



REPORT TO COUNCIL

City of Sacramento

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STAFF REPORT
November 30, 2010

**Honorable Mayor and
Members of the City Council**

Title: Proposed Resolution Supporting the Uniting American Families Act

Location/Council District: Citywide

Recommendation: Adopt a Resolution supporting the Uniting American Families Act, as recommended by the Law and Legislation Committee.

Contact: Michelle Heppner, Special Projects Manager, 808-1226

Presenters: Michelle Heppner, Special Projects Manager

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 09200

Description/Analysis

Issue: Council Member Cohn requested staff to bring forward a resolution in support of HR 1024 (Nadler) and S. 424 (Leahy), the Uniting American Families Act to allow United States citizens and legal permanent residents in bi-national same-sex relationships to sponsor their foreign-born partner for immigration benefits to the United States.

Policy Considerations: The City has historically supported policies and legislation to address issues equality for Lesbian, Gay, Bisexual and Transgender (LGBT) communities, including same-sex couples.

Environmental Considerations: None.

California Environmental Quality Act (CEQA): N/A.

Sustainability Considerations: None.

Committee/Commission Action: At its November 4, 2010 meeting, the Law & Legislation Committee voted to approve the proposed **Resolution** supporting the Uniting American Families Act and forward it to the full City Council for adoption.

Rationale for Recommendation: By adopting a resolution in support of the Uniting American Families Act, the City of Sacramento is promoting quality of life for all residents through family unification.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully submitted by: 
Michelle Heppner
Special Projects Manager

Recommendation Approved:


GUS VINA
Interim City Manager

APPROVED AS TO FORM:


CITY ATTORNEY

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Attachment 1

Background

Council Member Cohn requested staff to bring forward a resolution in support of HR 1024 (Nadler) and S. 424 (Leahy), the Uniting American Families Act to allow United States citizens and legal permanent residents in bi-national same-sex relationship to sponsor their foreign born partner for immigration benefits to the United States. The Law and Legislation Committee approved this resolution at its November 4, 2010 meeting.

Currently, the Immigration and Naturalization Act (INA) only allows married couples to sponsor their partners for residency status. As a result, the estimated 35,000 bi-national, same-sex couples living in the United States may have to choose between remaining in a relationship or remaining in the United States.

By adding the term 'permanent partner' to all sections of the INA that apply to married couples, the Uniting American Families Act (UAFA) would allow Americans in same-sex relationships the ability to sponsor their partner for residency status. 'Permanent partner' is defined as an individual 18 years of age or older who: a) is in a committed, intimate relationship in which both parties intend a lifelong commitment; b) is financially interdependent with that other individual; c) is not married to, or in a permanent partnership with another individual; d) is unable to contract with that other individual a marriage knowable under this Act; and e) is not a first, second, or third degree blood relation of the other individual.

The UAFA would apply the same restrictions and penalties to same-sex couples that are applied to heterosexual couples, including a maximum five-year imprisonment and a \$250,000 fine for entering into a fraudulent partnership for the purpose of obtaining a visa.

At least 19 other countries currently recognize same-sex couples for immigration purposes.

HR 1024 and S. 424 are companion bills that were introduced in February 12, 2009.



Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

ON DATE OF _____

RESOLUTION SUPPORTING THE UNITING AMERICAN FAMILIES ACT

BACKGROUND

- A. The City of Sacramento celebrates and respects all citizens, immigrant groups and all families, including those of same-sex gay and lesbian partners; and,
- B. The City of Sacramento supports any effort to improve the quality of life for communities that have been traditionally marginalized or have been discriminated on by individuals, corporations or government agencies; and,
- C. The City has historically supported policies and legislation to address issues of discrimination for Lesbian, Gay, Bisexual and Transgender communities, including same-sex couples; and,
- D. United States immigration law supports family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and,
- E. Under the United States immigration law, same-sex couples do not enjoy the same equal rights as heterosexual couples by not allowing them sponsorship of a foreign partner for immigration benefits; and,
- F. This form of inequality is unfair and has devastating and life-altering consequences for same-sex partners; and,
- G. Currently pending in the United States Congress is the Uniting American Families Act (H.R. 1024/S.424), reintroduced on February 12, 2009, by Representative Jerrold Nadler (D-NY-8) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships;" and,
- H. The Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and,

- I. The Uniting American Families Act would bring U.S. immigration law in line with the 21 other countries that already recognize same sex partnerships for immigration purposes: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and,

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. To hereby support the "Uniting American Families Act."

