

111TH CONGRESS
1ST SESSION

H. R. 2709

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Mr. HONDA (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Ms. CLARKE, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Mr. POLIS of Colorado, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABLAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU) 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,*

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

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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 and minor children of legal permanent residents as immediate relatives.
Sec. 103. 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.

TITLE II—UNITING AMERICAN FAMILIES ACT

- Sec. 201. Short title; amendments to Immigration and Nationality Act.
Sec. 202. Definitions of permanent partner and permanent partnership.
Sec. 203. Definition of child.
Sec. 204. Worldwide level of immigration.
Sec. 205. Numerical limitations on individual foreign states.
Sec. 206. Allocation of immigrant visas.
Sec. 207. Procedure for granting immigrant status.
Sec. 208. Annual admission of refugees and admission of emergency situation refugees.
Sec. 209. Asylum.
Sec. 210. Adjustment of status of refugees.
Sec. 211. Inadmissible aliens.
Sec. 212. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
Sec. 213. Derivative status for permanent partners of nonimmigrant visa holders.
Sec. 214. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 215. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 216. Deportable aliens.
Sec. 217. Removal proceedings.
Sec. 218. Cancellation of removal; adjustment of status.
Sec. 219. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
Sec. 220. Application of criminal penalties for misrepresentation and concealment of facts regarding permanent partnerships.

Sec. 221. Requirements as to residence, good moral character, attachment to the principles of the Constitution.

Sec. 222. Naturalization for permanent partners of citizens.

Sec. 223. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.

Sec. 224. 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.—Subject to subparagraph
 14 (B), the worldwide level of family-sponsored immi-
 15 grants under this subsection for a fiscal year is
 16 equal to the sum of—

17 “(A) 480,000; and

18 “(B) the sum of—

19 “(i) the number computed under
 20 paragraph (2); and

21 “(ii) the number computed under
 22 paragraph (3).

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

5 “(A) the worldwide level of family-spon-
6 sored immigrant visas established for the pre-
7 vious fiscal year; and

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

11 “(3) UNUSED VISA NUMBERS FROM FISCAL
12 YEARS 1992 THROUGH 2007.—The number computed
13 under this paragraph is the difference, if any, be-
14 tween—

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

16 “(i) the sum of the worldwide levels of
17 family-sponsored immigrant visas estab-
18 lished for fiscal years 1992 through 2007;
19 and

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

23 “(B) the number of unused visas from fis-
24 cal years 1992 through 2007 that were issued

1 after fiscal year 2007 under section 203(a),
2 subject to this subsection.”.

3 (b) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
4 IMMIGRANTS.—Section 201(d) of the Immigration and
5 Nationality Act (8 U.S.C. 1151(d)) is amended to read
6 as follows:

7 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
8 IMMIGRANTS.—

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

12 “(A) 140,000;

13 “(B) the number computed under para-
14 graph (2); and

15 “(C) the number computed under para-
16 graph (3).

17 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
18 FISCAL YEAR.—The number computed under this
19 paragraph for a fiscal year is the difference, if any,
20 between—

21 “(A) the worldwide level of employment-
22 based immigrant visas established for the pre-
23 vious fiscal year; and

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

4 “(3) UNUSED VISA NUMBERS FROM FISCAL
5 YEARS 1992 THROUGH 2007.—The number computed
6 under this paragraph is the difference, if any, be-
7 tween—

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

9 “(i) the sum of the worldwide levels of
10 employment-based immigrant visas estab-
11 lished for each of fiscal years 1992
12 through 2007; and

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

16 “(B) the number of unused visas from fis-
17 cal years 1992 through 2007 that were issued
18 after fiscal year 2007 under section 203(b),
19 subject to this subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date which is 60 days
22 after the date of the enactment of this Act.

1 **SEC. 102. RECLASSIFICATION OF SPOUSES AND MINOR**
2 **CHILDREN OF LEGAL PERMANENT RESI-**
3 **DENTS AS IMMEDIATE RELATIVES.**

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

7 “(2) IMMEDIATE RELATIVE.—

8 “(A) IN GENERAL.—

9 “(i) IMMEDIATE RELATIVE DE-
10 FINED.—In this subparagraph, the term
11 ‘immediate relative’ means a child, spouse,
12 or parent of a citizen of the United States
13 or a child or spouse of a lawful permanent
14 resident (and for each family member of a
15 citizen or lawful permanent resident under
16 this subparagraph, such individual’s spouse
17 or child who is accompanying or following
18 to join the individual), except that, in the
19 case of parents, such citizens shall be at
20 least 21 years of age.

21 “(ii) PREVIOUSLY ISSUED VISA.—

22 Aliens admitted under section 211(a) on
23 the basis of a prior issuance of a visa
24 under section 203(a) to their accom-
25 panying parent who is an immediate rel-
26 ative.

