

107TH CONGRESS
1ST SESSION

H. R. 690

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 14, 2001

Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DEFazio, Mr. DELAHUNT, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GUTIERREZ, Mr. HOLT, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. McNULTY, Mr. MEEHAN, Ms. NORTON, Mr. OWENS, Ms. PELOSI, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. MCGOVERN, and Mr. STARK) introduced the following bill; which was referred to the Committee on 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,*

1 **SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION**
2 **AND NATIONALITY ACT.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Permanent Partners Immigration Act of 2001”.

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

11 **SEC. 2. DEFINITIONS.**

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

13 (1) in paragraph (15)(K)(ii), by inserting “per-
14 manent partnership” after “marriage”; and

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

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

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

22 “(B) is financially interdependent with
23 that other individual;

24 “(C) is not married to or in a permanent
25 partnership with anyone other than that other
26 individual;

1 “(D) is unable to contract with that other
2 individual a marriage cognizable under this Act;
3 and

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

6 “(52) The term ‘permanent partnership’ means
7 the relationship that exists between two permanent
8 partners.”.

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

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

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

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

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

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

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

23 (1) in the paragraph heading for paragraph (4),
24 by inserting “, PERMANENT PARTNERS,” after
25 “SPOUSES”;

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

4 (3) in the subparagraph heading for subpara-
5 graph (C), by inserting “WITHOUT PERMANENT
6 PARTNERS” after “DAUGHTERS”.

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

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

11 (2) by inserting “or permanent partners” after
12 “husband and wife”.

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

14 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
15 BERS OF PERMANENT RESIDENT ALIENS.—Section
16 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

17 (1) in the paragraph heading—

18 (A) by striking “and” after “SPOUSES”
19 and inserting “, PERMANENT PARTNERS,”; and

20 (B) by inserting “WITHOUT PERMANENT
21 PARTNERS” after “SONS” and after “DAUGH-
22 TERS”; and

23 (2) in subparagraph (A)—

24 (A) by inserting “, permanent partners,”
25 after “spouses”; and

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

3 (b) PREFERENCE ALLOCATION FOR SONS AND
4 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
5 1153(a)(3)) is amended—

6 (1) in the paragraph heading, by inserting
7 “AND DAUGHTERS AND SONS WITH PERMANENT
8 PARTNERS” after “DAUGHTERS”; and

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

11 (c) EMPLOYMENT CREATION.—Section
12 203(b)(5)(A)(iii) (8 U.S.C. 1153(b)(5)(A)(iii)) is amended
13 by inserting “permanent partner,” after “spouse,”.

14 (d) TREATMENT OF FAMILY MEMBERS.—Section
15 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
16 manent partner,” after “spouse” each place such term ap-
17 pears.

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

19 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
20 (8 U.S.C. 1154(a)(1)) is amended—

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

23 (2) in subparagraph (A)(iii)—

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

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

7 (3) in subparagraph (B)—

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

11 (B) by inserting “or permanent partner-
12 ship” after “marriage” each place such term
13 appears.

14 (b) IMMIGRATION FRAUD PREVENTION.—Section
15 204(c) (8 U.S.C. 1154(c)) is amended—

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

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

20 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
21 **OF EMERGENCY SITUATION REFUGEES.**

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

23 (1) in paragraph (2)—

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

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

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

8 **SEC. 8. ASYLUM.**

9 Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is
10 amended—

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

13 (2) by inserting “or permanent partner” after
14 “spouse”.

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

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

18 **SEC. 10. INADMISSIBLE ALIENS.**

19 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
20 ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is
21 amended—

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

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

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

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

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

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

9 (2) in paragraph (12)(B), by inserting “, per-
10 manent partner,” after “spouse”.

11 (c) WAIVERS OF INADMISSIBILITY ON HEALTH-RE-
12 LATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C.
13 1182(g)(1)(A)) is amended by inserting “or permanent
14 partner” after “spouse”.

15 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
16 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
17 1182(h)(1)(B)) is amended by inserting “permanent part-
18 ner,” after “spouse,”.

19 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
20 amended by inserting “permanent partner,” after
21 amended by inserting “permanent partner,” after
22 “spouse,”.