MAYOR

ATTEST:

CITY CLERK

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____



111TH CONGRESS
1ST SESSION

H. R. 1024

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. NADLER of New York (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHAY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mrs. TAUSCHER, Ms. TSONGAS, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WELCH, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SPEIER, Mr. SCHIFF, and Mr. STARK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

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; TABLE OF CON-**
 5 **TENTS.**

6 (a) SHORT TITLE.—This Act may be cited as the
 7 “Uniting American Families Act of 2009”.

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

14 (c) TABLE OF CONTENTS.—The table of contents of
 15 this Act is as follows:

- Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
- Sec. 2. Definitions of permanent partner and permanent partnership.
- Sec. 3. Worldwide level of immigration.
- Sec. 4. Numerical limitations on individual foreign states.
- Sec. 5. Allocation of immigrant visas.
- Sec. 6. Procedure for granting immigrant status.

- Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 8. Asylum.
- Sec. 9. Adjustment of status of refugees.
- Sec. 10. Inadmissible aliens.
- Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 14. Deportable aliens.
- Sec. 15. Removal proceedings.
- Sec. 16. Cancellation of removal; adjustment of status.
- Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
- Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the constitution.
- Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
- Sec. 21. Application to Cuban Adjustment Act.

1 **SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PER-**
 2 **MANENT PARTNERSHIP.**

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

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

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

7 “(52) The term ‘permanent partner’ means an
 8 individual 18 years of age or older who—

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

13 “(B) is financially interdependent with
 14 that other individual;

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

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

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

9 “(53) The term ‘permanent partnership’ means
10 the relationship that exists between two permanent
11 partners.”.

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

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

15 (1) by inserting “permanent partners,” after
16 “spouses,”;

17 (2) by inserting “or permanent partner” after
18 “spouse” each place it appears;

19 (3) by inserting “(or, in the case of a perma-
20 nent partnership, whose permanent partnership was
21 not terminated)” after “was not legally separated
22 from the citizen”; and

23 (4) by striking “remarries.” and inserting “re-
24 marries or enters a permanent partnership with an-
25 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 heading, by inserting “, PERMANENT
6 PARTNERS,” after “SPOUSES”;

7 (2) in the heading of subparagraph (A), by in-
8 serting “, PERMANENT PARTNERS,” after
9 “SPOUSES”; and

10 (3) in the heading of subparagraph (C), by
11 striking “AND DAUGHTERS” inserting “WITHOUT
12 PERMANENT PARTNERS AND UNMARRIED DAUGH-
13 TERS WITHOUT PERMANENT PARTNERS”.

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 it 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 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 heading, by inserting "AND DAUGH-
13 TERS AND SONS WITH PERMANENT PARTNERS" after
14 "DAUGHTERS"; and

15 (2) by inserting ", or daughters or sons with
16 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 it appears.

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

24 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
25 (8 U.S.C. 1154(a)(1)) is amended—

- 1 (1) in subparagraph (A)(ii), by inserting “or
2 permanent partner” after “spouse”;
- 3 (2) in subparagraph (A)(iii)—
- 4 (A) by inserting “or permanent partner”
5 after “spouse” each place it appears; and
- 6 (B) in subclause (I), by inserting “or per-
7 manent partnership” after “marriage” each
8 place it appears;
- 9 (3) in subparagraph (A)(v)(I), by inserting
10 “permanent partner,” after “is the spouse,”;
- 11 (4) in subparagraph (A)(vi)—
- 12 (A) by inserting “or termination of the
13 permanent partnership” after “divorce”; and
- 14 (B) by inserting “, permanent partner,”
15 after “spouse”; and
- 16 (5) in subparagraph (B)—
- 17 (A) by inserting “or permanent partner”
18 after “spouse” each place it appears;
- 19 (B) by inserting or permanent partnership
20 after “marriage” in clause (ii)(I)(aa) and the
21 first place it appears in clause (ii)(I)(bb); and
- 22 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
23 serting “(or the termination of the permanent
24 partnership)” after “termination of the mar-
25 riage”.

1 (b) IMMIGRATION FRAUD PREVENTION.—Section
2 204(c) (8 U.S.C. 1154(c)) is amended—

3 (1) by inserting “or permanent partner” after
4 “spouse” each place it appears; and

5 (2) by inserting “or permanent partnership”
6 after “marriage” each place it appears.