1 “(iii) PARENTS AND CHILDREN.—An
2 alien who was the child or parent of a cit-
3 izen of the United States or a child of a
4 lawful permanent resident at the time of
5 the citizen’s or resident’s death if the alien
6 files a petition under 204(a)(1)(A)(ii) with-
7 in 2 years after such date or prior to
8 reaching 21 years of age.

9 “(iv) SPOUSE.—An alien who was the
10 spouse of a citizen of the United States or
11 lawful permanent resident for not less than
12 2 years at the time of the citizen’s or resi-
13 dent’s death or, if married for less than 2
14 years at the time of the citizen’s or resi-
15 dent’s death, proves by a preponderance of
16 the evidence that the marriage was entered
17 into in good faith and not solely for the
18 purpose of obtaining an immigration ben-
19 efit and was not legally separated from the
20 citizen or resident at the time of the citi-
21 zen’s or resident’s death, and each child of
22 such alien, shall be considered, for pur-
23 poses of this subsection, an immediate rel-
24 ative after the date of the citizen’s or resi-
25 dent’s death if the spouse files a petition

1 under section 204(a)(1)(A)(ii) before the
2 earlier of—

3 “(I) 2 years after such date; or

4 “(II) the date on which the
5 spouse remarries.

6 “(v) SPECIAL RULE.—For purposes of
7 this subparagraph, an alien who has filed
8 a petition under clause (iii) or (iv) of sec-
9 tion 204(a)(1)(A) remains an immediate
10 relative if the United States citizen or law-
11 ful permanent resident spouse or parent
12 loses United States citizenship or residence
13 on account of the abuse.

14 “(B) BIRTH DURING TEMPORARY VISIT
15 ABROAD.—Aliens born to an alien lawfully ad-
16 mitted for permanent residence during a tem-
17 porary visit abroad.”.

18 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
19 203(a) of the Immigration and Nationality Act (8 U.S.C.
20 1153(a)) is amended—

21 (1) in paragraph (1), by striking “23,400” and
22 inserting “38,000”;

23 (2) by striking paragraph (2) and inserting the
24 following:

1 “(2) UNMARRIED SONS AND UNMARRIED
2 DAUGHTERS OF PERMANENT RESIDENT ALIENS.—
3 Qualified immigrants who are the unmarried sons or
4 unmarried daughters (but are not the children) of
5 an alien lawfully admitted for permanent residence
6 shall be allocated visas in a number not to exceed
7 60,000, plus any visas not required for the class
8 specified in paragraph (1).”;

9 (3) in paragraph (3), by striking “23,400” and
10 inserting “38,000”; and

11 (4) in paragraph (4), by striking “65,000” and
12 inserting “90,000”.

13 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) RULES FOR DETERMINING WHETHER CER-
15 TAIN ALIENS ARE IMMEDIATE RELATIVES.—Section
16 201(f) of the Immigration and Nationality Act (8
17 U.S.C. 1151(f)) is amended—

18 (A) in paragraph (1), by striking “para-
19 graphs (2) and (3),” and inserting “paragraph
20 (2),”;

21 (B) by striking paragraph (2);

22 (C) by redesignating paragraphs (3) and
23 (4) as paragraphs (2) and (3), respectively; and

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

4 (2) NUMERICAL LIMITATION TO ANY SINGLE
5 FOREIGN STATE.—Section 202 of the Immigration
6 and Nationality Act (8 U.S.C. 1152) is amended—

7 (A) in subsection (a)(4)—

8 (i) by striking subparagraphs (A) and
9 (B);

10 (ii) by redesignating subparagraphs
11 (C) and (D) as subparagraphs (A) and
12 (B), respectively; and

13 (iii) in subparagraph (A), as redesign-
14 ated by clause (ii), by striking “section
15 203(a)(2)(B)” and inserting “section
16 203(a)(2)”; and

17 (B) in subsection (e), in the flush matter
18 following paragraph (3), by striking “, or as
19 limiting the number of visas that may be issued
20 under section 203(a)(2)(A) pursuant to sub-
21 section (a)(4)(A)”.

22 (3) ALLOCATION OF IMMIGRATION VISAS.—Sec-
23 tion 203(h) of the Immigration and Nationality Act
24 (8 U.S.C. 1153(h)) is amended—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “subsections
3 (a)(2)(A) and (d)” and inserting “sub-
4 section (d)”;

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

12 (iii) in subparagraph (B), by striking
13 “applicable”;

14 (B) by amending paragraph (2) to read as
15 follows:

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

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

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

1 (A) in subsection (a)(1)—
2 (i) in subparagraph (A)—
3 (I) in clause (i), by inserting “or
4 lawful permanent resident” after “cit-
5 izen”;
6 (II) in clause (ii), by striking
7 “described in the second sentence of
8 section 201(b)(2)(A)(i) also” and in-
9 serting “, alien child, or alien parent
10 described in section 201(b)(2)(A)”;
11 (III) in clause (iii)—
12 (aa) in subclause (I)(aa), by
13 inserting “or legal permanent
14 resident” after “citizen”; and
15 (bb) in subclause (II)(aa)—
16 (AA) in subitems (AA)
17 and (BB), by inserting “or
18 legal permanent resident;”
19 after “citizen” each place
20 that term appears;
21 (BB) in subitem (CC),
22 by inserting “or legal per-
23 manent resident” after “cit-
24 izen” each place that term
25 appears; and

