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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. HONDA introduced the following bill; which was referred to the Committee
on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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).

23 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
24 FISCAL YEAR.—The number computed under this

1 paragraph for a fiscal year is the difference, if any,
2 between—

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

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

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

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

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

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

21 “(B) the number of unused visas from fis-
22 cal years 1992 through 2007 that were issued
23 after fiscal year 2007 under section 203(a),
24 subject to this subsection.”.

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

5 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
6 IMMIGRANTS.—

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

10 “(A) 140,000;

11 “(B) the number computed under para-
12 graph (2); and

13 “(C) the number computed under para-
14 graph (3).

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

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

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

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

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

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

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

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

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

20 **SEC. 102. RECLASSIFICATION OF SPOUSES AND MINOR**
21 **CHILDREN OF LEGAL PERMANENT RESI-**
22 **DENTS AS IMMEDIATE RELATIVES.**

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

1 “(2) IMMEDIATE RELATIVE.—

2 “(A) IN GENERAL.—

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

15 “(ii) PREVIOUSLY ISSUED VISA.—
16 Aliens admitted under section 211(a) on
17 the basis of a prior issuance of a visa
18 under section 203(a) to their accom-
19 panying parent who is an immediate rel-
20 ative.

21 “(iii) PARENTS AND CHILDREN.—An
22 alien who was the child or parent of a cit-
23 izen of the United States or a child of a
24 lawful permanent resident at the time of
25 the citizen’s or resident’s death if the alien

1 files a petition under 204(a)(1)(A)(ii) with-
2 in 2 years after such date or prior to
3 reaching 21 years of age.

4 “(iv) SPOUSE.—An alien who was the
5 spouse of a citizen of the United States or
6 lawful permanent resident for not less than
7 2 years at the time of the citizen’s or resi-
8 dent’s death or, if married for less than 2
9 years at the time of the citizen’s or resi-
10 dent’s death, proves by a preponderance of
11 the evidence that the marriage was entered
12 into in good faith and not solely for the
13 purpose of obtaining an immigration ben-
14 efit and was not legally separated from the
15 citizen or resident at the time of the citi-
16 zen’s or resident’s death, and each child of
17 such alien, shall be considered, for pur-
18 poses of this subsection, an immediate rel-
19 ative after the date of the citizen’s or resi-
20 dent’s death if the spouse files a petition
21 under section 204(a)(1)(A)(ii) before the
22 earlier of—

23 “(I) 2 years after such date; or

24 “(II) the date on which the
25 spouse remarries.

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

9 “(B) BIRTH DURING TEMPORARY VISIT
10 ABROAD.—Aliens born to an alien lawfully ad-
11 mitted for permanent residence during a tem-
12 porary visit abroad.”.

13 (b) ALLOCATION OF IMMIGRANT VISAS.—Section
14 203(a) of the Immigration and Nationality Act (8 U.S.C.
15 1153(a)) is amended—

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

18 (2) by striking paragraph (2) and inserting the
19 following:

20 “(2) UNMARRIED SONS AND UNMARRIED
21 DAUGHTERS OF PERMANENT RESIDENT ALIENS.—
22 Qualified immigrants who are the unmarried sons or
23 unmarried daughters (but are not the children) of
24 an alien lawfully admitted for permanent residence
25 shall be allocated visas in a number not to exceed

1 60,000, plus any visas not required for the class
2 specified in paragraph (1).”;

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

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

7 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) RULES FOR DETERMINING WHETHER CER-
9 TAIN ALIENS ARE IMMEDIATE RELATIVES.—Section
10 201(f) of the Immigration and Nationality Act (8
11 U.S.C. 1151(f)) is amended—

12 (A) in paragraph (1), by striking “para-
13 graphs (2) and (3),” and inserting “paragraph
14 (2),”;

15 (B) by striking paragraph (2);

16 (C) by redesignating paragraphs (3) and
17 (4) as paragraphs (2) and (3), respectively; and

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

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

24 (A) in subsection (a)(4)—

1 (i) by striking subparagraphs (A) and
2 (B);

3 (ii) by redesignating subparagraphs
4 (C) and (D) as subparagraphs (A) and
5 (B), respectively; and

6 (iii) in subparagraph (A), as redesignig-
7 nated by clause (ii), by striking “section
8 203(a)(2)(B)” and inserting “section
9 203(a)(2)”; and

10 (B) in subsection (e), in the flush matter
11 following paragraph (3), by striking “, or as
12 limiting the number of visas that may be issued
13 under section 203(a)(2)(A) pursuant to sub-
14 section (a)(4)(A)”.