7 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
8 **OF EMERGENCY SITUATION REFUGEES.**

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

10 (1) in paragraph (2)—

11 (A) by inserting “or permanent partner”
12 after “spouse” each place it appears; and

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

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

17 **SEC. 8. ASYLUM.**

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

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

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

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

2 Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended
3 by inserting "or permanent partner" after "spouse".

4 **SEC. 10. INADMISSIBLE ALIENS.**

5 (a) **CLASSES OF ALIENS INELIGIBLE FOR VISAS OR**
6 **ADMISSION.**—Section 212(a) (8 U.S.C. 1182(a)) is
7 amended—

8 (1) in paragraph (3)(D)(iv), by inserting "per-
9 manent partner," after "spouse,";

10 (2) in paragraph (4)(C)(i)(I), by inserting "
11 permanent partner," after "spouse";

12 (3) in paragraph (6)(E)(ii), by inserting "per-
13 manent partner," after "spouse,"; and

14 (4) in paragraph (9)(B)(v), by inserting "
15 manent partner," after "spouse".

16 (b) **WAIVERS.**—Section 212(d) (8 U.S.C. 1182(d)) is
17 amended—

18 (1) in paragraph (11), by inserting "permanent
19 partner," after "spouse,"; and

20 (2) in paragraph (12), by inserting "
21 nent partner," after "spouse".

22 (c) **WAIVERS OF INADMISSIBILITY ON HEALTH-RE-**
23 **LATED GROUNDS.**—Section 212(g)(1)(A) (8 U.S.C.
24 1182(g)(1)(A)) is amended by inserting "or permanent
25 partner" after "spouse".

1 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
2 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
3 1182(h)(1)(B)) is amended by inserting “permanent part-
4 ner,” after “spouse,”.

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

9 **SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
10 **NERS AWAITING THE AVAILABILITY OF AN**
11 **IMMIGRANT VISA.**

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

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

15 (2) by inserting “or permanent partnership”
16 after “marriage” each place it appears.

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

20 (a) SECTION HEADING.—

21 (1) IN GENERAL.—The heading for section 216
22 (8 U.S.C. 1186a) is amended by inserting “AND
23 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 it appears;
11 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 it 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 heading of subparagraph (A), by in-
19 serting “OR PERMANENT PARTNERSHIP” after “MAR-
20 RIAGE”;

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 it appears; and

20 (B) by inserting “or permanent partner-
21 ship” after “marriage” each place it appears;

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

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

1 (4) in paragraph (4)—

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

4 (B) by inserting “or permanent partner-
5 ship” after “marriage”.

6 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**
7 **FOR CERTAIN ALIEN ENTREPRENEURS,**
8 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
9 **DREN.**

10 (a) SECTION HEADING.—

11 (1) IN GENERAL.—The heading for section
12 216A (8 U.S.C. 1186b) is amended by inserting “OR
13 PERMANENT PARTNERS” after “SPOUSES”.

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

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

17 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
18 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),
19 and (2)(C), by inserting “or permanent partner” after
20 “spouse” each place it appears.

21 (c) TERMINATION OF STATUS IF FINDING THAT
22 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
23 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-

1 ing “or permanent partner” after “spouse” in the matter
2 following subparagraph (C).

3 (d) REQUIREMENTS OF TIMELY PETITION AND
4 INTERVIEW FOR REMOVAL OF CONDITION.—Section
5 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
6 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
7 partner” after “spouse”.

8 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
9 1186b(f)(2)) is amended by inserting “or permanent part-
10 ner” after “spouse” each place it appears.

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

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

14 (1) in paragraph (1)(D)(i), by inserting “or
15 permanent partners” after “spouses” each place it
16 appears;

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

20 (3) by adding at the end of paragraph (1) the
21 following new subparagraph:

22 “(I) PERMANENT PARTNERSHIP FRAUD.—

23 An alien shall be considered to be deportable as
24 having procured a visa or other documentation
25 by fraud (within the meaning of section

1 212(a)(6)(C)(i)) and to be in the United States
2 in violation of this Act (within the meaning of
3 subparagraph (B)) if—

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

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

1 (4) in paragraphs (2)(E)(i) and (3)(C)(ii), by
2 inserting "or permanent partner" after "spouse"
3 each place it appears.

