

## **Reuniting Families Act: Section-by-Section Summary**

H.R. [REDACTED], introduced by Rep. Chu (D-CA)

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## **TITLE I – Reducing Family-based Visa Backlogs and Promoting Family Reunification**

### **Section 101. Recapture of Immigrant Visas Lost to Bureaucratic Delay**

- Recaptures unused employment-sponsored and family-based visas from fiscal years 1992-2025.
- For future fiscal years, unused visa numbers from the prior fiscal year will “roll over” to the next fiscal year.
- Expands aliens not subject to direct numerical limitations to include aliens who are beneficiaries, including derivative beneficiaries, of approved immigrant petitions bearing priority dates more than ten years prior to the alien’s application for admission as an immigrant or adjustment of status.

### **Section 102. Reclassification of Spouses, Permanent Partners, and Minor Children of Legal Permanent Residents as Immediate Relatives**

- Reclassifies the following groups of immigrants as “immediate relatives” and therefore immediately eligible for a visa: spouses, permanent partners, and children of lawful permanent residents.
- Classifies spouses, permanent partners, and children of immediate relatives who are eligible to “accompany” or “follow to join” the primary applicant as immediate relatives.
- Classifies an alien who was the child or parent of a citizen or a child of a lawful permanent resident at the time of the citizen’s or resident’s death as an immediate relative provided: 1) the individual files a petition within two years of the death; or 2) in the case of a child, they files the petition prior to reaching 21 years of age.
- Classifies an alien who was the spouse or permanent partner of a citizen or a lawful permanent resident at the time of the citizen’s or resident’s death as an immediate relative provided:
  - the spouse was married to (or a permanent partner was in a permanent partnership to) the citizen or resident for at least two years at the time of death, or if married (or in a permanent partnership) less than two years, proves by a preponderance of the evidence that the marriage or permanent partnership was entered into in good faith and not solely for the purpose of obtaining an

- immigration benefit;
  - the couple was not legally separated at the time of the death (or, in the case of a permanent partnership, whose permanent partnership was not terminated); and
  - the spouse or permanent partner files the petition prior to remarriage (or, in the case of a permanent partnership enters a permanent partnership with another person).
- Protects aliens who are victims of spousal/partner/parental abuse to maintain immediate relative status despite the loss of citizenship or LPR status of the abuser (e.g., spouse, permanent partner, or parent).
- Raises or establishes the numerical limits for the following family preference categories:
  - unmarried sons and daughters of citizens from 23,400 to 127,200;
  - unmarried (or without permanent partners) sons and daughters of LPRs to 80,640, plus any visas not required for the class of unmarried sons and daughters of citizens;
  - married sons and daughters of citizens (from 23,400 to 80,640); and
  - brothers and sisters of citizens (from 65,000 to 191,520)

### **Section 103. Country Limits**

- Raises the per-country limits for both family- and employment-based immigrant visas from 7 percent (for a single foreign state) or 2 percent (for a dependent area) to 20 percent (for a single foreign state) or 5 percent (for a dependent area) of total admissions to address the fact that some countries face unreasonably long backlogs.

### **Section 104. Promoting Family Unity**

- Repeals the three and ten year bars, as well as the permanent bar on admission for individuals unlawfully present in the United States from adjusting to legal status.
- Narrows the instances of inadmissibility or deportability for those who willfully misrepresent (versus falsely representing) himself or herself to be a citizen of the United States by excepting any alien under the age of 21 at the time of making the willful misrepresentation.
- Increases the government's discretion (Attorney General or Secretary of Homeland Security) and flexibility in waiving inadmissibility or deportability in the case of an immigrant who is the parent, spouse, permanent partner, son or daughter of a citizen or LPR, in instances that would not be contrary to the national welfare, safety, or security of the United States, or for humanitarian purposes, family unity or public interest.

### **Section 105. Relief for Orphans, Widows and Widowers**

- To address the immigration-related hardships caused by the death of a sponsoring relative, this section would allow immediate relatives, family-sponsored immigrants, and derivative beneficiaries of employment-based visas to benefit from a pending application despite the death of the sponsoring relative.
- Permits an alien to move to reopen, without fee, an application for adjustment of status that was denied where the alien's sponsoring relative died prior to the enactment of the Act.
- Provides the Secretary of Homeland Security with the discretion to grant parole to aliens who were removed solely due to the death of her/his citizen or resident petitioner.
- Extends the lesser naturalization requirements applicable to the spouse or permanent partner of a U.S. citizen for those whose U.S. citizen spouse or permanent partner has died.

