

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. HIRONO (for herself and Ms. DUCKWORTH) introduced the following bill;
which was read twice and 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.

2

- Sec. 102. Reclassification of spouses, permanent partners, 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 the Philippines.
- Sec. 107. Fiancée child status protection.
- Sec. 108. Equal treatment for all stepchildren.
- Sec. 109. Retention of priority dates.
- Sec. 110. Relief for spouses and children on other visas.
- Sec. 111. Extension of the application period for certain aliens present in the United States for adjustment of status.
- Sec. 112. Expansion of cancellation of removal.
- Sec. 113. Prohibition on removal of aliens with pending applications.

TITLE II—UNITING AMERICAN FAMILIES ACT

- Sec. 201. Definitions of permanent partner and permanent partnership.
- Sec. 202. Definition of child.
- Sec. 203. Numerical limitations on individual foreign states.
- Sec. 204. Allocation of immigrant visas.
- Sec. 205. Procedure for granting immigrant status.
- Sec. 206. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 207. Asylum.
- Sec. 208. Adjustment of status of refugees.
- Sec. 209. Inadmissible aliens.
- Sec. 210. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 211. Derivative status for permanent partners of nonimmigrant visa holders.
- Sec. 212. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 213. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 214. Deportable aliens.
- Sec. 215. Removal proceedings.
- Sec. 216. Cancellation of removal; adjustment of status.
- Sec. 217. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 218. Application of criminal penalties for misrepresentation and concealment of facts regarding permanent partnerships.
- Sec. 219. Requirements as to residence, good moral character, attachment to the principles of the Constitution.
- Sec. 220. Naturalization for permanent partners of citizens.
- Sec. 221. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
- Sec. 222. Application to Cuban Adjustment Act.
- Sec. 223. Nationality at birth.

TITLE III—PROMOTING DIVERSITY AND PROTECTING AGAINST DISCRIMINATION IN OUR IMMIGRATION SYSTEM

- Sec. 301. Increasing diversity visas.
- Sec. 302. Addressing the impact of the Muslim and African bans.

TITLE IV—ADDRESSING THE NEEDS OF REFUGEE FAMILIES

Sec. 401. Prioritization of family reunification in refugee resettlement process.

Sec. 402. Priority 3 family reunification cases.

Sec. 403. Admission of refugee families and timely adjudication.

1 **TITLE I—REDUCING FAMILY-**
2 **BASED VISA BACKLOGS AND**
3 **PROMOTING FAMILY REUNI-**
4 **FICATION**

5 **SEC. 101. RECAPTURE OF IMMIGRANT VISAS LOST TO BU-**
6 **REAUCRATIC DELAY.**

7 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
8 MIGRANTS.—Section 201(c) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1151(c)) is amended to read as
10 follows:

11 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
12 IMMIGRANTS.—

13 “(1) IN GENERAL.—The worldwide level of fam-
14 ily-sponsored immigrants under this subsection for a
15 fiscal year is equal to the sum of—

16 “(A) 480,000;

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

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

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

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 2025.—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 2025;
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 2025 that were issued
23 after fiscal year 2025 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 2025.—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 2025; 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 2025 that were issued
15 after fiscal year 2025 under section 203(b),
16 subject to this subsection.”.

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

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

1 “(B) Aliens described in section 203(d).”.

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

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

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

12 “(2) IMMEDIATE RELATIVE.—

13 “(A) IN GENERAL.—

14 “(i) IMMEDIATE RELATIVE DE-
15 FINED.—In this subparagraph, the term
16 ‘immediate relative’ means a child, spouse,
17 permanent partner, or parent of a citizen
18 of the United States or a child, spouse, or
19 permanent partner of a lawful permanent
20 resident (and for each family member of a
21 citizen or lawful permanent resident under
22 this subparagraph, such individual’s
23 spouse, permanent partner, or child who is
24 accompanying or following to join the indi-
25 vidual), except that, in the case of parents,

1 such citizens shall be at least 21 years of
2 age.

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

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

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

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

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

1 zenship or residence on account of the
2 abuse.