4 **SEC. 15. REMOVAL PROCEEDINGS.**

5 Section 240 (8 U.S.C. 1229a) is amended—

6 (1) in the heading of subsection (c)(7)(C)(iv),
7 by inserting "PERMANENT PARTNERS," after
8 "SPOUSES,"; and

9 (2) in subsection (e)(1), by inserting "or per-
10 manent partner" after "spouse".

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

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

14 (1) in paragraph (1)(D), by inserting "or per-
15 manent partner" after "spouse";

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

18 (3) in paragraph (2)(A), by inserting ", perma-
19 nent partner," after "spouse" each place it 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 Secretary of Homeland Security that the
11 permanent partnership was entered into in good faith and
12 in accordance with section 101(a)(52) and the permanent
13 partnership was not entered into for the purpose of pro-
14 curing the alien’s admission as an immigrant and no fee
15 or other consideration was given (other than a fee or other
16 consideration to an attorney for assistance in preparation
17 of a lawful petition) for the filing of a petition under sec-
18 tion 204(a) or 214(d) with respect to the alien permanent
19 partner. In accordance with regulations, there shall be
20 only one level of administrative appellate review for each
21 alien 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 it appears.

1 **SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR**
2 **MISREPRESENTATION AND CONCEALMENT**
3 **OF FACTS REGARDING PERMANENT PART-**
4 **NERSHIPS.**

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

7 “(c) Any individual who knowingly enters into a mar-
8 riage or permanent partnership for the purpose of evading
9 any provision of the immigration laws shall be imprisoned
10 for not more than 5 years, or fined not more than
11 \$250,000, or both.”.

12 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
13 **CHARACTER, ATTACHMENT TO THE PRIN-**
14 **CIPLES OF THE CONSTITUTION.**

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

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

20 Section 1504 of the LIFE Act (division B of the Mis-
21 cellaneous Appropriations Act, 2001, as enacted into law
22 by section 1(a)(4) of Public Law 106-554) is amended—

23 (1) in the heading, by inserting “, **PERMA-**
24 **NENT PARTNERS,**” after “**SPOUSES**”;

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

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

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

5 (B) by inserting “, permanent partner,”
6 after “spouse” each place it appears.

7 **SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.**

8 (a) **IN GENERAL.**—The first section of Public Law
9 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is
10 amended—

11 (1) in the next to last sentence, by inserting “,
12 permanent partner,” after “spouse” the first two
13 places it appears; and

14 (2) in the last sentence, by inserting “, perma-
15 nent partners,” after “spouses”.

16 (b) **CONFORMING AMENDMENTS.**—

17 (1) Section 101(a)(51)(D) (8 U.S.C.
18 1101(a)(51)(D)) is amended by striking “or spouse”
19 and inserting “, spouse, or permanent partner”.

20 (2) Section 1506(c)(2)(A)(i)(IV) of the Violence
21 Against Women Act of 2000 (8 U.S.C. 1229a note;
22 division B of Public Law 106–386) is amended by
23 striking “or spouse” and inserting “, spouse, or per-
24 manent partner”.

○

111TH CONGRESS
1ST SESSION

S. 424

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2009

Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUE, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

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; TABLE OF CON-**
3 **TENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Uniting American Families Act of 2009”.

6 (b) **AMENDMENTS TO IMMIGRATION AND NATION-**
7 **ALITY ACT.**—Except as otherwise specifically provided in
8 this Act, if an amendment or repeal is expressed as the
9 amendment or repeal of a section or other provision, the
10 reference shall be considered to be made to that section
11 or provision in the Immigration and Nationality Act (8
12 U.S.C. 1101 et seq.).

13 (c) **TABLE OF CONTENTS.**—The table of contents for
14 this Act is as follows:

- Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
- Sec. 2. Definitions of permanent partner and permanent partnership.
- Sec. 3. Worldwide level of immigration.
- Sec. 4. Numerical limitations on individual foreign states.
- Sec. 5. Allocation of immigrant visas.
- Sec. 6. Procedure for granting immigrant status.
- Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 8. Asylum.
- Sec. 9. Adjustment of status of refugees.
- Sec. 10. Inadmissible aliens.
- Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 14. Deportable aliens.
- Sec. 15. Removal proceedings.
- Sec. 16. Cancellation of removal; adjustment of status.
- Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.

Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the Constitution.

Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.

Sec. 21. Application to Cuban Adjustment Act.

1 **SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PER-**
2 **MANENT PARTNERSHIP.**

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

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

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

7 “(52) The term ‘permanent partner’ means an
8 individual 18 years of age or older who—

9 “(A) is in a committed, intimate relation-
10 ship with another individual 18 years of age or
11 older in which both individuals intend a lifelong
12 commitment;

13 “(B) is financially interdependent with
14 that other individual;

15 “(C) is not married to, or in a permanent
16 partnership with, any individual other than that
17 other individual;

18 “(D) is unable to contract with that other
19 individual a marriage cognizable under this Act;
20 and

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

1 (2) in the heading of subparagraph (A), by in-
2 serting “, PERMANENT PARTNERS,” after
3 “SPOUSES”; and

4 (3) in the heading of subparagraph (C), by
5 striking “AND DAUGHTERS” inserting “WITHOUT
6 PERMANENT PARTNERS AND UNMARRIED DAUGH-
7 TERS WITHOUT PERMANENT PARTNERS”.

8 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
9 (8 U.S.C. 1152(b)(2)) is amended—

10 (1) by striking “his spouse” and inserting “his
11 or her spouse or permanent partner”;

12 (2) by striking “such spouse” each place it ap-
13 pears and inserting “such spouse or permanent part-
14 ner”; and

15 (3) by inserting “or permanent partners” after
16 “husband and wife”.

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

18 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
19 BERS OF PERMANENT RESIDENT ALIENS.—Section
20 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

21 (1) by striking the paragraph heading and in-
22 serting the following:

23 “(2) SPOUSES, PERMANENT PARTNERS, UNMAR-
24 RIED SONS WITHOUT PERMANENT PARTNERS, AND

1 UNMARRIED DAUGHTERS WITHOUT PERMANENT
2 PARTNERS OF PERMANENT RESIDENT ALIENS.—”;

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

5 (3) in subparagraph (B), by striking “or un-
6 married daughters” and inserting “without perma-
7 nent partners or the unmarried daughters without
8 permanent partners”.

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) by striking the paragraph heading and in-
13 serting the following:

14 “(2) MARRIED SONS AND DAUGHTERS OF CITI-
15 ZENS AND SONS AND DAUGHTERS WITH PERMANENT
16 PARTNERS OF CITIZENS.—”; and

17 (2) by inserting “, or sons or daughters with
18 permanent partners,” after “daughters”.

19 (c) EMPLOYMENT CREATION.—Section
20 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
21 by inserting “permanent partner,” after “spouse,”.

22 (d) TREATMENT OF FAMILY MEMBERS.—Section
23 203(d) (8 U.S.C. 1153(d)) is amended—

24 (1) by inserting “or permanent partner” after
25 “section 101(b)(1)”; and

1 (2) by inserting “, permanent partner,” after
2 “the spouse”.

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

4 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
5 (8 U.S.C. 1154(a)(1)) is amended—

6 (1) in subparagraph (A)—

7 (A) in clause (ii), by inserting “or perma-
8 nent partner” after “spouse”;

9 (B) in clause (iii)—

10 (i) by inserting “or permanent part-
11 ner” after “spouse” each place it appears;
12 and

13 (ii) in subclause (I), by inserting “or
14 permanent partnership” after “marriage”
15 each place it appears;

16 (C) in clause (v)(I), by inserting “perma-
17 nent partner,” after “is the spouse,”; and

18 (D) in clause (vi)—

19 (i) by inserting “or termination of the
20 permanent partnership” after “divorce”;
21 and

22 (ii) by inserting “, permanent part-
23 ner,” after “spouse”; and

24 (2) in subparagraph (B)—

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

3 (B) in clause (ii)—

4 (i) in subclause (I)(aa), by inserting
5 “or permanent partnership” after “mar-
6 riage”;

7 (ii) in subclause (I)(bb), by inserting
8 “or permanent partnership” after “mar-
9 riage” the first place it appears; and

10 (iii) in subclause (II)(aa), by inserting
11 “(or the termination of the permanent
12 partnership)” after “termination of the
13 marriage”.

