

109TH CONGRESS
1ST SESSION

H. R. 3006

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

JUNE 21, 2005

Mr. NADLER (for himself, Mr. MEEK of Florida, Mr. GUTIERREZ, Ms. BALDWIN, Mr. SMITH of Washington, Mrs. LOWEY, Mr. ANDREWS, Mr. BERMAN, Mr. MICHAUD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. HOLT, Mr. INSLEE, Mr. SANDERS, Mr. TIERNEY, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BROWN of Ohio, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. McDERMOTT, Ms. HARMAN, Mr. SABO, Mr. FARR, Mr. KOLBE, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Mr. MENENDEZ, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. McNULTY, Mr. KUCINICH, Mr. GONZALEZ, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. CAPUANO, Mr. FILNER, Mr. PASTOR, Mrs. JONES of Ohio, Mr. RANGEL, Mr. WEINER, Mr. LANTOS, Mr. ABERCROMBIE, Ms. ESHOO, Mr. PALLONE, Mr. MOORE of Kansas, Mr. SIMMONS, Mr. STARK, Mrs. CAPPS, and Mr. SHERMAN) 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—

6 (1) the “Uniting American Families Act”; or

7 (2) the “Permanent Partners Immigration
8 Act”.

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

15 **SEC. 2. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) by inserting “permanent partners,” after
18 “spouses,”;

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

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

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

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

5 (1) in the paragraph heading for paragraph (4),
6 by inserting “, PERMANENT PARTNERS,” after
7 “SPOUSES”;

8 (2) in the subparagraph heading for subpara-
9 graph (A), by inserting “, PERMANENT PARTNERS,”
10 after “SPOUSES”; and

11 (3) in the subparagraph heading for subpara-
12 graph (C), by inserting “WITHOUT PERMANENT
13 PARTNERS” after “DAUGHTERS”.

14 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
15 (8 U.S.C. 1152(b)(2)) is amended—

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

18 (2) by inserting “or permanent partners” after
19 “husband and wife”.

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

21 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
22 BERS OF PERMANENT RESIDENT ALIENS.—Section
23 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

24 (1) in the paragraph heading—

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

1 (B) by inserting “WITHOUT PERMANENT
2 PARTNERS” after “SONS” and after “DAUGH-
3 TERS”;

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

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

9 (b) PREFERENCE ALLOCATION FOR SONS AND
10 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
11 1153(a)(3)) is amended—

12 (1) in the paragraph heading, by inserting
13 “AND DAUGHTERS AND SONS WITH PERMANENT
14 PARTNERS” after “DAUGHTERS”; and

15 (2) in the text, by inserting “, or daughters or
16 sons with permanent partners,” after “daughters”.

17 (c) EMPLOYMENT CREATION.—Section
18 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
19 by inserting “permanent partner,” after “spouse,”.

20 (d) TREATMENT OF FAMILY MEMBERS.—Section
21 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
22 manent partner,” after “spouse” each place such term ap-
23 pears.

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

2 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
3 (8 U.S.C. 1154(a)(1)) is amended—

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

6 (2) in subparagraph (A)(iii)—

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

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

13 (3) in subparagraph (B)—

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

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

20 (b) IMMIGRATION FRAUD PREVENTION.—Section
21 204(c) (8 U.S.C. 1154(c)) is amended—

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

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

1 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
2 **OF EMERGENCY SITUATION REFUGEES.**

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

4 (1) in paragraph (2)—

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

7 and

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

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

12 **SEC. 8. ASYLUM.**

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

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

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

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

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

22 **SEC. 10. INADMISSIBLE ALIENS.**

23 (a) **CLASSES OF ALIENS INELIGIBLE FOR VISAS OR**
24 **ADMISSION.**—Section 212(a) (8 U.S.C. 1182(a)) is
25 amended—

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

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

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

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

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

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

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

15 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
16 LATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C.
17 1182(g)(1)(A)) is amended by inserting “or permanent
18 partner” after “spouse”.

19 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
20 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
21 1182(h)(1)(B)) is amended by inserting “permanent part-
22 ner,” after “spouse,”.

23 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
24 amended—

1 amended by inserting “permanent partner,” after
2 “spouse”.

3 **SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
4 **NERS AWAITING THE AVAILABILITY OF AN**
5 **IMMIGRANT VISA.**

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

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

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

11 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
12 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
13 **PARTNERS, AND SONS AND DAUGHTERS.**

14 (a) SECTION HEADING.—

15 (1) IN GENERAL.—The section heading for sec-
16 tion 216 (8 U.S.C. 1186a) is amended by inserting
17 “AND PERMANENT PARTNERS” after “SPOUSES”.

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

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

21 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
22 1186a(a)) is amended—

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

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

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

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

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

10 (1) in the subsection heading, by inserting “OR
11 PERMANENT PARTNERSHIP” after “MARRIAGE”;

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

14 (3) in paragraph (1)(A)(ii)—

15 (A) by inserting “or has ceased to satisfy
16 the criteria for being considered a permanent
17 partnership under this Act,” after “termi-
18 nated,”; and

19 (B) by inserting “or permanent partner”
20 after “spouse”.

21 (d) REQUIREMENTS OF TIMELY PETITION AND
22 INTERVIEW FOR REMOVAL OF CONDITION.—Section
23 216(c) (8 U.S.C. 1186a(c)) is amended—

24 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
25 (3)(C), (4)(B), and (4)(C), by inserting “or perma-

1 nent partner” after “spouse” each place such term
2 appears; and

3 (2) in paragraph (3)(A), in the matter following
4 clause (ii), and in paragraph (3)(D), (4)(B), and
5 (4)(C), by inserting “or permanent partnership”
6 after “marriage” each place such term appears.

