S.C. 1001).

7 “(6) PROFESSIONAL DEGREE.—The term ‘pro-
8 fessional degree’ includes the following degrees:

9 “(A) Master’s of Business Administration.

10 “(B) Doctor of Jurisprudence.

11 “(C) Doctor of Medicine.

12 “(7) STEM.—The term ‘STEM’ means the
13 academic discipline of science, technology, engineer-
14 ing, or mathematics.

15 “(8) TOEFL.—The term ‘TOEFL’ means the
16 Test of English as a Foreign Language.

17 “(b) IN GENERAL.—An alien is eligible to submit an
18 application for placement in the eligible applicant pool
19 under section 203(b)(1) if the applicant has accrued a
20 total of 30 points under this section.

21 “(c) AGE.—

22 “(1) IN GENERAL.—An applicant may accrue
23 points for age under this subsection based on the
24 age of the applicant on the date on which the appli-
25 cant submits an application under section 203(b)(1).

1 “(2) AGES 0 THROUGH 17.—An alien who has
2 not reached 18 years of age may not submit an ap-
3 plication under section 203(b)(1).

4 “(3) AGES 18 THROUGH 21.—An applicant who
5 is at least 18 years of age and younger than 22
6 years of age shall accrue 6 points.

7 “(4) AGES 22 THROUGH 25.—An applicant who
8 is at least 22 years of age and younger than 26
9 years of age shall accrue 8 points.

10 “(5) AGES 26 THROUGH 30.—An applicant who
11 is at least 26 years of age and younger than 31
12 years of age shall accrue 10 points.

13 “(6) AGES 31 THROUGH 35.—An applicant who
14 is at least 31 years of age and younger than 36
15 years of age shall accrue 8 points.

16 “(7) AGES 36 THROUGH 40.—An applicant who
17 is at least 36 years of age and younger than 41
18 years of age shall accrue 6 points.

19 “(8) AGES 41 THROUGH 45.—An applicant who
20 is at least 41 years of age and younger than 46
21 years of age shall accrue 4 points.

22 “(9) AGES 46 THROUGH 50.—An applicant who
23 is at least 46 years of age and younger than 51
24 years of age shall accrue 2 points.

1 “(10) AGE 51 AND OLDER.—An applicant who
2 is at least 51 years of age may submit an applica-
3 tion under section 203(b), but shall not accrue any
4 points on account of age.

5 “(d) EDUCATION.—

6 “(1) IN GENERAL.—An applicant may only ac-
7 crue points for educational attainment under this
8 section based on the highest degree obtained by the
9 applicant as of the date on which the applicant sub-
10 mits an application under section 203(b).

11 “(2) UNITED STATES OR FOREIGN HIGH
12 SCHOOL DEGREE.—An applicant whose highest de-
13 gree is a diploma from a high school in the United
14 States, or the foreign equivalent of such a degree, as
15 determined by the Secretary of Education, shall ac-
16 crue 1 point.

17 “(3) FOREIGN BACHELOR’S DEGREE.—An ap-
18 plicant who has received the foreign equivalent of a
19 bachelor’s degree from an institution of higher edu-
20 cation, as determined by the Secretary of Education,
21 but has not received a degree described in para-
22 graphs (5) through (8), shall accrue 5 points.

23 “(4) UNITED STATES BACHELOR’S DEGREE.—
24 An applicant who has received a bachelor’s degree
25 from an institution of higher education, but has not

1 received a degree described in paragraphs (5)
2 through (8), shall accrue 6 points.

3 “(5) FOREIGN MASTER’S DEGREE IN STEM.—
4 An applicant whose highest degree is a master’s de-
5 gree in STEM from a foreign college or university,
6 approved by the Secretary of Education, shall accrue
7 7 points.

8 “(6) UNITED STATES MASTER’S DEGREE IN
9 STEM.—An applicant whose highest degree is a mas-
10 ter’s degree in STEM from an institution of higher
11 education shall accrue 8 points.

