

110TH CONGRESS  
1ST SESSION

# H. R. 350

To prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2007

Mr. KLINE of Minnesota introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members.

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.**

4 This Act may be cited as the “Sex Offender Visa  
5 Loophole Elimination Act of 2007”.

6 **SEC. 2. BARRING CONVICTED SEX OFFENDERS FROM HAV-**  
7 **ING FAMILY-BASED PETITIONS APPROVED.**

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

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “Any” and in-  
3 sserting “Except as provided in clause (viii),  
4 any”; and

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

6 “(viii)(I) Clause (i) shall not apply to a citizen of the  
7 United States who has been convicted of a sex offense.

8 “(II) For purposes of subclause (I):

9 “(aa) The term ‘sex offense’ means—

10 “(AA) a State, local, tribal, foreign, or  
11 other criminal offense that has an element in-  
12 volving a sexual act or sexual contact with an-  
13 other, or an attempt or conspiracy to commit  
14 such an offense;

15 “(BB) a State local, tribal, foreign or  
16 other specified offense against a minor;

17 “(CC) a Federal offense (including an of-  
18 fense prosecuted under section 1152 or 1153 of  
19 title 18, United States Code) under section  
20 1201, 1591, or 1801, or chapter 109A, 110, or  
21 117, of title 18, United States Code, or any  
22 other Federal offense designated by the Attor-  
23 ney General for the purposes of this item; or

24 “(DD) a military offense specified by the  
25 Secretary of Defense under section

1           115(a)(8)(C)(i) of the Department of Justice  
2           Appropriations Act, 1998 (10 U.S.C. 951 note).

3           “(bb) The term ‘specified offense against a  
4           minor’ means an offense against a minor that in-  
5           volves any of the following:

6                   “(AA) An offense (unless committed by a  
7                   parent) involving kidnapping.

8                   “(BB) An offense (unless committed by a  
9                   parent) involving false imprisonment.

10                   “(CC) Solicitation to engage in sexual con-  
11                   duct.

12                   “(DD) Use in a sexual performance.

13                   “(EE) Solicitation to practice prostitution.

14                   “(FF) Possession, production, or distribu-  
15                   tion of child pornography.

16                   “(GG) Criminal sexual conduct involving a  
17                   minor (less than 18 years old), or the use of the  
18                   Internet to facilitate or attempt such conduct.

19                   “(HH) Any conduct that by its nature is  
20                   a sex offense against a minor.

21                   “(II) Video voyeurism, as described in sec-  
22                   tion 1801 of title 18, United States Code.

23                   “(JJ) Any attempt or conspiracy to com-  
24                   mit an offense described in any of subitems  
25                   (AA) through (II).”; and

1 (2) in subparagraph (B)(i)—

2 (A) by striking “(B)(i) Any alien” and in-  
3 serting the following:

4 “(B)(i)(I) Except as provided in subclause (II), any  
5 alien”; and

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

7 “(II) Subclause (I) shall not apply in the case of an  
8 alien lawfully admitted for permanent residence who has  
9 been convicted of a sex offense (as defined in subpara-  
10 graph (A)(viii)(II)).”.

11 (b) FIANCÉES, FIANCÉS, AND WAITING NON-  
12 IMMIGRANT SPOUSES.—

13 (1) FIANCÉES AND FIANCÉS.—Section  
14 214(d)(1) of the Immigration and Nationality Act (8  
15 U.S.C. 1184(d)(1)) is amended by adding at the end  
16 the following:

17 “The Secretary of Homeland Security may not ap-  
18 prove any petition filed by a petitioner who has been  
19 convicted of a sex offense (as defined in section  
20 204(a)(1)(A)(viii)(II)).”.

21 (2) WAITING SPOUSES.—Section 214(r)(1) of  
22 such Act (8 U.S.C. 1184(r)(1)) is amended by add-  
23 ing at the end the following:

24 “The Secretary of Homeland Security may not ap-  
25 prove any petition filed by a petitioner who has been

1 convicted of a sex offense (as defined in section  
2 204(a)(1)(A)(viii)(II)).”.

3 (3) CLERICAL AMENDMENT.—Section  
4 101(a)(15)(K) of such Act (8 U.S.C.  
5 1101(a)(15)(K)), is amended by striking “and (p)”  
6 and inserting “and (r)”.

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