

108TH CONGRESS
1ST SESSION

H. R. 832

To amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. CROWLEY, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KOLBE, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. OLVER, Mr. PASCRELL, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SIMMONS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION**

4 **AND NATIONALITY ACT.**

5 (a) SHORT TITLE.—This Act may be cited as the
 6 “Permanent Partners Immigration Act of 2003”.

7 (b) AMENDMENTS TO IMMIGRATION AND NATION-
 8 ALITY ACT.—Except as otherwise specifically provided
 9 whenever in this Act 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. 2. DEFINITIONS.**

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

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

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

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

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

5 “(B) is financially interdependent with
6 that other individual;

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

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

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

15 “(52) The term ‘permanent partnership’ means
16 the relationship that exists between two permanent
17 partners.”.

18 **SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.**

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

21 (1) by inserting “permanent partners,” after
22 “spouses,”;

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

1 (3) by striking “remarries.” and inserting “re-
2 marries or enters a permanent partnership with an-
3 other person.”.

4 **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
5 **EIGN STATES.**

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

8 (1) in the paragraph heading for paragraph (4),
9 by inserting “, PERMANENT PARTNERS,” after
10 “SPOUSES”;

11 (2) in the subparagraph heading for subpara-
12 graph (A), by inserting “, PERMANENT PARTNERS,”
13 after “SPOUSES”; and

14 (3) in the subparagraph heading for subpara-
15 graph (C), by inserting “WITHOUT PERMANENT
16 PARTNERS” after “DAUGHTERS”.

17 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
18 (8 U.S.C. 1152(b)(2)) is amended—

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

21 (2) by inserting “or permanent partners” after
22 “husband and wife”.

1 **SEC. 5. ALLOCATION OF IMMIGRANT VISAS.**

2 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
3 BERS OF PERMANENT RESIDENT ALIENS.—Section
4 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

5 (1) in the paragraph heading—

6 (A) by striking “and” after “SPOUSES”
7 and inserting “, PERMANENT PARTNERS,”; and

8 (B) by inserting “WITHOUT PERMANENT
9 PARTNERS” after “SONS” and after “DAUGH-
10 TERS”; and

11 (2) in subparagraph (A)—

12 (A) by inserting “, permanent partners,”
13 after “spouses”; and

14 (B) by inserting “without permanent part-
15 ners” after “sons” and after “daughters”.

16 (b) PREFERENCE ALLOCATION FOR SONS AND
17 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
18 1153(a)(3)) is amended—

19 (1) in the paragraph heading, by inserting
20 “AND DAUGHTERS AND SONS WITH PERMANENT
21 PARTNERS” after “DAUGHTERS”; and

22 (2) by inserting “or daughters or sons with per-
23 manent partners” after “daughters”.

24 (c) EMPLOYMENT CREATION.—Section
25 203(b)(5)(A)(iii) (8 U.S.C. 1153(b)(5)(A)(iii)) is amended
26 by inserting “permanent partner,” after “spouse,”.

1 (d) TREATMENT OF FAMILY MEMBERS.—Section
2 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
3 manent partner,” after “spouse” each place such term ap-
4 pears.

5 **SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

6 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
7 (8 U.S.C. 1154(a)(1)) is amended—

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

10 (2) in subparagraph (A)(iii)—

11 (A) by inserting “or permanent partner”
12 after “spouse” each place such term appears;
13 and

14 (B) by inserting “or permanent partner-
15 ship” after “marriage” each place such term
16 appears in subclause (I); and

17 (3) in subparagraph (B)—

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

21 (B) by inserting “or permanent partner-
22 ship” after “marriage” each place such term
23 appears.

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

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

3 (2) by inserting “or permanent partnership”
4 after “marriage” each place such term appears.

5 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
6 **OF EMERGENCY SITUATION REFUGEES.**

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

8 (1) in paragraph (2)—

9 (A) by inserting “or permanent partner”
10 after “spouse” each place such term appears;
11 and

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

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

16 **SEC. 8. ASYLUM.**

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

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

21 (2) by inserting “or permanent partner” after
22 “spouse”.

23 **SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.**

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

1 **SEC. 10. 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. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
 6 **NERS AWAITING THE AVAILABILITY OF AN**
 7 **IMMIGRANT VISA.**

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

9 (1) by redesignating the subsections (o) and (p)
 10 added by sections 1102(b) and 1103(b), respectively,
 11 of the Departments of Commerce, Justice, and
 12 State, the Judiciary, and Related Agencies Approp-
 13 riations Act, 2001, as enacted into law by section
 14 1(a)(2) of P.L. 106–553, as subsections (p) and (q),
 15 respectively; and

16 (2) in subsection (q) (as so redesignated)—

17 (A) in paragraph (1), by inserting “or per-
 18 manent partner” after “spouse”; and

19 (B) by inserting “or permanent partner-
 20 ship” after “marriage” each place such term
 21 appears.

22 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
 23 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
 24 **PARTNERS, AND SONS AND DAUGHTERS.**

25 (a) SECTION HEADING.—

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(e) (8 U.S.C. 1186a(e)) 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 such term
13 appears; and

14 (2) in paragraph (3)(A), in the matter following
15 clause (ii), and in paragraph (3)(D), (4)(B), and
16 (4)(C), by inserting “or permanent partnership”
17 after “marriage” each place such term 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 subparagraph heading for subpara-
21 graph (A), by inserting “OR PERMANENT PARTNER-
22 SHIP” after “MARRIAGE”;

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 (e) DEFINITIONS.—Section 216(g) (8 U.S.C.
19 1186a(g)) is amended—

20 (1) in paragraph (1)—

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

23 and

1 (B) by inserting “or permanent partner-
 2 ship” after “marriage” each place such term
 3 appears;

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

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

8 (4) in paragraph (4)—

9 (A) by inserting “or permanent partner”
 10 after “spouse” each place such term appears;
 11 and

12 (B) by inserting “or permanent partner-
 13 ship” after “marriage”.