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

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

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

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

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

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

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

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

11 (B) by striking paragraph (2);

12 (C) by redesignating paragraphs (3) and
13 (4) as paragraphs (2) and (3), respectively; and

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

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

20 (A) in paragraph (1)—

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

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

8 (iii) in subparagraph (B), by striking
9 “applicable”;

10 (B) by amending paragraph (2) to read as
11 follows:

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

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

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

22 (A) in subsection (a)(1)—

23 (i) in subparagraph (A)—

13

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

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

9 (III) in clause (iii)—

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

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

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

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

1 legal permanent resident”

2 after “citizenship”;

3 (IV) in clause (iv), by inserting

4 “or legal permanent resident” after

5 “citizen” each place that term ap-

6 pears;

7 (V) in clause (v)(I), by inserting

8 “or legal permanent resident” after

9 “citizen”; and

10 (VI) in clause (vi)—

11 (aa) by inserting “or legal

12 permanent resident status” after

13 “renunciation of citizenship”;

14 and

15 (bb) by inserting “or legal

16 permanent resident” after “abus-

17 er’s citizenship”;

18 (ii) by striking subparagraph (B);

19 (iii) in subparagraph (C), by striking

20 “subparagraph (A)(iii), (A)(iv), (B)(ii), or

21 (B)(iii)” and inserting “clause (iii) or (iv)

22 of subparagraph (A)”;

23 (iv) in subparagraph (J), by striking

24 “or clause (ii) or (iii) of subparagraph

25 (B)”;

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

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

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

7 **SEC. 103. COUNTRY LIMITS.**

8 Section 202(a)(2) of the Immigration and Nationality
9 Act (8 U.S.C. 1152(a)(2)) is amended by striking “7 per-
10 cent (in the case of a single foreign state) or 2 percent”
11 and inserting “20 percent (in the case of a single foreign
12 state) or 5 percent”.

13 **SEC. 104. PROMOTING FAMILY UNITY.**

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

18 “(9) ALIENS PREVIOUSLY REMOVED.—

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

1 moval or at any time in the case of an alien
2 convicted of an aggravated felony) is inadmis-
3 sible.

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

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

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

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

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

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

5 “(ii) MISREPRESENTATION OF CITI-
6 ZENSHIP.—

7 “(I) IN GENERAL.—Any alien
8 who willfully misrepresents, or has
9 willfully misrepresented, himself or
10 herself to be a citizen of the United
11 States for any purpose or benefit
12 under this Act (including section
13 274A) or any Federal or State law is
14 inadmissible.

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

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

3 (3) by amending subsection (i)(1) of section
4 212 (8 U.S.C. 1182(i)(1)) to read as follows:

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

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

19 “(D) MISREPRESENTATION OF CITIZEN-
20 SHIP.—

21 “(i) IN GENERAL.—Any alien who
22 willfully misrepresents, or has willfully mis-
23 represented, himself to be a citizen of the
24 United States for any purpose or benefit

1 under this Act (including section 274A) or
2 any Federal or State law is deportable.

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

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

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

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

24 “(e) Notwithstanding any other provision of law, the
25 Secretary of Homeland Security or the Attorney General

1 may waive the operation of any one or more grounds of
2 removal set forth in this section for humanitarian pur-
3 poses, to assure family unity, or when it is otherwise in
4 the public interest.”.

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

6 (a) IN GENERAL.—

7 (1) SPECIAL RULE FOR ORPHANS, SPOUSES,
8 AND PERMANENT PARTNERS.—In applying clauses
9 (iii) and (iv) of section 201(b)(2)(A) of the Immigra-
10 tion and Nationality Act, as added by section 102(a)
11 of this Act, to an alien whose citizen or lawful per-
12 manent resident relative died before the date of the
13 enactment of this Act, the alien relative may file the
14 classification petition under section 204(a)(1)(A)(ii)
15 of such Act, as amended by section
16 102(c)(4)(A)(i)(II) of this Act, not later than 2
17 years after the date of the enactment of this Act.

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

1 (A) such alien shall be eligible for parole
2 into the United States pursuant to the Sec-
3 retary of Homeland Security's discretionary au-
4 thority under section 212(d)(5) of such Act (8
5 U.S.C. 1182(d)(5)); and

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

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

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

20 (B) such alien's application for adjustment
21 of status shall be considered notwithstanding
22 section 212(a)(9) of such Act (8 U.S.C.
23 1182(a)(9)).

24 (b) PROCESSING OF IMMIGRANT VISAS AND DERIVA-
25 TIVE PETITIONS.—

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

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

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

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

9 “(2) DEATH OF QUALIFYING RELATIVE.—

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

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

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

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

1 “(iii) is a derivative beneficiary of an
2 employment-based immigrant under section
3 203(b) (as described in section 203(d)); or
4 “(iv) is the spouse, permanent part-
5 ner, or child of a refugee (as described in
6 section 207(c)(2)) or an asylee (as de-
7 scribed in section 208(b)(3)).”.

8 (2) TRANSITION PERIOD.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (d) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 110. RELIEF FOR SPOUSES AND CHILDREN ON OTHER**
11 **VISAS.**

12 (a) WORK AUTHORIZATION FOR HOLDERS.—Section
13 214 of the Immigration and Nationality Act (8 U.S.C.
14 1184) is amended by adding at the end the following:

15 “(s) In the case of an alien spouse or child over the
16 age of 16 admitted under subparagraphs (E), (H), (L),
17 and (O) of section 101(a)(15)(H) who is accompanying
18 or following to join a principle alien admitted under such
19 section, the Secretary shall authorize such nonimmigrant
20 to engage in employment in the United States and provide
21 the nonimmigrant with an ‘employment authorized’ en-
22 dorsement or other appropriate work permit.”.