1 (CC) in subitem
2 (CC)(bbb), by inserting “or
3 legal permanent resident”
4 after “citizenship”;

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

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

12 (VI) in clause (vi)—

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

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

20 (ii) by striking subparagraph (B);

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

1 (iv) in subparagraph (J), by striking
2 “or clause (ii) or (iii) of subparagraph
3 (B)”;

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

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

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

10 **SEC. 103. COUNTRY LIMITS.**

11 Section 202(a)(2) of the Immigration and Nationality
12 Act (8 U.S.C. 1152(a)(2)) is amended by striking “7 per-
13 cent (in the case of a single foreign state) or 2 percent”
14 and inserting “10 percent (in the case of a single foreign
15 state) or 5 percent”.

16 **SEC. 104. PROMOTING FAMILY UNITY.**

17 Section 212(a)(9) of the Immigration and Nationality
18 Act (8 U.S.C. 1182(a)(9)) is amended—

19 (1) in subparagraph (B)—

20 (A) in clause (iii)—

21 (i) in subclause (I), by striking “18
22 years of age” and inserting “21 years of
23 age”;

24 (ii) by moving subclause (V) 4 ems to
25 the right; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(VI) Clause (i) shall not apply
4 to an alien for whom an immigrant
5 visa is available or was available on or
6 before the date of the enactment of
7 the Reuniting Families Act, and is
8 otherwise admissible to the United
9 States for permanent residence.”; and

10 (B) in clause (v)—

11 (i) by striking “spouse or son or
12 daughter” and inserting “spouse, son,
13 daughter, or parent”;

14 (ii) by striking “extreme”;

15 (iii) by inserting “, son, daughter, or”
16 after “lawfully resident spouse”; and

17 (iv) by striking “alien.” and inserting
18 “alien or, if the Attorney General deter-
19 mines that a waiver is necessary for hu-
20 manitarian purposes, to ensure family
21 unity or is otherwise in the public inter-
22 est.”; and

23 (2) in subparagraph (C), by amending clause
24 (ii) to read as follows:

1 “(ii) EXCEPTIONS.—Clause (i) shall
2 not apply to an alien—

3 “(I) seeking admission more than
4 10 years after the date of the alien’s
5 last departure from the United States
6 if, prior to the alien’s reembarkation
7 at a place outside the United States
8 or attempt to be readmitted from a
9 foreign contiguous territory, the Sec-
10 retary of Homeland Security has con-
11 sented to the alien’s reapplication for
12 admission; or

13 “(II) for whom an immigrant
14 visa is available or was available on or
15 before the date of the enactment of
16 the Reuniting Families Act, and is
17 otherwise admissible to the United
18 States for permanent residence.”.

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

20 (a) IN GENERAL.—

21 (1) SPECIAL RULE FOR ORPHANS AND
22 SPOUSES.—In applying clauses (iii) and (iv) of sec-
23 tion 201(b)(2)(A) of the Immigration and Nation-
24 ality Act, as added by section 3(a), to an alien whose
25 citizen or lawful permanent resident relative died be-

1 fore the date of the enactment of this Act, the alien
2 relative may file the classification petition under sec-
3 tion 204(a)(1)(A)(ii) of such Act, as amended by
4 section 102(c)(4)(A)(i)(II), not later than 2 years
5 after the date of the enactment of this Act.

6 (2) ELIGIBILITY FOR PAROLE.—If an alien was
7 excluded, deported, removed, or departed voluntarily
8 before the date of the enactment of this Act based
9 solely upon the alien’s lack of classification as an
10 immediate relative (as defined in section
11 201(b)(2)(A)(iv) of the Immigration and Nationality
12 Act, as amended by section 102(a)) due to the death
13 of such citizen or resident—

14 (A) such alien shall be eligible for parole
15 into the United States pursuant to the Attorney
16 General’s discretionary authority under section
17 212(d)(5) of such Act (8 U.S.C. 1182(d)(5));
18 and

19 (B) such alien’s application for adjustment
20 of status shall be considered notwithstanding
21 section 212(a)(9) of such Act (8 U.S.C.
22 1182(a)(9)).

23 (b) ADJUSTMENT OF STATUS.—Section 245 of the
24 Immigration and Nationality Act (8 U.S.C. 1255) is
25 amended by adding at the end the following:

1 “(n) APPLICATION FOR ADJUSTMENT OF STATUS BY
2 SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

3 “(1) IN GENERAL.—An alien described in para-
4 graph (2) who applies for adjustment of status be-
5 fore the death of the qualifying relative may have
6 such application adjudicated as if such death had
7 not occurred.