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 it appears; and

18 (2) by inserting “or permanent partnership”
19 after “marriage” each place it 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)—

24 (A) by inserting “, permanent partner,”
25 after “spouse” each place it appears; and

1 (B) by inserting “, permanent partner’s,”
2 after “spouse’s”; and

3 (2) in paragraph (4), by inserting “, permanent
4 partner,” after “spouse”.

5 **SEC. 8. ASYLUM.**

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

8 (1) in the paragraph heading, by inserting “,
9 PERMANENT PARTNER,” after “SPOUSE”; and

10 (2) in subparagraph (A), by inserting “, perma-
11 nent partner,” after “spouse”.

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

13 Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended
14 by inserting “, permanent partner,” after “spouse”.

15 **SEC. 10. INADMISSIBLE ALIENS.**

16 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
17 ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is
18 amended—

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

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

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

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

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

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

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

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

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

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

21 **SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
22 **NERS AWAITING THE AVAILABILITY OF AN**
23 **IMMIGRANT VISA.**

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

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

3 (2) in paragraph (2), by inserting “or perma-
4 nent partnership” after “marriage” each place it ap-
5 pears.

6 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
7 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
8 **PARTNERS, AND SONS AND DAUGHTERS.**

9 (a) SECTION HEADING.—

10 (1) IN GENERAL.—The heading for section 216
11 (8 U.S.C. 1186a) is amended by striking “AND
12 SONS” and inserting “, PERMANENT PARTNERS,
13 SONS,”.

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

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

17 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
18 1186a(a)) is amended—

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

21 (2) in paragraph (2)—

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

1 (B) in subparagraph (B), by inserting
2 “permanent partner,” after “spouse,”; and

3 (C) in subparagraph (C), by inserting
4 “permanent partner,” after “spouse,”.

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

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

11 (2) in paragraph (1)(A)—

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

14 (B) in clause (ii)—

15 (i) by inserting “or has ceased to sat-
16 isfy the criteria for being considered a per-
17 manent partnership under this Act,” after
18 “terminated,”; and

19 (ii) by inserting “or permanent part-
20 ner” 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 it appears;
2 and

3 (2) in paragraph (3)(A), (3)(D), (4)(B), and
4 (4)(C), by inserting “or permanent partnership”
5 after “marriage” each place it appears.

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

8 (1) in subparagraph (A)—

9 (A) in the heading, by inserting “OR PER-
10 MANENT PARTNERSHIP” after “MARRIAGE”;

11 (B) in clause (i)—

12 (i) by inserting “or permanent part-
13 nership” after “marriage”;

14 (ii) in subclause (I), by inserting be-
15 fore the comma at the end “, or is a per-
16 manent partnership recognized under this
17 Act”; and

18 (iii) in subclause (II)—

19 (I) by inserting “or has not
20 ceased to satisfy the criteria for being
21 considered a permanent partnership
22 under this Act,” after “terminated,”;
23 and

24 (II) by inserting “or permanent
25 partner” after “spouse”; and

1 (C) in clause (ii), by inserting “or perma-
2 nent partner” after “spouse”; and

3 (2) in subparagraph (B)(i)—

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

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

8 (f) DEFINITIONS.—Section 216(g) (8 U.S.C.
9 1186a(g)) is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “or permanent partner”
12 after “spouse” each place it appears; and

13 (B) by inserting “or permanent partner-
14 ship” after “marriage” each place it 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 it appears; and

22 (B) by inserting “or permanent partner-
23 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) **IN GENERAL.**—Section 216A (8 U.S.C. 1186b)
6 is amended—

7 (1) in the section heading, by inserting “, PER-
8 MANENT PARTNERS,” after “SPOUSES”; and

9 (2) in paragraphs (1), (2)(A), (2)(B), and
10 (2)(C), by inserting “or permanent partner” after
11 “spouse” each place it appears.

12 (b) **TERMINATION OF STATUS IF FINDING THAT**
13 **QUALIFYING ENTREPRENEURSHIP IMPROPER.**—Section
14 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-
15 ing “or permanent partner” after “spouse” in the matter
16 following subparagraph (C).

17 (c) **REQUIREMENTS OF TIMELY PETITION AND**
18 **INTERVIEW FOR REMOVAL OF CONDITION.**—Section
19 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
20 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
21 partner” after “spouse”.

22 (d) **DEFINITIONS.**—Section 216A(f)(2) (8 U.S.C.
23 1186b(f)(2)) is amended by inserting “or permanent part-
24 ner” after “spouse” each place it appears.

