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1ST SESSION

H. R. 2483

To amend the Immigration and Nationality Act to make changes in the laws relating to nonimmigrants and immigrants.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1993

Mr. MAZZOLI (for himself, Mr. SCHUMER, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to make changes in the laws relating to nonimmigrants and immigrants.

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 “Immigration Amend-
5 ments of 1993”.

6 **SEC. 2. ELIMINATION OF SUNSET FOR CERTAIN G-4 SPE-**
7 **CIAL IMMIGRANT PROVISIONS.**

8 (a) IN GENERAL.—Section 101(a)(27)(I)(iii)(II) of
9 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(27)(I)(iii)(II)) is amended by striking “before
2 January 1, 1993, and”.

3 (b) CONFORMING AMENDMENTS.—Section
4 101(a)(27)(I) of such Act is further amended by striking
5 “or six months after the date of the enactment of the Im-
6 migration Technical Corrections Act of 1988, whichever
7 is later” each place it appears.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the date of the enactment
10 of this Act.

11 **SEC. 3. SPECIAL IMMIGRANT STATUS AND NONIMMIGRANT**
12 **STATUS FOR CERTAIN USIA EMPLOYEES.**

13 (a) SPECIAL IMMIGRANT STATUS.—

14 (1) IN GENERAL.—Section 101(a)(27) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(27)) is amended—

17 (A) by striking “or” at the end of subpara-
18 graph (J),

19 (B) by striking the period at the end of
20 subparagraph (K) and inserting “; or”, and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(L)(i) an immigrant who the Director of the
24 United States Information Agency certifies to the
25 Attorney General (I) possesses foreign language

1 skills essential to the Agency's broadcasting activi-
2 ties, and (II) is employed, and has been employed
3 for 1 year, by the Agency in the United States in
4 a capacity requiring the utilization of such skills,
5 and (ii) the spouse or child of such an immigrant if
6 accompanying or following to join the immigrant.”.

7 (2) NUMERICAL LIMITATION FOR SPECIAL IM-
8 MIGRANT STATUS.—Section 203(b)(4) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1153(b)(4)) is
10 amended by inserting before the period at the end
11 the following: “and of which not more than 150 shall
12 be available in fiscal year 1994, and not more than
13 50 shall be available in any subsequent fiscal year,
14 to special immigrants described in section
15 101(a)(27)(L)(i)”.

16 (3) PETITIONING PROCESS FOR SPECIAL IMMI-
17 GRANT STATUS.—Section 204(a)(1)(E) of the Immi-
18 gration and Nationality Act is amended—

19 (A) in clause (i), by inserting “or
20 101(a)(27)(L)” after “101(a)(27)(D)”, and

21 (B) by adding at the end the following new
22 clause:

23 “(iii) In the case of an alien seeking classification as
24 a special immigrant described in section 101(a)(27)(L),
25 the Attorney General shall approve such a classification

1 upon receipt of a certification described in such section
2 issued by the Director of the United States Information
3 Agency if the alien is otherwise admissible.”.

4 (4) ONE-TIME WAIVER OF FOREIGN RESIDENCE
5 REQUIREMENT FOR CURRENT EMPLOYEES SEEKING
6 ADJUSTMENT TO SPECIAL IMMIGRANT STATUS.—
7 Section 212(e) of the Immigration and Nationality
8 Act shall not apply with respect to the adjustment
9 of status (under section 245 of such Act) of an alien
10 if—

11 (A) on or before the date of the enactment
12 of this Act and at the time of filing the applica-
13 tion for adjustment of status, the alien has the
14 status of a nonimmigrant described in section
15 101(a)(15)(J) of such Act, and

16 (B) the alien qualifies as a special immi-
17 grant under section 101(a)(27)(L)(i) of such
18 Act.

19 (5) USIA BASIC AUTHORITIES.—Section 804(1)
20 of the United States Information and Educational
21 Exchange Act of 1948 (22 U.S.C. 1474(1)) is
22 amended by inserting “or as special immigrants
23 under section 101(a)(27)(L) of that Act (8 U.S.C.
24 1101(a)(27)(L))” after “(8 U.S.C. 1101(a)(15))”.