### **Section 106. Exemption from Immigrant Visa Limit for Certain Veterans who are Natives**

## **of the Philippines**

- Short title is “Filipino Veterans Family Reunification Act”
- Exempts from the immigrant visa limit an alien who is an adult son or daughter of a parent who is a Filipino veteran of the Philippine Army, Philippine Scouts, or recognized guerilla units who served during any time between September 1, 1939 and December 31, 1946.

### **Section 107. Fiancé Child Status Protection**

- Permits adjustment of status of an individual immigrating to the United States on a fiancé visa and any accompanying minor children to conditional permanent residence, provided that the marriage occurred within three months of admission and the noncitizen is not inadmissible, including a noncitizen who is eligible for a waiver of inadmissibility under current law or those inadmissible only due to lack of labor certification or noncompliance with documentation requirements.
- Requires eligibility determination for conditional resident status of children of fiancés of United States citizens to be determined based on the child’s age at the time the U.S. citizen files a petition classifying the child’s parent as a fiancé or spouse.
- Applies retroactively to all petitions pending as of the date of enactment and permits the reopening of petitions that would not have been denied if this section had been in effect.

### **Section 108. Equal Treatment for All Stepchildren**

- Requires stepchildren to be treated the same as children under the INA.
- Removes the requirement that a stepchild must not have reached the age of eighteen at the time of the marriage, and instead increases the age to under 21 years of age, providing equal treatment to stepchildren from aging out of the visa application process pursuant to the Child Status Protection Act.

### **Section 109. Retention of Priority Dates**

- Regardless of the category of any subsequent petitions, recaptures and retains the earliest priority date for any family- or employment-based petition on behalf of a petitioner, or a petitioner’s beneficiary that was approvable when filed, protecting children from aging out of the visa application process.
- Establishes the filing date of a labor certification with the Secretary of Labor as the priority date if such date precedes the date of the filing of any family- or employment-based petition.

### **Section 110. Relief for Spouses and Children on Other Visas**

- Authorizes a spouse or child over the age of 16 who is accompanying or following to join a nonimmigrant visa holder to engage in employment for the duration of their stay.
- Extends to the alien in H1-B nonimmigrant status with a pending permanent employment-based visa application (e.g., EB1 priority workers; EB2 professionals with advanced degrees or exceptional ability; EB3 skilled workers, professionals, and unskilled workers) who is otherwise eligible to be granted status but for country limits, the opportunity to continue to apply for an extension of her/his H1-B nonimmigrant status until the alien’s application for adjustment of status has been adjudicated.
- Ensures the child accompanying or following to join an H1-B nonimmigrant who is otherwise eligible for permanent employment-based immigrant visa (e.g., EB1, EB2, EB3 workers) but for country limits the ability to receive an extension of the child’s nonimmigrant status, regardless of the child’s age, so long as the child’s parent maintains her/his nonimmigrant status, and the child was under 18 years of age when the child was first granted nonimmigrant status.

- Provides age-out protection for the beneficiary child for the purposes of a derivative visa or adjustment of status application by using the age of the child on the date the petitioner files a petition on behalf of the parent beneficiary with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the date of the filing of a labor certification with the Secretary of Labor precedes the petitioner's filing date, in which case that date shall be used to identify the age of the beneficiary child.

### **Section 111. Extension of the Application Period for Certain Aliens Present in the United States for Adjustment of Status**

Removes arbitrary barriers for long-term immigrants to become lawful permanent residents by reestablishing the 245(i) program for those with family ties to adjust their status

### **Section 112. Expansion of Cancellation of Removal**

Makes cancellation of removal more accessible by recognizing a wider range of family hardships, increasing the number of cancellations that can happen each year, and establishing an affirmative application process for cancellation of removal through USCIS

### **Section 113. Prohibit removal of those with pending applications**

Prohibits removal of those with pending green card petitions and applications; pending T, U, V, and Special Juvenile Immigrant Status non immigrant visas applications; and pending cancellation of removal cases.