14 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**
 15 **FOR CERTAIN ALIEN ENTREPRENEURS,**
 16 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
 17 **DREN.**

18 (a) SECTION HEADING.—

19 (1) IN GENERAL.—The section heading for sec-
 20 tion 216A (8 U.S.C. 1186b) is amended by inserting
 21 “OR PERMANENT PARTNERS” after “SPOUSES”.

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

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

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

5 (c) TERMINATION OF STATUS IF FINDING THAT
6 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
7 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-
8 ing “or permanent partner” after “spouse” in the matter
9 following subparagraph (C).

10 (d) REQUIREMENTS OF TIMELY PETITION AND
11 INTERVIEW FOR REMOVAL OF CONDITION.—Section
12 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
13 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
14 partner” after “spouse”.

15 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
16 1186b(f)(2)) is amended by inserting “or permanent part-
17 ner” after “spouse” each place such term appears.

18 **SEC. 14. DEPORTABLE ALIENS.**

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

21 (1) in paragraph (1)(D)(i), by inserting “or
22 permanent partners” after “spouses” each place
23 such term appears;

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

4 (3) by adding at the end of paragraph (1) the
5 following new subparagraph:

6 “(I) PERMANENT PARTNERSHIP FRAUD.—

7 An alien shall be considered to be deportable as
8 having procured a visa or other documentation
9 by fraud (within the meaning of section
10 212(a)(6)(C)(i)) and to be in the United States
11 in violation of this Act (within the meaning of
12 subparagraph (B)) if—

13 “(i) the alien obtains any admission to
14 the United States with an immigrant visa
15 or other documentation procured on the
16 basis of a permanent partnership entered
17 into less than 2 years prior to such admis-
18 sion and which, within 2 years subsequent
19 to such admission, is terminated because
20 the criteria for permanent partnership are
21 no longer fulfilled, unless the alien estab-
22 lishes to the satisfaction of the Attorney
23 General that such permanent partnership
24 was not contracted for the purpose of

1 evading any provisions of the immigration
2 laws; or

3 “(ii) it appears to the satisfaction of
4 the Attorney General that the alien has
5 failed or refused to fulfill the alien’s per-
6 manent partnership which in the opinion of
7 the Attorney General was made for the
8 purpose of procuring the alien’s admission
9 as an immigrant.”; and

10 (4) in paragraphs (2)(E)(i) and (3)(C)(ii), by
11 inserting “or permanent partner” after “spouse”
12 each place such term appears.

13 **SEC. 15. REMOVAL PROCEEDINGS.**

14 Section 240(e)(1) (8 U.S.C. 1229a(e)(1)) is amended
15 by inserting “or permanent partner” after “spouse”.

16 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF
17 STATUS.**

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

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

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

23 (3) in paragraph (2)(A), by inserting “, perma-
24 nent partner,” after “spouse” each place such term
25 appears.

1 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
2 **THAT OF PERSON ADMITTED FOR PERMA-**
3 **NENT RESIDENCE.**

4 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—
5 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
6 ing “or permanent partnership” after “marriage”.

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

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

11 (2) by adding at the end the following new
12 paragraph:

13 “(4) Paragraph (1) and section 204(g) shall not
14 apply with respect to a permanent partnership if the alien
15 establishes by clear and convincing evidence to the satis-
16 faction of the Attorney General that the permanent part-
17 nership was entered into in good faith and in accordance
18 with section 101(a)(51) and the permanent partnership
19 was not entered into for the purpose of procuring the
20 alien’s admission as an immigrant and no fee or other con-
21 sideration was given (other than a fee or other consider-
22 ation to an attorney for assistance in preparation of a law-
23 ful petition) for the filing of a petition under section
24 204(a) or 214(d) with respect to the alien permanent part-
25 ner. In accordance with regulations, there shall be only

1 one level of administrative appellate review for each alien
2 under the previous sentence.”.

3 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
4 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.
5 1255(i)(1)(B)) is amended by inserting “or permanent
6 partner” after “spouse” each place such term appears.

7 (d) INFORMANTS.—Section 245(j) of such Act (8
8 U.S.C. 1255(j)) is amended by inserting “permanent part-
9 ner,” after “spouse,” each place such term appears.

10 **SEC. 18. MISREPRESENTATION AND CONCEALMENT OF**
11 **FACTS.**

12 Section 275(c) (8 U.S.C. 1325(c)) is amended by in-
13 serting “or permanent partnership” after “marriage”.

14 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
15 **CHARACTER, ATTACHMENT TO THE PRIN-**
16 **CIPLES OF THE CONSTITUTION.**

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

19 **SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING**
20 **UNITED STATES CITIZENSHIP.**

21 Section 324(a) (8 U.S.C. 1435(a)) is amended, in the
22 matter following “after September 22, 1922,” by insert-
23 ing “or permanent partnership” after “marriage” each
24 place such term appears.

1 **SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO**
2 **PERMANENT PARTNERS OF CERTAIN LIFE**
3 **ACT BENEFICIARIES.**

4 Section 1504 of division B of the Miscellaneous Ap-
5 propriations Act, 2001, as enacted into law by section
6 1(a)(4) of Public Law 106–554, is amended—

7 (1) in the section heading, by inserting “,
8 **PERMANENT PARTNERS,**” after
9 **“SPOUSES”**;

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

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

13 (A) in the subsection headings, by insert-
14 ing “, **PERMANENT PARTNERS,**” after
15 **“SPOUSES”**; and

16 (B) by inserting “, permanent partner,”
17 after “spouse” each place such term appears.

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