25 (b) NONIMMIGRANT STATUS.—

1 (1) IN GENERAL.—Section 101(a)(15) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)) is amended—

4 (A) by striking “or” at the end of subpara-
5 graph (Q);

6 (B) by striking the period at the end of
7 subparagraph (R) and inserting “; or”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(S) an alien who—

11 “(i) is coming to the United States to be
12 employed by the United States Information
13 Agency if the Director of the Agency certifies to
14 the Attorney General that (I) the alien pos-
15 sesses foreign language skills essential to the
16 Agency’s broadcasting activities, and (II) the
17 Agency is unable to find equally qualified work-
18 ers in the United States who are authorized to
19 engage in such employment, or

20 “(ii) is the spouse or child of an alien de-
21 scribed in clause (i) and is accompanying or fol-
22 lowing to join the alien.”.

23 (2) CONDITIONS AND LIMITATIONS.—Section
24 214 of such Act (8 U.S.C. 1184) is amended by add-
25 ing at the end the following new subsection:

1 “(j)(1) The number of aliens who may be admitted
2 as (or otherwise be provided the status of) a nonimmigrant
3 under section 101(a)(15)(S)(i) in any fiscal year may not
4 exceed 50. No alien who may be admitted as such a non-
5 immigrant under such section but for such numerical limi-
6 tation may be admitted (or otherwise provided the status
7 of) a nonimmigrant under section 101(a)(15)(J).

8 “(2) The period of authorized status as a non-
9 immigrant under section 101(a)(15)(S) shall not exceed
10 5 years.

11 “(3) Nonimmigrants described in section
12 101(a)(15)(S)(ii) shall be granted authorization to engage
13 in employment in the United States and be provided an
14 ‘employment authorized’ endorsement or other appro-
15 priate work permit.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 1993.

18 **SEC. 4. FOREIGN ADOPTED CHILDREN.**

19 (a) EXPANSION IN CLASSIFICATION OF CHILDREN.—

20 (1) IN GENERAL.—Section 101(b)(1)(F) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(b)(1)(F)) is amended—

23 (A) by striking “who is an orphan” and all
24 that follows through “emigration and adoption”
25 and inserting “(i) who is an orphan because of

1 the death or disappearance of both parents, (ii)
2 who has been abandoned by both parents or by
3 the surviving parent, or (iii) for whom both par-
4 ents have (or the surviving parent has) in writ-
5 ing irrevocably released (whether to a public
6 agency or directly to a prospective adoptive par-
7 ent) the child for emigration and adoption”,
8 and

9 (B) by striking “abroad”.

10 (2) ADOPTION OF CHILDREN FROM CERTIFIED
11 FOREIGN STATES.—Section 204 of such Act (8
12 U.S.C. 1154) is amended by adding at the end the
13 following:

14 “(h)(1) In the case of an alien who has been made
15 eligible for emigration and adoption under the laws of a
16 foreign state certified under paragraph (2), the alien shall
17 be deemed to be described in clause (i), (ii), or (iii) of
18 section 101(b)(1)(F).

19 “(2)(A) A foreign state is considered to be certified
20 for purposes of paragraph (1) if the Secretary of State,
21 in consultation with the Attorney General, determines that
22 the foreign state meets the standards specified in para-
23 graph (3) with respect to the adoption of a child for place-
24 ment abroad.

1 “(B) The Secretary of State shall revoke the certifi-
2 cation of a foreign state previously made under subpara-
3 graph (A) if the Secretary determines that the state no
4 longer meets the standards specified in paragraph (3).

5 “(C) The Secretary of State, in consultation with the
6 Attorney General, shall review and determine, by not later
7 than 1 year after the date of the enactment of this sub-
8 section and at least every 2 years thereafter, whether each
9 of at least the 10 principal foreign states (from which chil-
10 dren described in section 101(b)(1)(F) are being adopted)
11 meets the standards specified in paragraph (3).

12 “(3) The standards specified in this paragraph for
13 a foreign state, with respect to the adoption of a child
14 for placement abroad, are that the foreign state provides
15 for the following:

16 “(A) The adoption of a child for placement
17 abroad is not permitted except under the cir-
18 cumstances described in any of clauses (i) through
19 (iii) of section 101(b)(1)(F) and the foreign state
20 makes it a crime to kidnap or sell a child.

21 “(B) The foreign state has reliable means of
22 ascertaining a child’s identity and the identity of the
23 child’s parents.