15 (3) ALLOCATION OF IMMIGRATION VISAS.—Sec-
16 tion 203(h) of the Immigration and Nationality Act
17 (8 U.S.C. 1153(h)) is amended—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “subsections
21 (a)(2)(A) and (d)” and inserting “sub-
22 section (d)”;

23 (ii) in subparagraph (A), by striking
24 “becomes available for such alien (or, in
25 the case of subsection (d), the date on

1 which an immigrant visa number became
2 available for the alien’s parent),” and in-
3 serting “became available for the alien’s
4 parent,”; and

5 (iii) in subparagraph (B), by striking
6 “applicable”;

7 (B) by amending paragraph (2) to read as
8 follows:

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

13 (C) in paragraph (3), by striking “sub-
14 sections (a)(2)(A) and (d)” and inserting “sub-
15 section (d)”.

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

19 (A) in subsection (a)(1)—

20 (i) in subparagraph (A)—

21 (I) in clause (i), by inserting “or
22 lawful permanent resident” after “cit-
23 izen”;

24 (II) in clause (ii), by striking
25 “described in the second sentence of

1 section 201(b)(2)(A)(i) also” and in-
2 sserting “, alien child, or alien parent
3 described in section 201(b)(2)(A)”;

4 (III) in clause (iii)—

5 (aa) in subclause (I)(aa), by
6 inserting “or legal permanent
7 resident” after “citizen”; and

8 (bb) in subclause (II)(aa)—

9 (AA) in subitems (AA)
10 and (BB), by inserting “or
11 legal permanent resident;”
12 after “citizen” each place
13 that term appears;

14 (BB) in subitem (CC),
15 by inserting “or legal per-
16 manent resident” after “cit-
17 izen” each place that term
18 appears; and

19 (CC) in subitem
20 (CC)(bbb), by inserting “or
21 legal permanent resident”
22 after “citizenship”;

23 (IV) in clause (iv), by inserting
24 “or legal permanent resident” after

1 “citizen” each place that term ap-
2 pears;

3 (V) in clause (v)(I), by inserting
4 “or legal permanent resident” after
5 “citizen”; and

6 (VI) in clause (vi)—

7 (aa) by inserting “or legal
8 permanent resident status” after
9 “renunciation of citizenship”;
10 and

11 (bb) by inserting “or legal
12 permanent resident” after “abus-
13 er’s citizenship”;

14 (ii) by striking subparagraph (B);

15 (iii) in subparagraph (C), by striking
16 “subparagraph (A)(iii), (A)(iv), (B)(ii), or
17 (B)(iii)” and inserting “clause (iii) or (iv)
18 of subparagraph (A)”;

19 (iv) in subparagraph (J), by striking
20 “or clause (ii) or (iii) of subparagraph
21 (B)”;

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

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

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

3 **SEC. 103. COUNTRY LIMITS.**

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

9 **SEC. 104. PROMOTING FAMILY UNITY.**

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

12 (1) in subparagraph (B)—

13 (A) in clause (iii)—

14 (i) in subclause (I), by striking “18
15 years of age” and inserting “21 years of
16 age”;

17 (ii) by moving subclause (V) 4 ems to
18 the right; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(VI) Clause (i) shall not apply
22 to an alien for whom an immigrant
23 visa is available or was available on or
24 before the date of the enactment of
25 the Reuniting Families Act, and is

1 otherwise admissible to the United
2 States for permanent residence.”; and

3 (B) in clause (v)—

4 (i) by striking “spouse or son or
5 daughter” and inserting “spouse, son,
6 daughter, or parent”;

7 (ii) by striking “extreme”;

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

10 (iv) by striking “alien.” and inserting
11 “alien or, if the Attorney General deter-
12 mines that a waiver is necessary for hu-
13 manitarian purposes, to ensure family
14 unity or is otherwise in the public inter-
15 est.”; and

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

18 “(ii) EXCEPTIONS.—Clause (i) shall
19 not apply to an alien—

20 “(I) seeking admission more than
21 10 years after the date of the alien’s
22 last departure from the United States
23 if, prior to the alien’s reembarkation
24 at a place outside the United States
25 or attempt to be readmitted from a

1 foreign contiguous territory, the Sec-
2 retary of Homeland Security has con-
3 sented to the alien's reapplication for
4 admission; or

5 “(II) for whom an immigrant
6 visa is available or was available on or
7 before the date of the enactment of
8 the Reuniting Families Act, and is
9 otherwise admissible to the United
10 States for permanent residence.”.