8 “(2) ALIEN DESCRIBED.—An alien described in
9 this paragraph is an alien who—

10 “(A) is an immediate relative (as described
11 in section 201(b)(2)(A));

12 “(B) is a family-sponsored immigrant (as
13 described in subsection (a) or (d) of section
14 203); or

15 “(C) is a derivative beneficiary of an em-
16 ployment-based immigrant under section 203(b)
17 (as described in section 203(d)).”.

18 (c) TRANSITION PERIOD.—

19 (1) IN GENERAL.—Notwithstanding a denial of
20 an application for adjustment of status for an alien
21 whose qualifying relative died before the date of the
22 enactment of this Act, such application may be re-
23 newed by the alien through a motion to reopen,
24 without fee, if such motion is filed not later than 2
25 years after such date of enactment.

1 (2) ELIGIBILITY FOR PAROLE.—If an alien de-
2 scribed in section 245(n)(2) of the Immigration and
3 Nationality Act, as added by subsection (b), was ex-
4 cluded, deported, removed, or departed voluntarily
5 before the date of the enactment of this Act—

6 (A) such alien shall be eligible for parole
7 into the United States pursuant to the Attorney
8 General’s discretionary authority under section
9 212(d)(5) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(d)(5)); and

11 (B) such alien’s application for adjustment
12 of status shall be considered notwithstanding
13 section 212(a)(9) of such Act (8 U.S.C.
14 1182(a)(9)).

15 (d) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
16 TIVE PETITIONS.—

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

20 (A) by striking “After an investigation”
21 and inserting the following:

22 “(1) IN GENERAL.—After an investigation”;

23 and

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

25 “(2) DEATH OF QUALIFYING RELATIVE.—

1 “(A) IN GENERAL.—Any alien described in
2 subparagraph (B) whose qualifying relative died
3 before the completion of immigrant visa proc-
4 essing may have an immigrant visa application
5 adjudicated as if such death had not occurred.
6 An immigrant visa issued before the death of
7 the qualifying relative shall remain valid after
8 such death.

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

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

13 “(ii) is a family-sponsored immigrant
14 (as described in subsection (a) or (d) of
15 section 203);

16 “(iii) is a derivative beneficiary of an
17 employment-based immigrant under section
18 203(b) (as described in section 203(d)); or

19 “(iv) is the spouse or child of a ref-
20 ugee (as described in section 207(c)(2)) or
21 an asylee (as described in section
22 208(b)(3)).”.

23 (2) TRANSITION PERIOD.—

24 (A) IN GENERAL.—Notwithstanding a de-
25 nial or revocation of an application for an immi-

1 grant visa for an alien whose qualifying relative
2 died before the date of the enactment of this
3 Act, such application may be renewed by the
4 alien through a motion to reopen, without fee,
5 if such motion is filed not later than 2 years
6 after such date of enactment.

7 (B) INAPPLICABILITY OF BARS TO
8 ENTRY.—Notwithstanding section 212(a)(9) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1182(a)(9)), an alien’s application for an immi-
11 grant visa shall be considered if the alien was
12 excluded, deported, removed, or departed volun-
13 tarily before the date of the enactment of this
14 Act.

15 (e) NATURALIZATION.—Section 319(a) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
17 ed by inserting “(or, if the spouse is deceased, the spouse
18 was a citizen of the United States)” after “citizen of the
19 United States”.

20 **SEC. 106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
21 **CERTAIN VETERANS WHO ARE NATIVES OF**
22 **PHILIPPINES.**

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

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

5 “(F) Aliens who are eligible for an immigrant
6 visa under paragraph (1) or (3) of section 203(a)
7 and who have a parent who was naturalized pursu-
8 ant to section 405 of the Immigration Act of 1990
9 (8 U.S.C. 1440 note).”.

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

11 (a) DEFINITION.—Section 101(a)(15)(K)(iii) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1101(a)(15)(K)(iii)) is amended by inserting “, provided
14 that a determination of the age of such minor child is
15 made using the age of the alien on the date on which the
16 petition is filed with the Secretary of Homeland Security
17 to classify the alien’s parent as the fiancée or fiancé of
18 a United States citizen (in the case of an alien parent de-
19 scribed in clause (i)) or as the spouse of a United States
20 citizen under section 201(b)(2)(A)(i) (in the case of an
21 alien parent described in clause (ii));” before the semicolon
22 at the end.