12 “(7) FOREIGN PROFESSIONAL DEGREE OR DOC-
13 TORATE DEGREE IN STEM.—An applicant whose
14 highest degree is a foreign professional degree or a
15 doctorate degree in STEM, approved by the Sec-
16 retary of Education, shall accrue 10 points.

17 “(8) UNITED STATES PROFESSIONAL DEGREE
18 OR DOCTORATE DEGREE IN STEM.—An applicant
19 whose highest degree is a United States professional
20 degree or a doctorate degree in STEM from an in-
21 stitution of higher education shall accrue 13 points.

22 “(9) APPROVED FOREIGN EDUCATIONAL INSTI-
23 TUTIONS AND DEGREES.—The Director of U.S. Citi-
24 zenship and Immigration Services, in cooperation
25 with the Secretary of Education, shall maintain and

1 regularly update a list of foreign educational institu-
 2 tions and degrees that meet accreditation standards
 3 equivalent to those recognized by major United
 4 States accrediting agencies and are approved for the
 5 purpose of accruing points under this subsection.

6 “(e) ENGLISH LANGUAGE PROFICIENCY.—

7 “(1) IN GENERAL.—An applicant may accrue
 8 points for English language proficiency in accord-
 9 ance with this subsection based on the highest
 10 English language assessment test ranking of the ap-
 11 plicant as of the date on which the applicant submits
 12 an application under section 203(b).

13 “(2) 1ST THROUGH 5TH DECILES.—An appli-
 14 cant whose English language proficiency test score is
 15 lower than the 6th decile rank shall not accrue any
 16 points under this subsection.

17 “(3) 6TH AND 7TH DECILES.—An applicant
 18 whose English language proficiency test score is in
 19 the 6th or 7th decile ranks shall accrue 6 points.

20 “(4) 8TH DECILE.—An applicant whose English
 21 language proficiency test score is in the 8th decile
 22 rank shall accrue 10 points.

23 “(5) 9TH DECILE.—An applicant whose English
 24 language proficiency test score is in the 9th decile
 25 rank shall accrue 11 points.

1 “(6) 10TH DECILE.—An applicant whose
 2 English language proficiency test score is in the
 3 10th decile rank shall accrue 12 points.

4 “(f) EXTRAORDINARY ACHIEVEMENT.—An applicant
 5 may accrue, for extraordinary achievement under this sub-
 6 section—

7 “(1) 25 points if the applicant is a Nobel Lau-
 8 reate or has received comparable recognition in a
 9 field of scientific or social scientific study, as deter-
 10 mined by the Commissioner of U.S. Citizenship and
 11 Immigration Services; and

12 “(2) 15 points if the applicant, during the 8-
 13 year period immediately preceding the submission of
 14 an application under section 203(b)(1), earned an
 15 individual Olympic medal or placed first in an inter-
 16 national sporting event in which the majority of the
 17 best athletes in an Olympic sport were represented,
 18 as determined by the Commissioner of U.S. Citizen-
 19 ship and Immigration Services.

20 “(g) JOB OFFER.—

21 “(1) IN GENERAL.—An applicant may accrue,
 22 for highly compensated employment under this sub-
 23 section—

24 “(A) 5 points if the annual salary being of-
 25 ferred by the applicant’s prospective employer is

1 at least 150 percent of the median household
 2 income in the State in which the applicant will
 3 be employed, as determined by the Secretary of
 4 Labor, and less than 200 percent of such me-
 5 dian household income;

6 “(B) 8 points if the annual salary being of-
 7 fered by the applicant’s prospective employer is
 8 at least 200 percent of the median household
 9 income in the State in which the applicant will
 10 be employed, as determined by the Secretary of
 11 Labor, and less than 300 percent of such me-
 12 dian household income; and

13 “(C) 13 points if the annual salary being
 14 offered by the applicant’s prospective employer
 15 is at least 300 percent of the median household
 16 income in the State in which the applicant will
 17 be employed, as determined by the Secretary of
 18 Labor.