23 (b) PROTECTING H-4 CHILDREN WHO AGE OUT OF
24 STATUS.—

1 (1) Section 214(g)(4) of the Immigration and
2 Nationality Act (8 U.S.C. 1184(g)) is amending by
3 inserting at the end “The following exceptions apply:

4 “(A) Any alien who—

5 “(i) is the beneficiary of a petition
6 filed under section 204(a) of that Act for
7 a preference status under paragraph (1),
8 (2), or (3) of section 203(b) of that Act;
9 and

10 “(ii) is eligible to be granted that sta-
11 tus but for application of the per country
12 limitations applicable to immigrants under
13 those paragraphs, may apply for, and the
14 Attorney General may grant, an extension
15 of such nonimmigrant status until the
16 alien’s application for adjustment of status
17 has been processed and a decision made
18 thereon.

19 “(B) The children, accompanying or fol-
20 lowing to join, an alien described in (A) shall be
21 eligible to apply for and receive an extension of
22 their nonimmigrant status, regardless of their
23 age, so long as—

1 “(i) the parent of a minor described
2 in (A) maintains their nonimmigrant sta-
3 tus; and

4 “(ii) the alien was under 18 years of
5 age when they were first granted non-
6 immigrant status as an alien accom-
7 panying or following to join, the non-
8 immigrant parent.”.

9 (2) Section 203(h) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1153(h)) is amended by in-
11 serting at the end of the paragraph:

12 “(5) Notwithstanding paragraph (1), a deter-
13 mination of whether an alien described under section
14 204(g)(4)(B) satisfies the age requirement for pur-
15 poses of a derivative visa or adjustment of status ap-
16 plication under paragraph (1), (2), or (3) of section
17 203(b) of the Immigration and Nationality Act shall
18 be made using the age of the alien on the date the
19 petitioner files a petition on behalf of the parent
20 beneficiary with the Secretary of Homeland Security
21 (or the Secretary of State, if applicable), unless the
22 filing of the petition was preceded by the filing of a
23 labor certification with the Secretary of Labor, in
24 which case that date shall be used to identify the
25 age.”.

1 **SEC. 111. EXTENSION OF THE APPLICATION PERIOD FOR**
2 **CERTAIN ALIENS PRESENT IN THE UNITED**
3 **STATES FOR ADJUSTMENT OF STATUS.**

4 Section 245(i) of the Immigration and Nationality
5 Act (8 U.S.C. 1255(i)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), in the undesig-
8 nated matter following clause (ii), by striking
9 the semicolon and inserting “; and”;

10 (B) in subparagraph (B)—

11 (i) in clause (i), by striking “April 30,
12 2001” and inserting “the date that is not
13 later than 5 years after the date of the en-
14 actment of the Reuniting Families Act”;
15 and

16 (ii) in clause (ii), by striking “; and”
17 and inserting a period; and

18 (C) by striking subparagraph (C); and

19 (2) by amending paragraph (3)(B) to read as
20 follows:

21 “(B) Any remaining portion of such fees remitted
22 under such paragraphs shall be deposited into the Immi-
23 gration Examinations Fee Account established under sec-
24 tion 286(m).”.

1 **SEC. 112. EXPANSION OF CANCELLATION OF REMOVAL.**

2 (a) IN GENERAL.—Section 240A of the Immigration
3 and Nationality Act (8 U.S.C. 1229b) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “10” and inserting “7”; and

8 (ii) by amending subparagraph (D) to
9 read as follows:

10 “(D) establishes that removal would result
11 in extreme hardship to—

12 “(i) the alien; or

13 “(ii) the alien’s spouse or permanent
14 partner, parent, or child who is a citizen of
15 the United States or an alien lawfully ad-
16 mitted for permanent residence.”; and

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

18 “(7) AFFIRMATIVE APPLICATION PROCESS.—

19 “(A) IN GENERAL.—The Secretary of
20 Homeland Security may cancel the removal of,
21 and adjust to the status of an alien lawfully ad-
22 mitted for permanent residence, an alien de-
23 scribed in paragraph (1) or (2), who—

24 “(i) demonstrates that the alien is the
25 spouse, permanent partner, parent, son or

1 daughter, or legal guardian of a citizen of
2 the United States; and

3 “(ii) submits to the Secretary of
4 Homeland Security an application at such
5 time, in such manner, and containing such
6 information as the Secretary may reason-
7 ably require.