## **TITLE II – UNITING AMERICAN FAMILIES ACT**

(\*This Act serves to eliminate discrimination facing LGBT families throughout our immigration laws by conferring equal privileges to same-sex couples who are in permanent partnerships as married heterosexual couples as encapsulated from the Uniting American Families Act of 2013, H.R. 519, 113th Cong.)

### **Section 201. Definitions of Permanent Partner and Permanent Partnership**

- Amends the INA to include definitions for “permanent partner” and “permanent partnership” within the scope of the INA.
- Defines a ‘permanent partner’ as an individual 18 years of age or older who is:
  1. in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;
  2. financially interdependent with that other individual, unless the Secretary of Homeland Security or the Secretary of State has determined, on a case-by-case basis, that the requirement under this subparagraph is unreasonable;
  3. not married to or in a permanent partnership with anyone other than that other individual;
  4. unable to contract with that other individual a marriage cognizable under this Act; and
  5. not a first, second, or third degree blood relation of that other individual.
- Defines ‘permanent partnership’ as the relationship that exists between two permanent partners.
- Defines ‘alien permanent partner’ as the individual in a permanent partnership who is being sponsored for a visa.

### **Section 202. Definition of Child**

- Amends the INA to enhance the term “child”, an unmarried person under twenty-one years of age, to include a biological or adopted child of an alien permanent partner,

specifically:

1. a biological child of an alien permanent partner if the child was under the age of 18 at the time the permanent partnership was formed; or
  2. a child adopted by an alien permanent partner while under the age of 16 years if the child has been in the legal custody of, and has resided with, such adoptive parent for at least 2 years and if the child was under the age of 18 at the time the permanent partnership was formed.
- In the case of a posthumous child (in subchapter III, Nationality and Naturalization), the terms “parent”, “father”, and “mother” which include a deceased parent, father, and mother” is expanded to also include the deceased permanent partner of a deceased parent, father, and mother.

### **Section 203. Numerical limitations on individual foreign states.**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Per Country Levels, Section 202(a)(4) of the INA (8 U.S.C. § 1152(a)(4))
- Rules for Chargeability, Section 202(b)(2) of the INA (8 U.S.C. § 1152(b)(2))

### **Section 204. Allocation of Immigrant Visas**

- Amends the preference allocation for family-sponsored immigrants to include daughters or sons with permanent partners.
- Broadens the preference allocation for employment-based immigrants in employment creation provision (and limitations) to equally apply to the immigrant’s spouse or permanent partner.
- Broadens the treatment of family members provision to equally apply to a spouse or permanent partner.

### **Section 205. Procedure for Granting Immigrant Status**

- Amends the petitioning procedure for granting immigrant status to equally apply to:
  1. a spouse or permanent partner;
  2. a marriage or permanent partnership; or
  3. a divorce, the termination of marriage or the termination of permanent partnership.
- For immigration fraud prevention purposes, prohibits the approval of cases involving a marriage or permanent partnership entered into by a spouse or permanent partner in order to evade immigration laws.
- Applies the restriction on approving petitions for an alien immediate relative status or preference approval based on a marriage or permanent partnership entered into while in exclusion or deportation proceedings.
- Amends the survival of rights (or ability) to petition to apply equally in instances of:
  1. a marriage or permanent partnership, or
  2. a remarriage or the formation of a new permanent partnership.

### **Section 206. Annual Admission of Refugees and Admission of Emergency Situation Refugees**

- Ensures that an otherwise admissible spouse or permanent partner to a refugee who qualifies for admission is entitled to the same refugee status if accompanying, or following to join.
- The refugee status of an alien as well as the spouse or permanent partner may be terminated if a determination is made that an alien was not in fact admissible as a

refugee at the time of admission.

### **Section 207. Asylum**

If not otherwise eligible for asylum, provides the spouse or permanent partner of an alien granted asylum the same status if accompanying, or following to join.

### **Section 208. Adjustment of Status of Refugees**

Modifies the requirements for adjustment of status for refugees to apply equally to the spouse or the permanent partner of such refugee.