19 “(2) REQUIREMENT.—An applicant may not be
 20 placed in the eligible applicant pool under section
 21 203(b)(1) if—

22 “(A) the applicant has not received a de-
 23 gree higher than a bachelor’s degree; and

24 “(B) the applicant does not accrue any
 25 points under paragraph (1).

1 “(h) INVESTMENT IN, AND ACTIVE MANAGEMENT
2 OF, NEW COMMERCIAL ENTERPRISE.—

3 “(1) IN GENERAL.—An applicant may accrue,
4 for foreign investment under this subsection—

5 “(A) 6 points if the applicant agrees to in-
6 vest the equivalent of \$1,350,000 in foreign
7 currency in a new commercial enterprise in the
8 United States, maintain such investment for at
9 least 3 years, and play an active role in the
10 management of such commercial enterprise as
11 the applicant’s primary occupation; and

12 “(B) 12 points if the applicant agrees to
13 invest the equivalent of \$1,800,000 in foreign
14 currency in a new commercial enterprise in the
15 United States, maintain such investment for at
16 least 3 years, and play an active role in the
17 management of such commercial enterprise as
18 the applicant’s primary occupation.

19 “(2) FAILURE TO MAINTAIN INVESTMENT.—A
20 points-based immigrant visa issued under section
21 201(b) to an applicant who accrued points under
22 this subsection shall be rescinded if the applicant
23 fails to comply with the requirements under para-
24 graph (1) for a period in excess of 1 year.

1 “(i) VALID OFFER OF ADMISSION UNDER FAMILY
 2 PREFERENCE CATEGORY.—Any alien who was granted
 3 admission to the United States under section 203(a) of
 4 the Immigration and Nationality Act, as in effect on the
 5 day before the date of enactment of this Act, shall be enti-
 6 tled to 2 points if—

7 “(1) the applicant was scheduled to receive an
 8 immigrant visa under that preference category; and

9 “(2) the applicant did not receive an immigrant
 10 visa during the 1-year period beginning on the date
 11 of the enactment of this Act.

12 “(j) EFFECT OF SPOUSE ON ACCRUAL OF POINTS.—

13 “(1) IN GENERAL.—If an applicant has a
 14 spouse who will be accompanying or following to join
 15 the applicant in the United States, the applicant will
 16 identify the points that the spouse would accrue
 17 under each of subsections (c) through (e) if he or
 18 she were applying for a points-based immigrant visa.

19 “(2) POINTS ADJUSTMENT.—For each of the
 20 categories set forth in subsections (c) through (e)—

21 “(A) if the number of points that would be
 22 accrued by the spouse is the same or higher as
 23 the points accrued by the applicant, the number
 24 of points shall not be adjusted;

1 “(B) if the number of points that would be
 2 accrued by the spouse is lower than the number
 3 of points accrued by the applicant, the number
 4 of points accrued by the applicant shall be ad-
 5 justed so that it is equal to the sum of—

6 “(i) the number of points accrued by
 7 the applicant under such category multi-
 8 plied by 70 percent; and

9 “(ii) the number of points accrued by
 10 the spouse under such category multiplied
 11 by 30 percent.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
 13 tents for the Immigration and Nationality Act (8
 14 U.S.C. 1101 et seq.) is amended by inserting after
 15 the item relating to section 219 the following:

“Sec. 220. Immigration points system.”.