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

9 (1) in the subparagraph heading for subpara-
10 graph (A), by inserting “OR PERMANENT PARTNER-
11 SHIP” after “MARRIAGE”;

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

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

17 (4) in subparagraph (A)(i)(II)—

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

22 (B) by inserting “or permanent partner”
23 after “spouse”;

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

1 (6) in subparagraph (B)(i)—

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

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

6 (e) DEFINITIONS.—Section 216(g) (8 U.S.C.
7 1186a(g)) is amended—

8 (1) in paragraph (1)—

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” each place such term
14 appears;

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

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

19 (4) in paragraph (4)—

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

23 (B) by inserting “or permanent partner-
24 ship” after “marriage”.

1 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**
2 **FOR CERTAIN ALIEN ENTREPRENEURS,**
3 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
4 **DREN.**

5 (a) SECTION HEADING.—

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

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

“216. Conditional permanent resident status for certain alien entrepreneurs,
spouses or permanent partners, and children.”.

12 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
13 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),
14 and (2)(C), by inserting “or permanent partner” after
15 “spouse” each place such term appears.

16 (c) TERMINATION OF STATUS IF FINDING THAT
17 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
18 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-
19 ing “or permanent partner” after “spouse” in the matter
20 following subparagraph (C).

21 (d) REQUIREMENTS OF TIMELY PETITION AND
22 INTERVIEW FOR REMOVAL OF CONDITION.—Section
23 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs

1 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
2 partner” after “spouse”.

3 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
4 1186b(f)(2)) is amended by inserting “or permanent part-
5 ner” after “spouse” each place such term appears.

6 **SEC. 14. DEPORTABLE ALIENS.**

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

9 (1) in paragraph (1)(D)(i), by inserting “or
10 permanent partners” after “spouses” each place
11 such term appears;

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

15 (3) by adding at the end of paragraph (1) the
16 following new subparagraph:

17 “(I) PERMANENT PARTNERSHIP FRAUD.—

18 An alien shall be considered to be deportable as
19 having procured a visa or other documentation
20 by fraud (within the meaning of section
21 212(a)(6)(C)(i)) and to be in the United States
22 in violation of this Act (within the meaning of
23 subparagraph (B)) if—

24 “(i) the alien obtains any admission to
25 the United States with an immigrant visa

1 or other documentation procured on the
2 basis of a permanent partnership entered
3 into less than 2 years prior to such admis-
4 sion and which, within 2 years subsequent
5 to such admission, is terminated because
6 the criteria for permanent partnership are
7 no longer fulfilled, unless the alien estab-
8 lishes to the satisfaction of the Secretary
9 of Homeland Security that such permanent
10 partnership was not contracted for the
11 purpose of evading any provisions of the
12 immigration laws; or

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

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

1 **SEC. 15. REMOVAL PROCEEDINGS.**

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

4 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
5 **STATUS.**

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

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

9 (2) in the paragraph heading for paragraph (2),
10 by inserting “, PERMANENT PARTNER,” after
11 “SPOUSE”; and

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

15 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
16 **THAT OF PERSON ADMITTED FOR PERMA-**
17 **NENT RESIDENCE.**

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

21 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
22 (8 U.S.C. 1255(e)) is amended—

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

25 (2) by adding at the end the following new
26 paragraph:

1 “(4) Paragraph (1) and section 204(g) shall not
2 apply with respect to a permanent partnership if the alien
3 establishes by clear and convincing evidence to the satis-
4 faction of the Secretary of Homeland Security that the
5 permanent partnership was entered into in good faith and
6 in accordance with section 101(a)(51) and the permanent
7 partnership was not entered into for the purpose of pro-
8 curing the alien’s admission as an immigrant and no fee
9 or other consideration was given (other than a fee or other
10 consideration to an attorney for assistance in preparation
11 of a lawful petition) for the filing of a petition under sec-
12 tion 204(a) or 214(d) with respect to the alien permanent
13 partner. In accordance with regulations, there shall be
14 only one level of administrative appellate review for each
15 alien under the previous sentence.”.

16 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
17 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.
18 1255(i)(1)(B)) is amended by inserting “or permanent
19 partner” after “spouse” each place such term appears.

20 **SEC. 18. MISREPRESENTATION AND CONCEALMENT OF**
21 **FACTS.**

22 Section 275(c) (8 U.S.C. 1325(c)) is amended to read
23 as follows:

24 “(c) Any individual who knowingly enters into a mar-
25 riage or permanent partnership for the purpose of evading

1 any provision of the immigration laws shall be imprisoned
2 for not more than 5 years, or fined not more than
3 \$250,000, or both.”.

4 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
5 **CHARACTER, ATTACHMENT TO THE PRIN-**
6 **CIPLES OF THE CONSTITUTION.**

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

9 **SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING**
10 **UNITED STATES CITIZENSHIP.**

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

15 **SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO**
16 **PERMANENT PARTNERS OF CERTAIN LIFE**
17 **ACT BENEFICIARIES.**

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

21 (1) in the section heading, by inserting “, **PER-**
22 **MANENT PARTNERS,**” after “**SPOUSES**” ;

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

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

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

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

○