23 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
24 214(d) of the Immigration and Nationality Act (8 U.S.C.
25 1184(d)(1)) is amended—

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

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

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

12 “(B) Subject to subparagraphs (C) and (D), if an
13 alien marries the petitioner described in section
14 101(a)(15)(K)(i) within 3 months after the alien is admit-
15 ted into the United States, the Secretary of Homeland Se-
16 curity or the Attorney General, subject to the provisions
17 of section 245(d), may adjust the status of the alien, and
18 any minor children accompanying or following to join the
19 alien, to that of an alien lawfully admitted for permanent
20 residence on a conditional basis under section 216 if the
21 alien and any such minor children apply for such adjust-
22 ment and are not determined to be inadmissible to the
23 United States.

24 “(C) Paragraphs (5) and (7)(A) of section 212(a))
25 shall not apply to an alien who is eligible to apply for ad-

1 justment of his or her status to an alien lawfully admitted
2 for permanent residence under this section.

3 “(D) An alien eligible for a waiver of inadmissibility
4 as otherwise authorized under this Act shall be permitted
5 to apply for adjustment of his or her status to that of
6 an alien lawfully admitted for permanent residence under
7 this section.”.

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

11 (1) by inserting “(1)” before “The Attorney
12 General”; and

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

14 “(2) A determination of the age of an alien admitted
15 to the United States under section 101(a)(15)(K)(iii) shall
16 be made, for purposes of adjustment to the status of an
17 alien lawfully admitted for permanent residence on a con-
18 ditional basis under section 216, using the age of the alien
19 on the date on which the petition is filed with the Sec-
20 retary of Homeland Security to classify the alien’s parent
21 as the fiancée or fiancé of a United States citizen (in the
22 case of an alien parent admitted to the United States
23 under section 101(a)(15)(K)(i)) or as the spouse of a
24 United States citizen under section 201(b)(2)(A)(i) (in the

1 case of an alien parent admitted to the United States
2 under section 101(a)(15)(K)(ii)).”.

3 (d) EFFECTIVE DATE.—

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

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

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

13 (B) have been denied, but would have been
14 approved if such amendments had been in effect
15 at the time of adjudication of the petition or
16 application.

17 (3) MOTION TO REOPEN OR RECONSIDER.—A
18 motion to reopen or reconsider a petition or applica-
19 tion described in paragraph (2)(B) shall be granted
20 if such motion is filed with the Secretary of Home-
21 land Security or the Attorney General not later than
22 2 years after the date of the enactment of this Act.

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

24 Section 101(b)(1)(B) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1101(b)(1)(B)) is amended by striking

1 “, provided the child had not reached the age of eighteen
2 years at the time the marriage creating the status of step-
3 child occurred”.

4 **TITLE II—UNITING AMERICAN**
5 **FAMILIES ACT**

6 **SEC. 201. SHORT TITLE; AMENDMENTS TO IMMIGRATION**
7 **AND NATIONALITY ACT.**

8 (a) **SHORT TITLE.**—This title may be cited as the
9 “Uniting American Families Act of 2009”.

10 (b) **AMENDMENTS TO IMMIGRATION AND NATION-**
11 **ALITY ACT.**—Except as otherwise specifically provided,
12 whenever in this title an amendment or repeal is expressed
13 as the amendment or repeal of a section or other provision,
14 the reference shall be considered to be made to that sec-
15 tion or provision in the Immigration and Nationality Act.

16 **SEC. 202. DEFINITIONS OF PERMANENT PARTNER AND**
17 **PERMANENT PARTNERSHIP.**

18 Section 101(a) (8 U.S.C. 1101(a)) is amended—

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

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

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

24 “(A) is in a committed, intimate relation-
25 ship with another individual 18 years of age or

1 older in which both parties intend a lifelong
2 commitment;

3 “(B) is financially interdependent with
4 that other individual;

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

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

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

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

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

19 **SEC. 203. DEFINITION OF CHILD.**

20 Section 101(b)(1) (8 U.S.C. 1101(b)(1)) is amended
21 by adding at the end the following:

22 “(H)(i) a biological child of an alien per-
23 manent partner if the child was under the age
24 of 18 at the time the permanent partnership
25 was formed; or

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

8 **SEC. 204. WORLDWIDE LEVEL OF IMMIGRATION.**

9 Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i))
10 is amended—

11 (1) by inserting “permanent partners,” after
12 “spouses,”;

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

15 (3) by inserting “(or, in the case of a perma-
16 nent partnership, whose permanent partnership was
17 not terminated)” after “was not legally separated
18 from the citizen”; and

19 (4) by striking “remarries.” and inserting “re-
20 marries or enters a permanent partnership with an-
21 other person.”.

22 **SEC. 205. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
23 **EIGN STATES.**

24 (a) PER COUNTRY LEVELS.—Section 202(a)(4) (8
25 U.S.C. 1152(a)(4)) is amended—

1 (1) in the heading, by inserting “, PERMANENT
2 PARTNERS,” after “SPOUSES”;

3 (2) in the heading of subparagraph (A), by in-
4 serting “, PERMANENT PARTNERS,” after
5 “SPOUSES”; and

6 (3) in the heading of subparagraph (C), by
7 striking “AND DAUGHTERS” inserting “WITHOUT
8 PERMANENT PARTNERS AND UNMARRIED DAUGH-
9 TERS WITHOUT PERMANENT PARTNERS”.