16 (e) ANNUAL REPORT.—Not later than 1 year after
 17 the date of the enactment of this Act, and annually there-
 18 after, the Secretary of Homeland Security shall submit a
 19 report to Congress that includes, for the previous fiscal
 20 year—

21 (1) the number of visas issued under section
 22 203(b) of the Immigration and Nationality Act, as
 23 added by subsection (c), based on the Immigration
 24 Points System established under section 220 of such
 25 Act, as added by subsection (d);

1 (2) with respect to the aliens placed in the eligi-
2 ble applicant pool under section 203(b)(1)(C) of
3 such Act during the previous fiscal year—

4 (A) the percentage of such aliens seeking
5 residence in each State;

6 (B) the percentage of such aliens in each
7 of the educational attainment categories set
8 forth in section 220(d) of such Act;

9 (C) the percentage of such aliens in each
10 of the English language proficiency categories
11 set forth in section 220(e) of such Act;

12 (D) the initial United States employer of
13 such aliens and the average starting annual sal-
14 ary offered by such employers in the United
15 States; and

16 (E) the number of such aliens agreeing to
17 invest in a new commercial enterprise in the
18 United States, and the percentage of such
19 aliens in each of the categories set forth in sec-
20 tion 220(h) of such Act; and

21 (3) with respect to the aliens invited to file a
22 points-based immigrant visa petition pursuant to
23 section 203(b)(2) of such Act, the statistics set forth
24 in subparagraphs (A) through (E) of paragraph (2).

25 (f) QUADRENNIAL REPORT.—

1 (1) IN GENERAL.—Not later than 4 years after
2 the date of the enactment of this Act, and every 4
3 years thereafter, the Secretary of Homeland Secu-
4 rity, in consultation with the Secretary of Labor, the
5 Secretary of Commerce, and the Secretary of State,
6 shall submit a report to the Committee on the Judi-
7 ciary of the Senate, the Committee on Foreign Rela-
8 tions of the Senate, the Committee on the Judiciary
9 of the House of Representatives, and the Committee
10 on Foreign Affairs of the House of Representatives
11 that includes any recommendations for revisions to
12 the immigration points system set forth in section
13 220 of the Immigration and Nationality Act, as
14 added by section 5(d)—

15 (A) by reallocating points within or among
16 the categories set forth in subsections (c)
17 through (i) of such section; and

18 (B) by adding or subtracting additional
19 points categories.

20 (2) CRITERIA FOR RECOMMENDATIONS.—The
21 recommendations included in the report required
22 under paragraph (1) shall be designed to achieve the
23 goals of—

24 (A) increasing per capita growth in the
25 gross domestic product of the United States;

1 (B) enhancing prospects for the economic
2 success of immigrants issued points-based im-
3 migrant visas;

4 (C) improving the fiscal health of the
5 United States; and

6 (D) protecting or increasing the wages of
7 working Americans.

8 **SEC. 6. PREREQUISITE FOR NATURALIZATION.**

9 Section 318 of the Immigration and Nationality Act
10 (8 U.S.C. 1429 et seq.) is amended—

11 (1) by striking “Except” and inserting the fol-
12 lowing:

13 “(a) PERMANENT RESIDENT.—Except”;

14 (2) by striking “he” each place such term ap-
15 pears and inserting “he or she”;

16 (3) by striking “his” and inserting “his or her”;

17 (4) by striking “Attorney General” each place
18 such term appears and inserting “Secretary of
19 Homeland Security”;

20 (5) by striking “the Service” and inserting “the
21 Department of Homeland Security”;

22 (6) by striking “Notwithstanding” and insert-
23 ing the following:

24 “(b) WARRANT OF ARREST.—Notwithstanding”;

1 (7) by striking “Act: *Provided*, That the find-
2 ings” and inserting “Act. The findings”; and

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

4 “(c) OUTSTANDING DEBTS.—No person may be nat-
5 uralized under this title if the individual who executed an
6 affidavit of support with respect to the person has failed
7 to reimburse the Federal Government, in accordance with
8 section 213A(b), for all means-tested public benefits re-
9 ceived by the person during the 5-year period beginning
10 on the date on which the alien was lawfully admitted for
11 permanent residence.”.

○