8 “(B) NUMERICAL LIMITATIONS.—Notwith-
9 standing any other provision of law, an alien
10 admitted to the United States under this sec-
11 tion shall not be subject to any numerical limi-
12 tation.”; and

13 (2) by striking subsection (e).

14 (b) REGULATIONS.—The Secretary of Homeland Se-
15 curity shall promulgate regulations setting forth proce-
16 dures and requirements with respect to the processing and
17 adjudication of affirmative applications for cancellation of
18 removal under paragraph (7) of section 240A(b) of the
19 Immigration and Nationality Act (8 U.S.C. 1229b(b)), as
20 added by subsection (a)(1)(B).

21 **SEC. 113. PROHIBITION ON REMOVAL OF ALIENS WITH**
22 **PENDING APPLICATIONS.**

23 (a) IN GENERAL.—Section 235 of the Immigration
24 and Nationality Act (8 U.S.C. 1225) is amended—

1 (1) in the section heading, by inserting “**;** **PRO-**
2 **HIBITION ON REMOVAL**” after “**HEARING**”; and

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

4 “(e) PROHIBITION ON REMOVAL OF ALIENS WITH
5 CERTAIN PENDING PETITIONS AND APPLICATIONS.—

6 “(1) BENEFICIARIES OF PETITIONS FOR IMMI-
7 GRANT VISAS.—An alien who is the beneficiary (in-
8 cluding a spouse or child of the principal alien, if eli-
9 gible to receive a visa under section 203(d)) of a pe-
10 tition for classification under section 204 that was
11 filed with the Secretary of Homeland Security and
12 who is prima facie eligible for approval may not be
13 removed while such petition or application is pending
14 or a decision on such petition or application is on
15 appeal.

16 “(2) APPLICANTS FOR CERTAIN NONIMMIGRANT
17 AND SPECIAL IMMIGRANT CLASSIFICATIONS AND
18 CANCELLATION OF REMOVAL.—An applicant for
19 classification as a nonimmigrant described in sub-
20 paragraph (T), (U), or (V) of section 101(a)(15), an
21 applicant for classification as a special immigrant
22 under section 101(a)(27)(J), or an applicant for
23 cancellation of removal under section 240A may not
24 be removed while such application is pending or a
25 decision on such application is on appeal.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents at the beginning of the Immigration and Nationality
3 Act (8 U.S.C. 1101 et seq.) is amended by striking the
4 item relating to section 235 and inserting the following:

“Sec. 235. Inspection by immigration officers; expedited removal of inadmis-
sible arriving aliens; referral for hearing; prohibition on re-
moval.”.

5 **TITLE II—UNITING AMERICAN** 6 **FAMILIES ACT**

7 **SEC. 201. DEFINITIONS OF PERMANENT PARTNER AND** 8 **PERMANENT PARTNERSHIP.**

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

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

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

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

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

20 “(B) is financially interdependent with
21 that other individual, unless the Secretary of
22 Homeland Security or the Secretary of State
23 has determined, on a case-by-case basis, that

1 the requirement under this subparagraph is un-
2 reasonable;

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. 202. DEFINITION OF CHILD.**

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

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

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

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

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

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

11 (2) in paragraph (2), by inserting “or a de-
12 ceased permanent partner of the deceased parent,
13 father, or mother,” after “deceased parent, father,
14 and mother”.

15 **SEC. 203. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
16 **EIGN STATES.**

17 (a) PER COUNTRY LEVELS.—Section 202(a)(4) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1152(a)(4)) is amended—

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

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

1 (3) in the heading of subparagraph (C), by
2 striking “AND DAUGHTERS” and inserting “WITH-
3 OUT PERMANENT PARTNERS AND UNMARRIED
4 DAUGHTERS WITHOUT PERMANENT PARTNERS”.

5 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
6 of such Act (8 U.S.C. 1152(b)(2)) is amended—

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

9 (2) by inserting “or permanent partners” after
10 “husband and wife”.

11 **SEC. 204. ALLOCATION OF IMMIGRANT VISAS.**

12 (a) PREFERENCE ALLOCATION FOR SONS AND
13 DAUGHTERS OF CITIZENS.—Section 203(a)(3) of the Im-
14 migration and Nationality Act (8 U.S.C. 1153(a)(3)) is
15 amended—

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

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

21 (b) EMPLOYMENT CREATION.—Section
22 203(b)(5)(A)(ii) of such Act (8 U.S.C. 1153(b)(5)(A)(ii))
23 is amended by inserting “permanent partner,” after
24 “spouse,”.

1 (c) TREATMENT OF FAMILY MEMBERS.—Section
2 203(d) of such Act (8 U.S.C. 1153(d)) is amended—

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

5 (2) by striking “or (E)” and inserting “(E), or
6 (H)”.