24 “(C) In the case of a child alleged to be an or-
25 phan because of the death or disappearance of both

1 parents or alleged to have been abandoned by both
2 parents or by the surviving parent, the foreign state
3 makes reasonable efforts to identify the child's par-
4 ents and to determine whether such parents are alive
5 and their whereabouts.

6 “(D) If the child is not an orphan because of
7 the death or disappearance of both parents and has
8 not been abandoned by both parents or by the sur-
9 viving parent, biological (and any prior adoptive)
10 parents are provided (i) notice of the adoption pro-
11 ceedings, (ii) an opportunity to contest the adoption,
12 (iii) notice of the permanent and irrevocable nature
13 of the adoption, and (iv) notice that upon the adop-
14 tion any derivative immigration rights that the par-
15 ents may have had through the child will be extin-
16 guished.

17 “(4) The Secretary of State shall cause to be pub-
18 lished in the Federal Register—

19 “(A) periodically a list of foreign states certified
20 under paragraph (2), and

21 “(B) notice of any revocation effected under
22 paragraph (2)(B).”.

23 (3) INCREASE IN MAXIMUM AGE FOR ADOP-
24 TION.—

1 (A) IN GENERAL.—Section 101(b)(1) of
2 such Act (8 U.S.C. 1101(b)(1)) is amended by
3 striking “sixteen” in subparagraphs (E) and
4 (F) and inserting “eighteen”.

5 (B) CONFORMING AMENDMENT.—Section
6 341(c)(2)(B) of such Act (8 U.S.C.
7 1452(c)(2)(B)) is amended by striking “16
8 years” and inserting “18 years”.

9 (b) CRIMINAL PENALTY FOR BUYING CHILDREN.—

10 (1) IN GENERAL.—Title 18 of the United
11 States Code is amended by inserting after chapter 7
12 the following new chapter:

13 **“CHAPTER 8—CHILD BUYING**

“Sec.
“131. Buying of children.

14 **“§ 131. Buying of children**

15 “Whoever is a citizen or national of the United States
16 and purchases for anything of value the custody or control
17 of a person who—

18 “(1) is under the age of 18 years; and

19 “(2) is an alien;

20 with the intent to establish lawful permanent residency for
21 such alien, or attempts to do so, shall be fined under this
22 title or imprisoned not more than 5 years, or both.”

23 (2) CLERICAL AMENDMENT.—The table of
24 chapters at the beginning of such title is amended

1 by inserting after the item relating to chapter 7 the
 2 following new item:

“8. Child buying 131”.

3 (c) EFFECTIVE DATES.—

4 (1) IN GENERAL.—

5 (A) The amendments made by subsection
 6 (a) shall take effect on the first day of the first
 7 month beginning more than 90 days after the
 8 date of the enactment of this Act.

9 (B) The amendments made by subsection
 10 (b) shall take effect on the date of the enact-
 11 ment of this Act.

12 (2) PUBLICATION OF FOREIGN STATE LIST.—
 13 The Secretary of State shall first provide for the
 14 publication of a list of the foreign states certified
 15 under section 204(h)(2) of the Immigration and Na-
 16 tionality Act (as added by the amendment made by
 17 subsection (a)(2)) by not later than 1 year after the
 18 date of the enactment of this Act.

19 **SEC. 5. PERMANENT RESIDENT STATUS FOR REFUGEES AD-**
 20 **MITTED TO THE UNITED STATES.**

21 (a) IN GENERAL.—Section 209 of the Immigration
 22 and Nationality Act (8 U.S.C. 1159) is amended—

23 (1) by amending the heading to read as follows:

1 “PERMANENT RESIDENT STATUS FOR REFUGEES;
2 ADJUSTMENT OF STATUS FOR ASYLEES”;

3 (2) by amending subsection (a) to read as
4 follows:

5 “(a) Any alien admitted to the United States under
6 section 207 shall be regarded as lawfully admitted to the
7 United States for permanent residence as of the date of
8 arrival into the United States.”; and

9 (3) in subsection (c), by striking “this section”
10 and inserting “subsection (b)”.