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

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

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

5 Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—
 6 ed—

7 (1) in subparagraph (D)(i), by inserting “or
 8 permanent partners” after “spouses” each place it
 9 appears;

10 (2) in subparagraphs (E)(ii), (E)(iii), and
 11 (H)(i)(I), by inserting “or permanent partner” after
 12 “spouse”;

13 (3) by inserting after subparagraph (E) the following:
 14

15 “(F) PERMANENT PARTNERSHIP FRAUD.—

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

22 “(i) the alien obtains any admission to
 23 the United States with an immigrant visa
 24 or other documentation procured on the

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

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

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

23 **SEC. 15. REMOVAL PROCEEDINGS.**

24 Section 240 (8 U.S.C. 1229a) is amended—

1 (1) in the heading of subsection (c)(7)(C)(iv),
2 by inserting "PERMANENT PARTNERS," after
3 "SPOUSES,"; and

4 (2) in subsection (e)(1), by inserting "perma-
5 nent partner," after "spouse,".

6 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
7 **STATUS.**

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

9 (1) in paragraph (1)(D), by inserting "or per-
10 manent partner" after "spouse"; and

11 (2) in paragraph (2)—

12 (A) in the paragraph heading, by inserting
13 ", PERMANENT PARTNER," after "SPOUSE";
14 and

15 (B) in subparagraph (A), by inserting "
16 permanent partner," after "spouse" each place
17 it appears.

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

21 (a) **PROHIBITION ON ADJUSTMENT OF STATUS.—**

22 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
23 ing "or permanent partnership" after "marriage".

24 (b) **AVOIDING IMMIGRATION FRAUD.—**Section 245(e)
25 (8 U.S.C. 1255(e)) is amended—

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

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

4 “(4)(A) Paragraph (1) and section 204(g) shall not
5 apply with respect to a permanent partnership if the alien
6 establishes by clear and convincing evidence to the satis-
7 faction of the Secretary of Homeland Security that—

8 “(i) the permanent partnership was entered
9 into in good faith and in accordance with section
10 101(a)(52);

11 “(ii) the permanent partnership was not en-
12 tered into for the purpose of procuring the alien’s
13 admission as an immigrant; and

14 “(iii) no fee or other consideration was given
15 (other than a fee or other consideration to an attor-
16 ney for assistance in preparation of a lawful peti-
17 tion) for the filing of a petition under section 204(a)
18 or 214(d) with respect to the alien permanent part-
19 ner.

20 “(B) The Secretary shall promulgate regulations that
21 provide for only 1 level of administrative appellate review
22 for each alien under subparagraph (A).”.

23 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
24 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.

1 1255(i)(1)(B)) is amended by inserting “, permanent
2 partner,” after “spouse”.

3 **SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR**
4 **MISREPRESENTATION AND CONCEALMENT**
5 **OF FACTS REGARDING PERMANENT PART-**
6 **NERSHIPS.**

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

9 “(c) Any individual who knowingly enters into a mar-
10 riage or permanent partnership for the purpose of evading
11 any provision of the immigration laws shall be imprisoned
12 for not more than 5 years, fined not more than \$250,000,
13 or both.”

14 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
15 **CHARACTER, ATTACHMENT TO THE PRIN-**
16 **CIPLES OF THE CONSTITUTION.**

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

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

22 Section 1504 of the LIFE Act Amendments of 2000
23 (division B of Public Law 106-554; 114 Stat. 2763-325)
24 is amended—

1 (1) in the heading, by inserting “, **PERMA-**
2 **NENT PARTNERS,**” after “**SPOUSES**”;

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

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

6 (A) in each of the subsection headings, by
7 inserting “, PERMANENT PARTNERS,” after
8 “SPOUSES”; and

9 (B) by inserting “, permanent partner,”
10 after “spouse” each place it appears.

11 **SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.**

12 (a) **IN GENERAL.**—The first section of Public Law
13 89–732 (8 U.S.C. 1255 note) is amended—

14 (1) in the next to last sentence, by inserting “,
15 permanent partner,” after “spouse” the first 2
16 places it appears; and

17 (2) in the last sentence, by inserting “, perma-
18 nent partners,” after “spouses”.

19 (b) **CONFORMING AMENDMENT.**—Section
20 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by
21 striking “or spouse” and inserting “, spouse, or perma-
22 nent partner”.

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