7 **SEC. 205. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

8 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1154(a)(1)) is amended—

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

13 (2) in subparagraph (A)(iii)—

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

16 (B) in subclause (I), by inserting “or per-
17 manent partnership” after “marriage” each
18 place it appears;

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

21 (4) in subparagraph (A)(vi)—

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

24 (B) by inserting “, permanent partner,”
25 after “spouse”; and

1 (5) in subparagraph (B)—

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

4 (B) by inserting “or permanent partner-
5 ship” after “marriage” in clause (ii)(I)(aa) and
6 the first place it appears in clause (ii)(I)(bb);
7 and

8 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
9 serting “(or the termination of the permanent
10 partnership)” after “termination of the mar-
11 riage”.

12 (b) IMMIGRATION FRAUD PREVENTION.—Section
13 204(c) of such Act (8 U.S.C. 1154(c)) is amended—

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

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

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

23 (d) SURVIVAL OF RIGHTS TO PETITION.—Section
24 204(h) of such Act (8 U.S.C. 1154(h)) is amended—

- 1 (1) by inserting “or permanent partnership”
2 after “marriage” each place it appears; and
3 (2) by inserting “or formation of a new perma-
4 nent partnership” after “Remarriage”.

5 **SEC. 206. ANNUAL ADMISSION OF REFUGEES AND ADMIS-**
6 **SION OF EMERGENCY SITUATION REFUGEES.**

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

9 (1) in paragraph (2)—

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

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

14 (C) in subparagraph (A)—

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

16 (ii) by inserting “, or (H)” after
17 “(E)”; and

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

20 **SEC. 207. ASYLUM.**

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

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

25 (2) in subparagraph (A)—

- 1 (A) by inserting “or permanent partner”
2 after “spouse”;
3 (B) by striking “or” after “(D),”; and
4 (C) by inserting “, or (H)” after “(E)”.

5 **SEC. 208. ADJUSTMENT OF STATUS OF REFUGEES.**

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

9 **SEC. 209. INADMISSIBLE ALIENS.**

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

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

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

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

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

21 (b) WAIVERS.—Section 212(d) of such Act (8 U.S.C.
22 1182(d)) is amended—

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

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

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) of such Act (8 U.S.C. 1182(g)(1)(A)) is amended by inserting “or permanent partner” after “spouse”.

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

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

15 SEC. 210. NONIMMIGRANT STATUS FOR PERMANENT PART-
16 NERS AWAITING THE AVAILABILITY OF AN
17 IMMIGRANT VISA.

18 Section 214 of the Immigration and Nationality Act
19 (8 U.S.C. 1184) is amended—

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

22 (2) in subsection (r)—

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

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

3 **SEC. 211. DERIVATIVE STATUS FOR PERMANENT PART-**
4 **NERS OF NONIMMIGRANT VISA HOLDERS.**

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

7 (1) in subparagraph (A)—

8 (A) in clause (i), by inserting “, which
9 shall include permanent partners” after “imme-
10 diate family”;

11 (B) in clause (ii), by inserting “, which
12 shall include permanent partners” after “imme-
13 diate families”; and

14 (C) in clause (iii), by inserting “, which
15 shall include permanent partners,” after “im-
16 mediate families,”;

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

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

21 (4) 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 (5) in subparagraph (G)(ii), by inserting “,
2 which shall include permanent partners,” after “the
3 members of their immediate families”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 212. 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 of the Immigration and Nationality Act (8 U.S.C.

1 1186a) is amended by inserting “AND PERMANENT
2 PARTNERS” after “SPOUSES”.

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

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

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

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

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

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

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

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

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

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

23 (3) in paragraph (1)(A)(ii)—

1 (A) by inserting “or has ceased to satisfy
2 the criteria for being considered a permanent
3 partnership under this Act,” after “termi-
4 nated,”; and

5 (B) by inserting “or permanent partner”
6 after “spouse”.

7 (d) REQUIREMENTS OF TIMELY PETITION AND
8 INTERVIEW FOR REMOVAL OF CONDITION.—Section
9 216(c) of such Act (8 U.S.C. 1186a(c)) is amended—

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

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

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

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

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

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

4 (4) in subparagraph (A)(i)(II)—

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

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

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

13 (6) in subparagraph (B)(i)—

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

16 (B) by inserting “or permanent partner”
17 after “spouse”.

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

20 (1) in paragraph (1)—

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

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

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

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

5 (4) in paragraph (4)—

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

8 (B) by inserting “or permanent partner-
9 ship” after “marriage”.

10 **SEC. 213. CONDITIONAL PERMANENT RESIDENT STATUS**
11 **FOR CERTAIN ALIEN ENTREPRENEURS,**
12 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
13 **DREN.**

14 (a) SECTION HEADING.—

15 (1) IN GENERAL.—The heading for section
16 216A of the Immigration and Nationality Act (8
17 U.S.C. 1186b) is amended by inserting “OR PERMA-
18 NENT PARTNERS” after “SPOUSES”.