11 (b) CLERICAL AMENDMENT.—The item in the table
12 of contents relating to section 209 of such Act is amended
13 to read as follows:

“Sec. 209. Permanent resident status for refugees; adjustment of status for
asylees.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to aliens admitted to the United
16 States under section 207 of the Immigration and Nation-
17 ality Act before, on, or after the date of the enactment
18 of this Act.

19 **SEC. 6. ALIEN WITNESS COOPERATION.**

20 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-
21 SIFICATION.—Section 101(a)(15) of the Immigration and
22 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

23 (1) by striking “or” at the end of subparagraph
24 (R),

1 (2) by striking the period at the end of sub-
2 paragraph (S) and inserting “; or”, and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(T) subject to section 214(j), an alien—

6 “(i) who the Attorney General determines

7 (I) is in possession of critical reliable informa-
8 tion concerning a criminal organization or en-
9 terprise, and (II) is willing to supply such infor-
10 mation to Federal or State law enforcement au-
11 thorities or a Federal or State court of law, and

12 “(ii) whose presence in the United States

13 the Attorney General determines is essential to
14 the success of an authorized criminal investiga-
15 tion or the successful prosecution of an individ-
16 ual involved in the criminal organization or en-
17 terprise,

18 and the spouse and minor children of the alien if ac-
19 companying, or following to join, the alien.”.

20 (b) CONDITIONS OF ENTRY.—

21 (1) WAIVER OF GROUNDS FOR EXCLUSION.—

22 Section 212(d) of such Act (8 U.S.C. 1182(d)) is
23 amended by inserting at the beginning the following
24 new paragraph:

1 “(1) The Attorney General may, in his or her discre-
2 tion, waive the application of subsection (a) (other than
3 paragraph (3)(E) thereof) in the case of a nonimmigrant
4 described in section 101(a)(15)(T), if the Attorney Gen-
5 eral deems it in the national interest. Any such waiver
6 shall be deemed a waiver of any comparable ground for
7 deportation under section 241(a)(1)(A).”.

8 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-
9 MISSION; ETC.—Section 214 of such Act (8 U.S.C.
10 1184) is amended by adding at the end the following
11 new subsection:

12 “(k)(1) The number of aliens who may be provided
13 a visa as nonimmigrants under section 101(a)(15)(T) in
14 any fiscal year may not exceed 100.

15 “(2) No alien may be admitted into the United States
16 as such a nonimmigrant more than 5 years after the date
17 of the enactment of this subsection.

18 “(3) The period of admission of an alien as such a
19 nonimmigrant may not exceed 3 years. Such period may
20 not be extended by the Attorney General.

21 “(4) As a condition for the admission, and continued
22 stay in lawful status, of such a nonimmigrant, the non-
23 immigrant (A) shall report not less often than quarterly
24 to the Commissioner such information concerning the
25 alien’s whereabouts and activities as the Attorney General

1 may require, (B) may not be convicted of any criminal
2 offense in the United States after the date of such admis-
3 sion, and (C) must have executed a form that waives the
4 nonimmigrant's right to contest, other than on the basis
5 of an application for withholding of deportation, any ac-
6 tion for deportation of the alien instituted before the alien
7 obtains lawful permanent resident status.

8 “(5) The Attorney General shall submit a report an-
9 nually to the Committees on the Judiciary of the House
10 of Representatives and of the Senate concerning (A) the
11 number of such nonimmigrants admitted, (B) the number
12 of successful criminal prosecutions or investigations re-
13 sulting from cooperation of such aliens, (C) the number
14 of such nonimmigrants whose admission has not resulted
15 in successful criminal prosecution or investigation, and
16 (D) the number of such nonimmigrants who have failed
17 to report quarterly (as required under paragraph (4)) or
18 who have been convicted of crimes in the United States
19 after the date of their admission as such a non-
20 immigrant.”.

21 (3) PROHIBITION OF CHANGE OF STATUS.—
22 Section 248(1) of such Act (8 U.S.C. 1258(1)) is
23 amended by striking “or (K)” and inserting “(K), or
24 (T)”.

