

108TH CONGRESS  
1ST SESSION

# H. R. 3136

To amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2003

Mr. WEINER (for himself and Mr. RANGEL) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18.

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

1 **SECTION 1. MODIFICATION OF REQUIREMENTS FOR SPON-**  
2 **SOR'S AFFIDAVIT OF SUPPORT WHERE FAM-**  
3 **ILY-SPONSORED IMMIGRANT HAS A JOB**  
4 **OFFER.**

5 (a) IN GENERAL.—Section 213A(a)(1)(A) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1183a(a)(1)(A))  
7 is amended to read as follows:

8 “(A) in which the sponsor—

9 “(i) agrees to provide support to  
10 maintain the sponsored alien at an annual  
11 income that is not less than 125 percent of  
12 the Federal poverty line during the period  
13 in which the affidavit is enforceable;

14 “(ii) agrees to provide support to  
15 maintain the sponsored alien (in the case  
16 only of a sponsored alien described in sec-  
17 tion 212(a)(4)(C)) at an annual income  
18 that is not less than 100 percent of the  
19 Federal poverty line during the period in  
20 which the affidavit is enforceable and pro-  
21 vides a written contract (which may be  
22 contingent on the sponsored alien's phys-  
23 ical presence in the United States) obli-  
24 gating an employer to employ the spon-  
25 sored alien during a 1-year period of em-  
26 ployment in the United States at an an-

1           nual income that is not less than 100 per-  
 2           cent of the Federal poverty line (for a fam-  
 3           ily unit of a size equal to the number of  
 4           members of the sponsored alien’s expected  
 5           household in the United States (including  
 6           family and non-family dependents)); or

7           “(iii) agrees to provide support to  
 8           maintain the sponsored alien, in the case  
 9           only of a sponsored alien described in sec-  
 10          tion 212(a)(4)(C) who will be under 18  
 11          years of age throughout the period in  
 12          which the affidavit is enforceable, at an  
 13          annual income that is not less than 100  
 14          percent of the Federal poverty line during  
 15          the period in which the affidavit is enforce-  
 16          able;”.

17          (b) CONFORMING AMENDMENT.—Section 213A(f)(2)  
 18 of the Immigration and Nationality Act (8 U.S.C.  
 19 1183a(f)(2)) is amended to read as follows:

20           “(2) INCOME REQUIREMENT CASE.—Such term  
 21          also includes an individual who does not meet the re-  
 22          quirement of paragraph (1)(E) but—

23           “(A) who accepts joint and several liability  
 24          together with an individual under paragraph  
 25          (5); or

1 “(B) who—

2 “(i) is petitioning for the admission of  
3 an alien described in section 212(a)(4)(C);

4 “(ii) demonstrates (as provided in  
5 paragraph (6)) the means to maintain an  
6 annual income equal to at least 100 per-  
7 cent of the Federal poverty line; and

8 “(iii) in a case described in subsection  
9 (a)(1)(A)—

10 “(I) is petitioning for the admis-  
11 sion of an alien described in clause (ii)  
12 of such subsection; or

13 “(II) provides the employment  
14 contract referred to in clause (iii) of  
15 such subsection.”.

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