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

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

22 (b) IN GENERAL.—Section 216A(a) of such Act (8
23 U.S.C. 1186b(a)) is amended, in paragraphs (1), (2)(A),

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

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

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

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

16 **SEC. 214. DEPORTABLE ALIENS.**

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

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

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

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

4 **SEC. 215. REMOVAL PROCEEDINGS.**

5 Section 240 of the Immigration and Nationality Act
6 (8 U.S.C. 1229a) is amended—

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

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

12 **SEC. 216. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
13 **STATUS.**

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

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

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

20 **SEC. 217. 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) of the Immigration and Nationality Act (8

1 U.S.C. 1255(d)) is amended by inserting “or permanent
2 partnership” after “marriage”.

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

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

7 (2) by adding at the end the following new
8 paragraph:

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

24 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
25 PAYING FEE.—Section 245(i)(1) of such Act (8 U.S.C.

1 1255(i)(1)) is amended by inserting “or permanent part-
2 ner” after “spouse” each place it appears.

3 (d) ADJUSTMENT OF STATUS FOR CERTAIN ALIEN
4 INFORMANTS.—Section 245(j) of such Act (8 U.S.C.
5 1255(j)) is amended—

6 (1) in paragraph (1)—

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

9 (B) by inserting “sons and daughters with
10 and without permanent partners,” after
11 “daughters,”; and

12 (2) in paragraph (2)—

13 (A) by inserting “or permanent partner”
14 after “spouse”; and

15 (B) by inserting “sons and daughters with
16 and without permanent partners,” after
17 “daughters,”.

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

1 **SEC. 218. APPLICATION OF CRIMINAL PENALTIES FOR MIS-**
2 **REPRESENTATION AND CONCEALMENT OF**
3 **FACTS REGARDING PERMANENT PARTNER-**
4 **SHIPS.**

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

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

12 **SEC. 219. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
13 **CHARACTER, ATTACHMENT TO THE PRIN-**
14 **CIPLES OF THE CONSTITUTION.**

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

18 **SEC. 220. NATURALIZATION FOR PERMANENT PARTNERS**
19 **OF CITIZENS.**

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

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

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

26 (3) in subsection (d)—

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

3 (B) by inserting “or permanent partner-
4 ship” after “marital union”;
5 (4) in subsection (e)(1)—

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

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

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

12 **SEC. 221. APPLICATION OF FAMILY UNITY PROVISIONS TO**
13 **PERMANENT PARTNERS OF CERTAIN LIFE**
14 **ACT BENEFICIARIES.**

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

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

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

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

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

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

3 **SEC. 222. APPLICATION TO CUBAN ADJUSTMENT ACT.**

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

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

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

12 (b) CONFORMING AMENDMENTS.—

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

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

1 **SEC. 223. NATIONALITY AT BIRTH.**

2 Section 301 of the Immigration and Nationality Act
3 (8 U.S.C. 1401) is amended by adding at the end the fol-
4 lowing:

5 “(i) Any reference to “a person born of parents” in
6 this section shall include the following:

7 “(1) Any legally recognized parent-child rela-
8 tionship formed within the first year of a person’s
9 life regardless of any genetic or gestational relation-
10 ship.

11 “(2) Either parent of a child born through As-
12 sisted Reproductive Technology who is legally recog-
13 nized as a parent in the relevant jurisdiction regard-
14 less of any genetic or gestational relationship.

15 “(3) The spouse of a parent at the time of
16 birth, where both of the following apply:

17 “(A) At least one parent is a legally recog-
18 nized parent.

19 “(B) The marriage occurred before the
20 child’s birth and is recognized in the United
21 States, regardless of where the parents reside.”.

1 **TITLE III—PROMOTING DIVER-**
2 **SITY AND PROTECTING**
3 **AGAINST DISCRIMINATION IN**
4 **OUR IMMIGRATION SYSTEM**

5 **SEC. 301. INCREASING DIVERSITY VISAS.**

6 Section 201(e) of the Immigration and Nationality
7 Act (8 U.S.C. 1151(e)) is amended by striking “55,000”
8 and inserting “80,000”.