10 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
11 (8 U.S.C. 1152(b)(2)) is amended—

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

14 (2) by inserting “or permanent partners” after
15 “husband and wife”.

16 **SEC. 206. ALLOCATION OF IMMIGRANT VISAS.**

17 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
18 BERS OF PERMANENT RESIDENT ALIENS.—Section
19 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

20 (1) in the heading—

21 (A) by striking “AND” after “SPOUSES”
22 and inserting “, PERMANENT PARTNERS,”; and

23 (B) by inserting “WITHOUT PERMANENT
24 PARTNERS” after “SONS” and after “DAUGH-
25 TERS”;

1 (2) in subparagraph (A), by inserting “, perma-
2 nent partners,” after “spouses”; and

3 (3) in subparagraph (B), by inserting “without
4 permanent partners” after “sons” and after “daugh-
5 ters”.

6 (b) PREFERENCE ALLOCATION FOR SONS AND
7 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
8 1153(a)(3)) is amended—

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

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

14 (c) EMPLOYMENT CREATION.—Section
15 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
16 by inserting “permanent partner,” after “spouse,”.

17 (d) TREATMENT OF FAMILY MEMBERS.—Section
18 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
19 manent partner,” after “spouse” each place it appears.

20 **SEC. 207. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

21 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
22 (8 U.S.C. 1154(a)(1)) is amended—

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

25 (2) in subparagraph (A)(iii)—

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

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

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

8 (4) in subparagraph (A)(vi)—

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

11 (B) by inserting “, permanent partner,”
12 after “spouse”; and

13 (5) in subparagraph (B)—

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

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

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

24 (b) IMMIGRATION FRAUD PREVENTION.—Section
25 204(c) (8 U.S.C. 1154(c)) is amended—

- 1 (1) by inserting “or permanent partner” after
2 “spouse” each place it appears; and
3 (2) by inserting “or permanent partnership”
4 after “marriage” each place it appears.

5 **SEC. 208. ANNUAL ADMISSION OF REFUGEES AND ADMIS-**
6 **SION OF EMERGENCY SITUATION REFUGEES.**

7 Section 207(c) (8 U.S.C. 1157(c)) is amended—

- 8 (1) in paragraph (2)—
9 (A) by inserting “or permanent partner”
10 after “spouse” each place it appears; and
11 (B) by inserting “or permanent partner’s”
12 after “spouse’s”; and
13 (2) in paragraph (4), by inserting “or perma-
14 nent partner” after “spouse”.

15 **SEC. 209. ASYLUM.**

16 Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amend-
17 ed—

- 18 (1) in the heading, by inserting “OR PERMA-
19 NENT PARTNER” after “SPOUSE”; and
20 (2) in the text, by inserting “or permanent
21 partner” after “spouse”.

22 **SEC. 210. ADJUSTMENT OF STATUS OF REFUGEES.**

23 Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended
24 by inserting “or permanent partner” after “spouse”.

1 **SEC. 211. INADMISSIBLE ALIENS.**

2 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
3 ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is
4 amended—

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

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

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

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

13 (b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is
14 amended—

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

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

19 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
20 LATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C.
21 1182(g)(1)(A)) is amended by inserting “or permanent
22 partner” after “spouse”.

23 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
24 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
25 1182(h)(1)(B)) is amended by inserting “permanent part-
26 ner,” after “spouse,”.

1 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
2 TATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
3 amended by inserting “permanent partner,” after
4 “spouse.”

5 **SEC. 212. NONIMMIGRANT STATUS FOR PERMANENT PART-**
6 **NERS AWAITING THE AVAILABILITY OF AN**
7 **IMMIGRANT VISA.**

8 Section 214(r) (8 U.S.C. 1184(r)) is amended—

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

11 (2) by inserting “or permanent partnership”
12 after “marriage” each place it appears.

13 **SEC. 213. DERIVATIVE STATUS FOR PERMANENT PART-**
14 **NERS OF NONIMMIGRANT VISA HOLDERS.**

15 Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended—
16 ed—

17 (1) in subparagraph (E), by inserting “or permanent partner” after “spouse”;
18 permanent partner” after “spouse”;

19 (2) in subparagraph (F)(ii), by inserting “or permanent partner” after “spouse”;
20 permanent partner” after “spouse”;

21 (3) in subparagraph (G)(i), by inserting “,
22 which shall include his or her permanent partner”
23 after “members of his or their immediate family”;

1 (4) in subparagraph (G)(ii), by inserting “,
2 which shall include permanent partners,” after “the
3 members of their immediate families”;

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

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

10 (7) in subparagraph (G)(v), by inserting “,
11 which shall include permanent partners” after “the
12 members of the immediate families”;