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

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

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

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

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

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

18 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
19 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
20 **PARTNERS, AND SONS AND DAUGHTERS.**

21 (a) SECTION HEADING.—

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

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

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

4 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
5 1186a(a)) is amended—

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

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

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

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

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

17 (1) in the heading, by inserting “OR PERMA-
18 NENT PARTNERSHIP” after “MARRIAGE”;

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

21 (3) in paragraph (1)(A)(ii)—

22 (A) by inserting “or has ceased to satisfy
23 the criteria for being considered a permanent

1 partnership under this Act,” after “termi-
2 nated,”; and

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

5 (d) REQUIREMENTS OF TIMELY PETITION AND
6 INTERVIEW FOR REMOVAL OF CONDITION.—Section
7 216(c) (8 U.S.C. 1186a(c)) is amended—

8 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
9 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
10 nent partner” after “spouse” each place such term
11 appears; and

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

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

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

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

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

1 (4) in subparagraph (A)(i)(II)—

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

6 (B) by inserting “or permanent partner”
7 after “spouse”;

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

10 (6) in subparagraph (B)(i)—

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

13 (B) by inserting “or permanent partner”
14 after “spouse”.

15 (e) DEFINITIONS.—Section 216(g) (8 U.S.C.
16 1186a(g)) is amended—

17 (1) in paragraph (1)—

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

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

3 (4) in paragraph (4)—

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

7 (B) by inserting “or permanent partner-
8 ship” after “marriage”.

9 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**
10 **FOR CERTAIN ALIEN ENTREPRENEURS,**
11 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
12 **DREN.**

13 (a) SECTION HEADING.—

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

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

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

20 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
21 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),
22 and (2)(C), by inserting “or permanent partner” after
23 “spouse” each place such term appears.

1 (c) TERMINATION OF STATUS IF FINDING THAT
2 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
3 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-
4 ing “or permanent partner” after “spouse” in the matter
5 following subparagraph (C).

6 (d) REQUIREMENTS OF TIMELY PETITION AND
7 INTERVIEW FOR REMOVAL OF CONDITION.—Section
8 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
9 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
10 partner” after “spouse”.

11 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
12 1186b(f)(2)) is amended by inserting “or permanent part-
13 ner” after “spouse” each place such term appears.

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

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

17 (1) in paragraph (1)(D)(i), by inserting “or
18 permanent partners” after “spouses” each place
19 such term appears;

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

23 (3) by adding at the end of paragraph (1) the
24 following new subparagraph:

1 “(I) PERMANENT PARTNERSHIP FRAUD.—
2 An alien shall be considered to be deportable as
3 having procured a visa or other documentation
4 by fraud (within the meaning of section
5 212(a)(6)(C)(i)) and to be in the United States
6 in violation of this Act (within the meaning of
7 subparagraph (B)) if—

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

22 “(ii) it appears to the satisfaction of
23 the Attorney General that the alien has
24 failed or refused to fulfill the alien’s per-
25 manent partnership which in the opinion of

1 the Attorney General was made for the
2 purpose of procuring the alien’s admission
3 as an immigrant.”; and

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

7 **SEC. 15. REMOVAL PROCEEDINGS.**

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

10 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
11 **STATUS.**

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

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

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

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

20 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
21 **THAT OF PERSON ADMITTED FOR PERMA-**
22 **NENT RESIDENCE.**

23 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—

24 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
25 ing “or permanent partnership” after “marriage”.

1 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
2 (8 U.S.C. 1255(e)) is amended—

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

5 (2) by adding at the end the following new
6 paragraph:

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

22 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
23 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.
24 1255(i)(1)(B)) is amended by inserting “or permanent
25 partner” after “spouse” each place such term appears.

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

4 **SEC. 18. MISREPRESENTATION AND CONCEALMENT OF**
5 **FACTS.**

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

8 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
9 **CHARACTER, ATTACHMENT TO THE PRIN-**
10 **CIPLES OF THE CONSTITUTION.**

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

13 **SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING**
14 **UNITED STATES CITIZENSHIP.**

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

19 **SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO**
20 **PERMANENT PARTNERS OF CERTAIN LIFE**
21 **ACT BENEFICIARIES.**

22 Section 1504 of division B of the Miscellaneous Ap-
23 propriations Act, 2001, as enacted into law by section
24 1(a)(4) of Public Law 106–554, is amended—

1 (1) in the section heading, by inserting “,
2 **PERMANENT PARTNERS,**” after
3 **“SPOUSES”**;

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

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

7 (A) in the subsection headings, by insert-
8 ing “, PERMANENT PARTNERS,” after
9 “SPOUSES”; and

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

○