9 **SEC. 302. ADDRESSING THE IMPACT OF THE MUSLIM AND**
10 **AFRICAN BANS.**

11 Section 201 of the Immigration and Nationality Act
12 (8 U.S.C. 1151) is amended by adding at the end the fol-
13 lowing:

14 “(g) DIVERSITY VISAS.—Notwithstanding section
15 204(a)(1)(I)(ii)(II), an immigrant visa for an alien se-
16 lected in accordance with section 203(e)(2) in fiscal year
17 2017, 2018, 2019, 2020, 2021, or 2022 shall remain
18 available to such alien (and the spouse and children of
19 such alien) if—

20 “(1) the alien was refused a visa, prevented
21 from seeking admission, or denied admission to the
22 United States solely because of Executive Order
23 13769, Executive Order 13780, Presidential Procla-
24 mation 9645, or Presidential Proclamation 9983; or

1 “(2) because of restrictions or limitations on
2 visa processing, visa issuance, travel, or other effects
3 associated with the COVID–19 public health emer-
4 gency—

5 “(A) the alien was unable to receive a visa
6 interview despite submitting an Online Immi-
7 grant Visa and Alien Registration Application
8 (Form DS–260) to the Secretary of State; or

9 “(B) the alien was unable to seek admis-
10 sion or was denied admission to the United
11 States despite being approved for a visa under
12 section 203(c).”.

13 **TITLE IV—ADDRESSING THE** 14 **NEEDS OF REFUGEE FAMILIES**

15 **SEC. 401. PRIORITIZATION OF FAMILY REUNIFICATION IN** 16 **REFUGEE RESETTLEMENT PROCESS.**

17 (a) IN GENERAL.—The Secretary of State shall
18 prioritize refugees seeking reunification with relatives liv-
19 ing in the United States, regardless of the nationality of
20 such refugees.

21 (b) REGULATIONS.—

22 (1) IN GENERAL.—The Secretary of State, in
23 consultation with the Secretary of Homeland Secu-
24 rity, shall promulgate regulations to ensure that an
25 individual seeking admission to the United States as

1 a refugee shall not be excluded from being inter-
2 viewed for refugee status based on—

3 (A) a close family relationship to a citizen
4 or lawful permanent resident of the United
5 States;

6 (B) a potential qualification of the indi-
7 vidual for an immigrant visa; or

8 (C) a pending application by the individual
9 for admission to the United States.

10 (2) SIMULTANEOUS CONSIDERATION.—The reg-
11 ulations promulgated under paragraph (1) shall en-
12 sure that an applicant for admission as a refugee is
13 permitted to pursue simultaneously admission to the
14 United States—

15 (A) as a refugee; and

16 (B) under any visa category for which the
17 applicant may be eligible.

18 (c) NOTICE OF SEPARATE TRAVEL.—In the case of
19 an applicant for admission under section 207 of the Immi-
20 gration and Nationality Act (8 U.S.C. 1157) the applica-
21 tion of whom is placed on hold for more than three months
22 and one or more members of the family of the applicant
23 have separate pending applications for admission under
24 such section, the Secretary of Homeland Security shall—

1 (1) notify any individual on that case who is eli-
2 gible to travel separately of the option to separate
3 the case of the individual from the family unit; and

4 (2) permit the individual to travel based on the
5 satisfaction by the individual of all security and
6 other requirements for a refugee application.

7 (d) USE OF EMBASSY REFERRALS.—

8 (1) IN GENERAL.—The Secretary of State shall
9 set forth a plan to ensure that each United States
10 embassy and consulate is equipped and enabled to
11 refer individuals in need of resettlement to the
12 United States refugee admissions program.

13 (2) TRAINING.—The Secretary of State shall
14 undertake training for embassy personnel to ensure
15 that each embassy and consulate has sufficient
16 knowledge and expertise to carry out this paragraph.

17 **SEC. 402. PRIORITY 3 FAMILY REUNIFICATION CASES.**

18 (a) IN GENERAL.—Because of the importance of re-
19 uniting immediate refugee families who have been sepa-
20 rated while fleeing from persecution, Priority 3 processing
21 shall be made available to individuals of all nationalities,
22 including stateless individuals.

23 (b) UNIVERSAL ELIGIBILITY FOR ALL NATIONALI-
24 TIES.—

1 (1) IN GENERAL.—Eligible Priority 3 Affidavit
2 of Relationship filers will include those admitted in
3 asylum, refugee, or Afghan and Iraqi special immi-
4 grants admitted under section 1059 of the National
5 Defense Authorization Act for Fiscal Year 2006
6 (Public Law 109–163; 8 U.S.C. 1101 note), section
7 1244 of the Refugee Crisis in Iraq Act of 2007
8 (Public Law 110–181; 8 U.S.C. 1157 note), and sec-
9 tion 602 of the Afghan Allies Protection Act of 2009
10 (Public Law 111–8; 8 U.S.C. 1101 note).

11 (2) ELIGIBLE AFFIDAVIT OF RELATIONSHIP
12 FILES.—Eligible Affidavit of Relationship (referred
13 to in this section as “AOR”) filers include individ-
14 uals who are lawful permanent residents of the
15 United States or United States citizens who initially
16 were admitted to the United States in a status de-
17 scribed in paragraph (1).