13 (8) in subparagraph (H)(iii), by inserting “or
14 permanent partner” after “spouse”;

15 (9) in subparagraph (I), by inserting “or per-
16 manent partner” after “spouse”;

17 (10) in subparagraph (J), by inserting “or per-
18 manent partner” after “spouse”;

19 (11) in subparagraph (L), by inserting “or per-
20 manent partner” after “spouse”;

21 (12) in subparagraph (M)(ii), by inserting “or
22 permanent partner” after “spouse”;

23 (13) in subparagraph (O)(iii), by inserting “or
24 permanent partner” after “spouse”;

1 (14) in subparagraph (P)(iv), by inserting “or
2 permanent partner” after “spouse”;

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

5 (16) in subparagraph (R), by inserting “or per-
6 manent partner” after “spouse”;

7 (17) in subparagraph (S), by inserting “or per-
8 manent partner” after “spouse”;

9 (18) in subparagraph (T)(ii)(I), by inserting
10 “or permanent partner” after “spouse”;

11 (19) in subparagraph (T)(ii)(II), by inserting
12 “or permanent partner” after “spouse”;

13 (20) in subparagraph (U)(ii)(I), by inserting
14 “or permanent partner” after “spouse”;

15 (21) in subparagraph (U)(ii)(II), by inserting
16 “or permanent partner” after “spouse”; and

17 (22) in subparagraph (V), by inserting “perma-
18 nent partner or” after “beneficiary (including a”.

19 **SEC. 214. CONDITIONAL PERMANENT RESIDENT STATUS**
20 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
21 **PARTNERS, AND SONS AND DAUGHTERS.**

22 (a) SECTION HEADING.—

23 (1) IN GENERAL.—The heading for section 216
24 (8 U.S.C. 1186a) is amended by inserting “AND
25 PERMANENT PARTNERS” after “SPOUSES”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents is amended by amending the item relating to
3 section 216 to read as follows:

 “Sec. 216. Conditional permanent resident status for certain alien spouses and
 permanent partners and sons and daughters.”.

4 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
5 1186a(a)) is amended—

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

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

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

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

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

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

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

21 (3) in paragraph (1)(A)(ii)—

22 (A) by inserting “or has ceased to satisfy
23 the criteria for being considered a permanent

1 partnership under this Act,” after “termi-
2 nated,”; and

3 (B) by inserting “or permanent partner”
4 after “spouse”.

5 (d) REQUIREMENTS OF TIMELY PETITION AND
6 INTERVIEW FOR REMOVAL OF CONDITION.—Section
7 216(c) (8 U.S.C. 1186a(c)) is amended—

8 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
9 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
10 nent partner” after “spouse” each place it appears;
11 and

12 (2) in paragraph (3)(A), in the matter following
13 clause (ii), and in paragraph (3)(D), (4)(B), and
14 (4)(C), by inserting “or permanent partnership”
15 after “marriage” each place it appears.

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

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

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

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

1 (4) in subparagraph (A)(i)(II)—

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

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

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

10 (6) in subparagraph (B)(i)—

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

13 (B) by inserting “or permanent partner”
14 after “spouse”.

15 (f) DEFINITIONS.—Section 216(g) (8 U.S.C.
16 1186a(g)) is amended—

17 (1) in paragraph (1)—

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

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

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

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

1 (4) in paragraph (4)—

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

4 (B) by inserting “or permanent partner-
5 ship” after “marriage”.

6 **SEC. 215. CONDITIONAL PERMANENT RESIDENT STATUS**
7 **FOR CERTAIN ALIEN ENTREPRENEURS,**
8 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
9 **DREN.**

10 (a) SECTION HEADING.—

11 (1) IN GENERAL.—The heading for section
12 216A (8 U.S.C. 1186b) is amended by inserting “OR
13 PERMANENT PARTNERS” after “SPOUSES”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents is amended by amending the item relating to
16 section 216A to read as follows:

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

17 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
18 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),
19 and (2)(C), by inserting “or permanent partner” after
20 “spouse” each place it appears.

21 (c) TERMINATION OF STATUS IF FINDING THAT
22 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
23 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-

1 ing “or permanent partner” after “spouse” in the matter
2 following subparagraph (C).

3 (d) REQUIREMENTS OF TIMELY PETITION AND
4 INTERVIEW FOR REMOVAL OF CONDITION.—Section
5 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
6 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
7 partner” after “spouse”.

8 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
9 1186b(f)(2)) is amended by inserting “or permanent part-
10 ner” after “spouse” each place it appears.