### **Section 209. Inadmissible Aliens**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Classes of Aliens Ineligible for Visas or Admission, Section 212(a) of the INA (8 U.S.C. § 1182(a)), specifically in:
  - Security and Related Grounds, Section 212(a)(3)
  - Public Charge, Section 212(a)(4)
  - Illegal Entrants and Immigration Violators, Section 212(a)(6)
  - Aliens Previously Removed, Section 212(a)(9).
- Temporary Admission of Nonimmigrants (Waivers), Section 212(d)(11) of the INA (8 U.S.C. § 1182(d)(11)).
- Bond and Conditions for Admission of Alien Inadmissible on Health-related Grounds (Waivers of Inadmissibility), Section 212(g)(1)(A) of the INA (8 U.S.C. § 1182(g)(1)(A)).
- Inadmissibility on Criminal and Related Grounds (Waivers of Inadmissibility), Section 212(h)(1)(B) of the INA (8 U.S.C. § 1182(h)(1)(B)).
- Admission of Immigrant Inadmissible for Fraud or Willful Misrepresentation of Material Fact (Waivers of Inadmissibility), Section 212(i)(1) of the INA (8 U.S.C. § 1182(i)(1)).

### **Section 210. Nonimmigrant Status for Permanent Partners Awaiting the Availability of an Immigrant Visa**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Nonimmigrant Professionals and Annual Numerical Limit, Section 214(e)(2) of the INA (8 U.S.C. § 1184(e)(2)).
- Visas of Nonimmigrants described in section 1101(a)(15)(K)(ii), Section 214(r) of the INA (8 U.S.C. § 1184(r)).

### **Section 211. Derivative Status for Permanent Partners of Nonimmigrant Visa Holders**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Definitions (term “immigrant”), Section 101(a)(15) of the INA (8 U.S.C. § 1101(a)(15)) in subparagraphs (A), (E), (F), (G), (H), (I), (J), (L), (M), (O), (P), (Q), (R), (S), (T), (U), (V).

### **Section 212. Conditional Permanent Resident Status for Certain Alien Spouses, Permanent Partners, and Sons and Daughters**

*The following sections of the INA are amended to integrate “permanent partner/s” and/or*

*“permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Conditional Permanent Resident Status for Certain Alien Spouses and Permanent Partners and Sons and Daughters, Section 216 of the INA (8 U.S.C. § 1186a) in the title and table of contents.
- Conditional Bases for Status, Section 216(a)(1) of the INA (8 U.S.C. § 1186a(a)(1).
- Notice of requirements, Section 216(a)(2) of the INA (8 U.S.C. § 1186a(a)(2) in subparagraphs (A), (B), (C).
- Termination of Status if Finding that Qualifying Marriage Improper, Section 216(b) of the INA (8 U.S.C. § 1186a(b)) in the title, and subparagraphs (1)(A) and (1)(A)(ii).
- Requirements of Timely Petition and Interview for Removal of Condition, Section 216(c) of the INA (8 U.S.C. § 1186a(c)) in paragraphs:
  - 1) In General
  - 2) Termination of Permanent Resident Status for Failure to File Petition or Have Personal Interview, subparagraph (2)(A)(ii)
  - 3) Determination after Petition and Interview, subparagraphs (3)(A)(ii), (3)(C), (3)(D)
  - 4) Hardship Waiver, subparagraphs (4)(B), (4)(C).
- Contents of Petition, Section 216(d)(1) of the INA (8 U.S.C. § 1186(d)(1) in paragraphs:
  - (A) Statement of Proper Marriage and Petitioning Process, in subparagraphs (A)(i)(I), (A)(i)(II), and (A)(ii)
  - (B) Statement of Additional Information, in subparagraph (B)(i).
- Service in Armed Forces, Section 216(g) of the INA (8 U.S.C. § 1186a(g) in paragraphs (1) and (2).