18 (c) REQUIREMENTS.—The United States-based filer
19 shall be at least 18 years of age at the time that the AOR
20 is filed. The filer shall file the AOR not later than 5 years
21 after the date they were admitted as a refugee or special
22 immigrant or were granted asylum. The Secretary of State
23 may reject any AOR for a relationship that does not com-
24 port with public policy, such as underage or plural mar-
25 riages.

1 (d) FAMILY MEMBERS INCLUDED.—

2 (1) IN GENERAL.—The following family mem-
3 bers of the United States-based family members are
4 qualified for Priority 3 access:

5 (A) Spouse or permanent partner.

6 (B) Unmarried children who are younger
7 than 21 years of age.

8 (C) Parents.

9 (2) PARTNERS.—The Secretary of State may
10 allow a qualifying individual to file for Priority 3 ac-
11 cess for a partner of any gender if the filer can pro-
12 vide evidence of a relationship with the partner for
13 at least one year overseas prior to the submission of
14 the AOR and considered that person to be his or her
15 spouse or life partner, and that the relationship is
16 ongoing, together with evidence that legal marriage
17 was not an obtainable option due to social or legal
18 prohibitions.

19 (e) DERIVATIVE REFUGEE STATUS.—In addition to
20 the qualifying family members of a United States-based
21 individual identified above, the qualifying family member's
22 spouse or permanent partner, as well as unmarried chil-
23 dren younger than 21 years of age, may derive refugee
24 status from the principal applicant for refugee status.

1 (f) ADDITIONAL QUALIFYING FAMILY MEMBERS.—

2 On a case-by-case basis, an individual may be added to
3 a qualifying family member's Priority 3 case if that indi-
4 vidual—

5 (1) lived in the same household as the quali-
6 fying family member in the country of nationality or,
7 if stateless, last habitual residence;

8 (2) was part of the same economic unit as the
9 qualifying family member in the country of nation-
10 ality or, if stateless, last habitual residence; and

11 (3) demonstrates exceptional and compelling
12 humanitarian circumstances that justify inclusion on
13 the qualifying family member's case.

14 **SEC. 403. ADMISSION OF REFUGEE FAMILIES AND TIMELY**
15 **ADJUDICATION.**

16 Section 207(c)(2) of the Immigration and Nationality
17 Act (8 U.S.C. 1157(c)(2)) is amended to read as follows:

18 “(2)(A)(i) Irrespective of the date on which such ref-
19 ugee was admitted to the United States, the spouse or per-
20 manent partner, or a child (as defined in section
21 101(b)(1)) of any refugee, or the parent or de facto guard-
22 ian (as determined by the Secretary of Homeland Secu-
23 rity) of such a child who qualifies for admission under
24 paragraph (1), if not otherwise entitled to admission under
25 such paragraph and not described in section

1 101(a)(42)(B), shall be entitled to the same admission
2 status as such refugee if—

3 “(I) accompanying, or following to join,
4 such refugee; and

5 “(II) admissible (except as otherwise pro-
6 vided under paragraph (3)) as an immigrant
7 under this chapter.

8 “(ii) The admission to the United States of a spouse
9 or permanent partner, child, parent, or guardian described
10 in clause (i) shall not be charged against the numerical
11 limitation established in accordance with the appropriate
12 subsection under which the refugee’s admission is charged.

13 “(B) A mother or father who seeks to accompany,
14 or follow to join, an alien child granted admission as a
15 refugee under this subsection shall continue to be classi-
16 fied as a parent for purposes of this paragraph if the alien
17 child attains 21 years of age while the application filed
18 under this paragraph is pending.

19 “(C) The parent or de facto guardian (as determined
20 by the Secretary of Homeland Security) of a refugee child
21 admitted under this section and was admitted under the
22 Unaccompanied Refugee Minors Program (as described in
23 subparagraph (D), (E), or (H) of section 101(b)(1)) shall
24 be treated in accordance with subparagraph (A) if such
25 parent or guardian seeks to follow to join such refugee

1 child and the minor consents to being joined by such indi-
2 vidual.

3 “(D)(i) Not later than 1 year after the date on which
4 an application for refugee status is filed under this para-
5 graph—

6 “(I) required screenings and background checks
7 shall be completed; and

8 “(II) the application shall be adjudicated.

9 “(ii) The adjudication of an application may exceed
10 the timeframe under clause (i) only in exceptional cir-
11 cumstances in which additional time to process an applica-
12 tion is necessary to satisfy national security concerns, if
13 the Secretary of Homeland Security has—

14 “(I) made a determination that the applicant
15 meets the requirements for refugee status under this
16 section; and

17 “(II) notified the applicant of such determina-
18 tion.”.