11 **SEC. 216. DEPORTABLE ALIENS.**

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

14 (1) in paragraph (1)(D)(i), by inserting “or
15 permanent partners” after “spouses” each place it
16 appears;

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

20 (3) by adding at the end of paragraph (1) the
21 following new subparagraph:

22 “(I) PERMANENT PARTNERSHIP FRAUD.—
23 An alien shall be considered to be deportable as
24 having procured a visa or other documentation
25 by fraud (within the meaning of section

1 212(a)(6)(C)(i)) and to be in the United States
2 in violation of this Act (within the meaning of
3 subparagraph (B)) if—

4 “(i) the alien obtains any admission to
5 the United States with an immigrant visa
6 or other documentation procured on the
7 basis of a permanent partnership entered
8 into less than 2 years prior to such admis-
9 sion and which, within 2 years subsequent
10 to such admission, is terminated because
11 the criteria for permanent partnership are
12 no longer fulfilled, unless the alien estab-
13 lishes to the satisfaction of the Secretary
14 of Homeland Security that such permanent
15 partnership was not contracted for the
16 purpose of evading any provisions of the
17 immigration laws; or

18 “(ii) it appears to the satisfaction of
19 the Secretary of Homeland Security that
20 the alien has failed or refused to fulfill the
21 alien’s permanent partnership which in the
22 opinion of the Secretary of Homeland Se-
23 curity was made for the purpose of pro-
24 curing the alien’s admission as an immi-
25 grant.”; and

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

4 **SEC. 217. REMOVAL PROCEEDINGS.**

5 Section 240 (8 U.S.C. 1229a) is amended—

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

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

11 **SEC. 218. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
12 **STATUS.**

13 Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

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

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

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

20 **SEC. 219. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
21 **THAT OF PERSON ADMITTED FOR PERMA-**
22 **NENT RESIDENCE.**

23 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—

24 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
25 ing “or permanent partnership” after “marriage”.

1 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
2 (8 U.S.C. 1255(e)) is amended—

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

5 (2) by adding at the end the following new
6 paragraph:

7 “(4) Paragraph (1) and section 204(g) shall not
8 apply with respect to a permanent partnership if the alien
9 establishes by clear and convincing evidence to the satis-
10 faction of the Secretary of Homeland Security that the
11 permanent partnership was entered into in good faith and
12 in accordance with section 101(a)(52) and the permanent
13 partnership was not entered into for the purpose of pro-
14 curing the alien’s admission as an immigrant and no fee
15 or other consideration was given (other than a fee or other
16 consideration to an attorney for assistance in preparation
17 of a lawful petition) for the filing of a petition under sec-
18 tion 204(a) or 214(d) with respect to the alien permanent
19 partner. In accordance with regulations, there shall be
20 only one level of administrative appellate review for each
21 alien under the previous sentence.”.

22 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
23 PAYING FEE.—Section 245(i)(1) (8 U.S.C. 1255(i)(1)) is
24 amended by inserting “or permanent partner” after
25 “spouse” each place it appears.

1 **SEC. 220. APPLICATION OF CRIMINAL PENALTIES FOR MIS-**
2 **REPRESENTATION AND CONCEALMENT OF**
3 **FACTS REGARDING PERMANENT PARTNER-**
4 **SHIPS.**

5 Section 275(c) (8 U.S.C. 1325(c)) is amended to read
6 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. 221. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
13 **CHARACTER, ATTACHMENT TO THE PRIN-**
14 **CIPLES OF THE CONSTITUTION.**

15 Section 316(b) (8 U.S.C. 1427(b)) is amended by in-
16 serting “or permanent partner” after “spouse”.

17 **SEC. 222. NATURALIZATION FOR PERMANENT PARTNERS**
18 **OF CITIZENS.**

19 Section 319 (8 U.S.C. 1430) is amended—

20 (1) in subsection (a), by inserting “or perma-
21 nent partner” after “spouse” each place it appears;

22 (2) in subsection (a), by inserting “or perma-
23 nent partnership” after “marital union”;

24 (3) in subsection (b)(1), by inserting “or per-
25 manent partner” after “spouse”;

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

3 (5) in subsection (d)—

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

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

8 (6) in subsection (e)(1)—

9 (A) by inserting “or permanent partner”
10 after “spouse”; and

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

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

15 **SEC. 223. APPLICATION OF FAMILY UNITY PROVISIONS TO**
16 **PERMANENT PARTNERS OF CERTAIN LIFE**
17 **ACT BENEFICIARIES.**

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

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

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

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

1 (A) in the subsection headings, by insert-
2 ing “, PERMANENT PARTNERS,” after
3 “SPOUSES”; and

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

6 **SEC. 224. APPLICATION TO CUBAN ADJUSTMENT ACT.**

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

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

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) IMMIGRATION AND NATIONALITY ACT.—Sec-
17 tion 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is
18 amended by striking “or spouse” and inserting “,
19 spouse, or permanent partner”.

20 (2) VIOLENCE AGAINST WOMEN ACT.—Section
21 1506(c)(2)(A)(i)(IV) of the Violence Against Women
22 Act of 2000 (8 U.S.C. 1229a note; division B of
23 Public Law 106–386) is amended by striking “or

- 1 spouse” and inserting “, spouse, or permanent part-
- 2 ner”.

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