1 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
2 TUS.—

3 (1) IN GENERAL.—Section 245 of such Act (8
4 U.S.C. 1255) is amended by adding at the end the
5 following new subsection:

6 “(h)(1) If, in the opinion of the Attorney General—

7 “(A) a nonimmigrant admitted into the United
8 States under section 101(a)(15)(T) has supplied in-
9 formation described in clauses (i) and (ii) of such
10 section, and

11 “(B) the provision of such information has sub-
12 stantially contributed to the success of an authorized
13 criminal investigation or the successful prosecution
14 of an individual described in clause (ii) of such sec-
15 tion,

16 the Attorney General may adjust the status of the alien
17 (and the spouse and child of the alien if admitted under
18 such section) to that of an alien lawfully admitted for per-
19 manent residence if the alien is not described in section
20 212(a)(3)(E).

21 “(2) Upon the approval of adjustment of status under
22 paragraph (1), the Attorney General shall record the
23 alien’s lawful admission for permanent residence as of the
24 date of such approval and the Secretary of State shall re-
25 duce by one the number of visas authorized to be issued

1 under sections 201(d) and 203(b)(4) for the fiscal year
2 then current.”.

3 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
4 tion 245(c) of such Act (8 U.S.C. 1255(c)) is
5 amended by striking “or” before “(4)” and by in-
6 serting before the period at the end the following: “;
7 or (5) an alien who was admitted as a nonimmigrant
8 described in section 101(a)(15)(T)”.

9 (d) EXTENDING PERIOD OF DEPORTATION FOR CON-
10 VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such
11 Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by insert-
12 ing “(or 10 years in the case of an alien provided lawful
13 permanent resident status under section 245(h))” after
14 “five years”.

15 **SEC. 7. TEMPORARY NONIMMIGRANT STATUS FOR ALIEN**
16 **SPOUSES AND CHILDREN OF CITIZENS.**

17 (a) IN GENERAL.—Section 101(a)(15) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101(a)(15)), as
19 amended by sections 3(b)(1) and 6(a) of this Act, is
20 amended—

21 (1) by striking “or” at the end of subparagraph
22 (S);

23 (2) by striking the period at the end of sub-
24 paragraph (T) and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(U) an alien, and the children of the alien if
4 accompanying or following to join the alien, who is
5 the spouse of a citizen of the United States.”.

6 (b) CONDITIONS AND LIMITATIONS.—Section 214 of
7 such Act (8 U.S.C. 1184), as amended by sections 3(b)(2)
8 and 6(b)(2) of this Act, is amended by adding at the end
9 the following new subsection:

10 “(l)(1) The period of authorized status as a non-
11 immigrant under section 101(a)(15)(U) shall terminate—

12 “(A) 3 months after the date of obtaining such
13 status, unless the citizen spouse (or in the case of
14 a child, citizen parent) has filed a classification peti-
15 tion under section 204(a) for classification of the
16 nonimmigrant as an immediate relative, or

17 “(B) if such a petition is filed on a timely basis,
18 after the end of such period as the Attorney General
19 determines to be sufficient to permit the filing of an
20 application for an immigrant visa, or an application
21 for adjustment of status to that of an alien lawfully
22 admitted for permanent residence, on behalf of the
23 nonimmigrant and, if such an application is filed,
24 the final disposition of such an application.

1 The Attorney General may not extend the 3-month period
2 of authorized status under subparagraph (A).

3 “(2) Nonimmigrants described in section
4 101(a)(15)(U) shall be granted authorization to engage in
5 employment in the United States and be provided an ‘em-
6 ployment authorized’ endorsement or other appropriate
7 work permit.”.

8 (c) RESTRICTIONS ON ADJUSTMENT OF STATUS.—

9 (1) ADJUSTMENT TO PERMANENT RESIDENT
10 STATUS ONLY ON BASIS OF CITIZEN IMMEDIATE
11 RELATIVE PETITION.—Section 245(d) of such Act (8
12 U.S.C. 1255(d)) is amended by adding at the end
13 the following new sentence: “The Attorney General
14 may not adjust, under subsection (a), the status of
15 a nonimmigrant alien described in section
16 101(a)(15)(U) who is the spouse of a citizen (or
17 child of such a spouse) except on the basis of a peti-
18 tion filed by such citizen under section 204(a) to
19 classify the alien as an immediate relative of the citi-
20 zen.”.

21 (2) NO CHANGE OF NONIMMIGRANT STATUS
22 FROM U NONIMMIGRANT STATUS.—Section 248(1) of
23 such Act (8 U.S.C. 1258(1)) is amended by striking
24 “(K), or (T)” and inserting “(K), (T), or (U)”.

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