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

12 (a) IN GENERAL.—

13 (1) SPECIAL RULE FOR ORPHANS AND
14 SPOUSES.—In applying clauses (iii) and (iv) of sec-
15 tion 201(b)(2)(A) of the Immigration and Nation-
16 ality Act, as added by section 3(a), to an alien whose
17 citizen or lawful permanent resident relative died be-
18 fore the date of the enactment of this Act, the alien
19 relative may file the classification petition under sec-
20 tion 204(a)(1)(A)(ii) of such Act, as amended by
21 section 102(c)(4)(A)(i)(II), not later than 2 years
22 after the date of the enactment of this Act.

23 (2) ELIGIBILITY FOR PAROLE.—If an alien was
24 excluded, deported, removed, or departed voluntarily
25 before the date of the enactment of this Act based

1 solely upon the alien's lack of classification as an
2 immediate relative (as defined in section
3 201(b)(2)(A)(iv) of the Immigration and Nationality
4 Act, as amended by section 102(a)) due to the death
5 of such citizen or resident—

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 such Act (8 U.S.C. 1182(d)(5));
10 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 (b) ADJUSTMENT OF STATUS.—Section 245 of the
16 Immigration and Nationality Act (8 U.S.C. 1255) is
17 amended by adding at the end the following:

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

20 “(1) IN GENERAL.—An alien described in para-
21 graph (2) who applies for adjustment of status be-
22 fore the death of the qualifying relative may have
23 such application adjudicated as if such death had
24 not occurred.

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

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

5 “(B) is a family-sponsored immigrant (as
6 described in subsection (a) or (d) of section
7 203); or

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

11 (c) TRANSITION PERIOD.—

12 (1) IN GENERAL.—Notwithstanding a denial of
13 an application for adjustment of status for an alien
14 whose qualifying relative died before the date of the
15 enactment of this Act, such application may be re-
16 newed by the alien through a motion to reopen,
17 without fee, if such motion is filed not later than 2
18 years after such date of enactment.

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

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

1 General's discretionary authority under section
2 212(d)(5) of the Immigration and Nationality
3 Act (8 U.S.C. 1182(d)(5)); and

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

8 (d) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
9 TIVE PETITIONS.—

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

13 (A) by striking “After an investigation”
14 and inserting the following:

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

16 and

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

18 “(2) DEATH OF QUALIFYING RELATIVE.—

19 “(A) IN GENERAL.—Any alien described in
20 subparagraph (B) whose qualifying relative died
21 before the completion of immigrant visa proc-
22 essing may have an immigrant visa application
23 adjudicated as if such death had not occurred.

24 An immigrant visa issued before the death of

1 the qualifying relative shall remain valid after
2 such death.

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

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

7 “(ii) is a family-sponsored immigrant
8 (as described in subsection (a) or (d) of
9 section 203);

10 “(iii) is a derivative beneficiary of an
11 employment-based immigrant under section
12 203(b) (as described in section 203(d)); or

13 “(iv) is the spouse or child of a ref-
14 ugee (as described in section 207(c)(2)) or
15 an asylee (as described in section
16 208(b)(3)).”.

17 (2) TRANSITION PERIOD.—

18 (A) IN GENERAL.—Notwithstanding a de-
19 nial or revocation of an application for an immi-
20 grant visa for an alien whose qualifying relative
21 died before the date of the enactment of this
22 Act, such application may be renewed by the
23 alien through a motion to reopen, without fee,
24 if such motion is filed not later than 2 years
25 after such date of enactment.

1 (B) INAPPLICABILITY OF BARS TO
2 ENTRY.—Notwithstanding section 212(a)(9) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1182(a)(9)), an alien’s application for an immi-
5 grant visa shall be considered if the alien was
6 excluded, deported, removed, or departed volun-
7 tarily before the date of the enactment of this
8 Act.

9 (e) NATURALIZATION.—Section 319(a) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1430(a)) is amend-
11 ed by inserting “(or, if the spouse is deceased, the spouse
12 was a citizen of the United States)” after “citizen of the
13 United States”.

14 **SEC. 106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR**
15 **CERTAIN VETERANS WHO ARE NATIVES OF**
16 **PHILIPPINES.**

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

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

23 “(F) Aliens who are eligible for an immigrant
24 visa under paragraph (1) or (3) of section 203(a)
25 and who have a parent who was naturalized pursu-

1 ant to section 405 of the Immigration Act of 1990
2 (8 U.S.C. 1440 note).”.

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

4 (a) DEFINITION.—Section 101(a)(15)(K)(iii) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1101(a)(15)(K)(iii)) is amended by inserting “, provided
7 that a determination of the age of such minor child is
8 made using the age of the alien on the date on which the
9 petition is filed with the Secretary of Homeland Security
10 to classify the alien’s parent as the fiancée or fiancé of
11 a United States citizen (in the case of an alien parent de-
12 scribed in clause (i)) or as the spouse of a United States
13 citizen under section 201(b)(2)(A)(i) (in the case of an
14 alien parent described in clause (ii));” before the semicolon
15 at the end.