### **Section 213. Conditional Permanent Resident Status for Certain Alien Entrepreneurs, Spouses, Permanent Partners, and Children**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Conditional Permanent Resident Status for Certain Alien Entrepreneurs, Spouses, and Permanent Partners and Children, Section 216A of the INA (8 U.S.C. § 1186b) in the heading and table of contents.
- In General, Section 216A(a) of the INA (8 U.S.C. § 1186b(a) in paragraphs:
  - (1) Conditional Basis for Status
  - (2) Notice of Requirements, in subparagraphs:
    - (A) At Time of Obtaining Permanent Residence
    - (B) At time of required petition
    - (C) Effect of failure to provide notice.
- Termination of Status if Finding that Qualifying Entrepreneurship Improper, Section 216A(b)(1) of the INA (8 U.S.C. § 1186b(b)(1) in subparagraph (C).
- Requirements of timely petition and interview for removal of condition, Section 216A(c) of the INA (8 U.S.C. § 1186b(c) in paragraphs:
  - (A) In General
  - (B) Termination of permanent resident status for failure to file petition or have personal interview, subparagraph (A)(ii)
  - (C) Determination after petition and interview, subparagraph (C).
- Definitions, Section 216A(f)(2) of the INA (8 U.S.C. § 1186b(f)(2)).

### **Section 214. Deportable Aliens**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT*



*families by conferring equal privileges to same-sex couples.*

- Classes of Deportable Aliens, Section 237(a) of the INA (8 U.S.C. § 1227(a)) in subparagraphs:
  - (1)(D)(i) In General
  - (1)(E)(ii) Special Rule in the Case of Family Reunification
  - (1)(E)(iii) Waiver Authorized
  - (1)(H)(i)(I) Waiver Authorized for Certain Misrepresentations
  - (2)(E)(i) Domestic Violence, Stalking, and Child Abuse
  - (3)(C)(ii) Waiver Authorized.

### **Section 215. Removal Proceedings**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Notice to Appear, Section 240 of the INA (8 U.S.C. § 1229a) in paragraphs:
  - (c)(7)(C)(iv) Special Rule for Battered Spouses, Children, and Parents
  - (e)(1) Exceptional Circumstances.

### **Section 216. Cancellation of Removal; Adjustment of Status**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents, Section 240A(b) of the INA (8 U.S.C. § 1229b(b)) in subparagraphs:
  - (2) Special Rule for Battered Spouse or Child, Heading
  - (2)(A) Authority.

### **Section 217. Adjustment of Status of Nonimmigrant to that of Person Admitted for Permanent Residence**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Prohibition on Adjustment of Status | Alien Admitted for Permanent Residence on Conditional Basis; Fiancee or Fiance of Citizen, Section 245(d) of the INA (8 U.S.C. § 1255(d)).
- Avoiding Immigration Fraud | Restriction on Adjustment of Status Based on Marriages Entered While in Admissibility or Deportation Proceedings; Bona Fide Marriage Exception, Section 245(e) of the INA (8 U.S.C. § 1255(e)) provides for a “Bona Fide Permanent Partnership” Exception.
- Adjustment in Status of Certain Aliens Physically Present in United States, Section 245(i)(1) of such Act (8 U.S.C. § 1255(i)(1)).
- Adjustment of Status for Certain Alien Informants, Section 245(j) of such Act (8 U.S.C. § 1255(j)).
- Adjustment of Status for Victims of Trafficking, Section 245(l)(1)(C)(iii) of such Act (8 U.S.C. § 1255(l)(1)(C)(iii)).

### **Section 218. Application of Criminal Penalties for Misrepresentation and Concealment of Facts Regarding Permanent Partnerships**

*The following sections of the INA are amended to integrate “permanent partner/s” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Marriage Fraud, Section 275(c) of the INA (8 U.S.C. § 1325(c)).

### **Section 219. Requirements as to Residence, Good Moral Character, Attachment to the Principles of the Constitution**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Absences, Section 316(b) of the INA (8 U.S.C. § 1427(b)).

### **Section 220. Naturalization for Permanent Partners of Citizens**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Married Persons and Employees of Certain Nonprofit Organizations, Section 319 of the INA (8 U.S.C. § 1430) in paragraphs: (b)(1); (b)(3); (d); (e)(1).

### **Section 221. Application of Family Unity Provisions to Permanent Partners of Certain LIFE Act Beneficiaries**

*The following section/s of the LIFE Act (division B of the Miscellaneous Appropriations Act, 2001, Pub. L. No. 106–554, Section 1(a)(4) (LIFE Act Section 1504(a)(4))) are amended to integrate “permanent partner/s” and/or “permanent partnership” to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- Section 1504. Application of Family Unity Provisions to Spouses and Unmarried Children of Certain Life Act Beneficiaries in: the heading; subsections (a), (b), (c); and subsection headings.