16 (b) ADJUSTMENT OF STATUS AUTHORIZED.—Section
17 214(d) of the Immigration and Nationality Act (8 U.S.C.
18 1184(d)(1)) is amended—

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

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

23 “(2)(A) If an alien does not marry the petitioner
24 under paragraph (1) within 3 months after the alien and
25 the alien’s minor children are admitted into the United

1 States, such alien and children shall be required to depart
2 from the United States. If such aliens fail to depart from
3 the United States, they shall be removed in accordance
4 with sections 240 and 241.

5 “(B) Subject to subparagraphs (C) and (D), if an
6 alien marries the petitioner described in section
7 101(a)(15)(K)(i) within 3 months after the alien is admit-
8 ted into the United States, the Secretary of Homeland Se-
9 curity or the Attorney General, subject to the provisions
10 of section 245(d), may adjust the status of the alien, and
11 any minor children accompanying or following to join the
12 alien, to that of an alien lawfully admitted for permanent
13 residence on a conditional basis under section 216 if the
14 alien and any such minor children apply for such adjust-
15 ment and are not determined to be inadmissible to the
16 United States.

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

21 “(D) An alien eligible for a waiver of inadmissibility
22 as otherwise authorized under this Act shall be permitted
23 to apply for adjustment of his or her status to that of
24 an alien lawfully admitted for permanent residence under
25 this section.”

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

4 (1) by inserting “(1)” before “The Attorney
5 General”; and

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

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

20 (d) EFFECTIVE DATE.—

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

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

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

6 (B) have been denied, but would have been
7 approved if such amendments had been in effect
8 at the time of adjudication of the petition or
9 application.

10 (3) MOTION TO REOPEN OR RECONSIDER.—A
11 motion to reopen or reconsider a petition or applica-
12 tion described in paragraph (2)(B) shall be granted
13 if such motion is filed with the Secretary of Home-
14 land Security or the Attorney General not later than
15 2 years after the date of the enactment of this Act.

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

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

1 **TITLE II—UNITING AMERICAN**
2 **FAMILIES ACT**

3 **SEC. 201. SHORT TITLE; AMENDMENTS TO IMMIGRATION**
4 **AND NATIONALITY ACT.**

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

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

13 **SEC. 202. DEFINITIONS OF PERMANENT PARTNER AND**
14 **PERMANENT PARTNERSHIP.**

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

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

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

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

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

1 “(B) is financially interdependent with
2 that other individual;

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

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

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

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

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

17 **SEC. 203. DEFINITION OF CHILD.**

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

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

24 “(ii) a child adopted by an alien permanent
25 partner while under the age of 16 years if the

1 child has been in the legal custody of, and has
2 resided with, such adoptive parent for at least
3 2 years and if the child was under the age of
4 18 at the time the permanent partnership was
5 formed.”.

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

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

9 (1) by inserting “permanent partners,” after
10 “spouses,”;

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

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

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

20 **SEC. 205. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
21 **EIGN STATES.**

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

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

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

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

8 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
9 (8 U.S.C. 1152(b)(2)) is amended—

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

12 (2) by inserting “or permanent partners” after
13 “husband and wife”.

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

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

18 (1) in the heading—

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

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

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

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

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

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

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

12 (c) EMPLOYMENT CREATION.—Section
13 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
14 by inserting “permanent partner,” after “spouse,”.

15 (d) TREATMENT OF FAMILY MEMBERS.—Section
16 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
17 manent partner,” after “spouse” each place it appears.

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

19 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
20 (8 U.S.C. 1154(a)(1)) is amended—

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

23 (2) in subparagraph (A)(iii)—

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

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

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

6 (4) in subparagraph (A)(vi)—

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

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

11 (5) in subparagraph (B)—

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

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

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

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

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

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

3 **SEC. 208. ANNUAL ADMISSION OF REFUGEES AND ADMIS-**
4 **SION OF EMERGENCY SITUATION REFUGEES.**

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

6 (1) in paragraph (2)—

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

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

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

13 **SEC. 209. ASYLUM.**

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

16 (1) in the heading, by inserting “OR PERMA-
17 NENT PARTNER” after “SPOUSE”; and

18 (2) in the text, by inserting “or permanent
19 partner” after “spouse”.

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

21 Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended
22 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

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

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

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

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
24 spouse” and inserting “, spouse, or permanent part-
25 ner”.