### **Section 222. Application to Cuban Adjustment Act**

*The following sections of the INA are amended to integrate “permanent partner” and/or “permanent partnership” within the scope of the INA to eliminate discrimination facing LGBT families by conferring equal privileges to same-sex couples.*

- First section of the Cuban Adjustment Act, Pub. L. No. 89-732 (November 2, 1966; 8 U.S.C. § 1255 note).
- Conforming Amendments:
  - Immigration and Nationality Act, Section 101(a)(51)(D) of the INA (8 U.S.C. § 1101(a)(51)(D))
  - Violence Against Women Act, Section 1506(c)(2)(A)(I)(IV) of VAWA (8 U.S.C. 1229a note; division B of Public Law 106–386).

### **Section 223. Nationality at Birth**

- Modifies and enhances “a person born of parents” to include:
  - Any legally recognized parent-child relationship formed within the first year of a person’s life regardless of any genetic or gestational relationship;
  - Either parent of a child born through Assisted Reproductive Technology (ART) who is legally recognized as a parent in the relevant jurisdiction regardless of any genetic or gestational relationship; and,
  - the spouse of a parent at the time of birth, where the following applies:
    - at least one parent is a legally recognized parent; and
    - the marriage occurred before the child’s birth and is recognized in any in the United States, regardless of where the parents reside.”

## **TITLE III – PROMOTING DIVERSITY AND PROTECTING AGAINST DISCRIMINATION IN OUR IMMIGRATION SYSTEM**

### **Section 301. Increasing Diversity Visas**

- Increases the worldwide level of diversity immigrants from 55,000 to 80,000 for each fiscal year.

### **Section 302. Addressing the impact of the Muslim and African bans.**

- Makes visas available for Diversity Visa applicants who were selected for admission in FY 2017-2022 but who were unable to enter the U.S. because of the Muslim and African bans, or because of COVID-19 related closures.

## **TITLE IV - ADDRESSING THE NEEDS OF REFUGEE FAMILIES**

### **Section 401. Prioritization of family reunification in refugee resettlement process.**

This section mandates that the Secretary of State prioritize UNHCR referrals, groups of special humanitarian concern to the United States, and refugees seeking reunification with relatives living in the United States, regardless of the nationality of such refugees. The Secretary of State would consult with DHS to promulgate regulations that ensure that a refugee is not excluded from being interviewed for refugee status based on a close family relationship to a citizen or lawful permanent resident of the United States; a potential qualification of the individual for an immigrant visa; or a pending application by the individual for admission to the United States.

### **Section 402. Priority 3 Family Reunification cases**

This section makes permanent access to the Priority 3 (P-3) family reunification program for all refugee nationalities and Special Immigrant Visa (SIV) holders. The P-3 referral pathway provides USRAP access to individuals of special humanitarian concern who have immediate family members in the United States who were admitted in certain humanitarian immigration statuses. The immediate family members in the United States can initiate an application for their relatives even if they subsequently gained LPR status or naturalized as U.S. citizens. Parents, spouses, and unmarried children under the age of 21 of the U.S.-based relative can benefit from P-3 referrals. This section further mandates that the Department of Homeland Security, in consultation with the Department of State, produce a report that describes the steps taken by the administration to re-examine and expedite Priority 3 processing, includes the numbers of pending family 13 reunification applications that make up the backlog, and recommends resources the administration needs to make P-3 processing more efficient.

### **Section 403. Admission of refugee families and timely adjudication**

This section modifies the definition of a child to protect an orphan child's ability to reunify with their caretaker or guardian. This legislation would also expand the follow-to-join category to include parents or de facto guardians (as determined by the Secretary of Homeland Security). This legislation would ensure that, irrespective of the date on which such refugee was admitted to the United States, the spouse, child, parent, or de facto guardian would be able to enter the U.S. through the follow-to-join program. In addition, the RPA would exempt individuals entering the U.S. through the follow-to-join program from the annual refugee admissions ceiling established by the Presidential Determination.