

108TH CONGRESS
1ST SESSION

S. 1510

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 SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, and Mr. DAYTON) 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 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,*

3 **SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION**

4 **AND NATIONALITY ACT.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Permanent Partners Immigration Act of 2003”.

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

7 **SEC. 2. DEFINITIONS.**

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

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

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

12 “(51) The term ‘permanent partner’ means an indi-
13 vidual 18 years of age or older who—

14 “(A) is in a committed, intimate relationship
15 with another individual 18 years of age or older in
16 which both parties intend a lifelong commitment;

17 “(B) is financially interdependent with that
18 other individual;

19 “(C) is not married to or in a permanent part-
20 nership with anyone other than that other indi-
21 vidual;

22 “(D) is unable to contract with that other indi-
23 vidual a marriage cognizable under this Act; and

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

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

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

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

6 (1) by inserting “permanent partners,” after
7 “spouses,”;

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

10 (3) by striking “remarries.” and inserting “re-
11 marries or enters a permanent partnership with an-
12 other person.”.

13 **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
14 **EIGN STATES.**

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

17 (1) in the heading, by inserting “, PERMANENT
18 PARTNERS,” after “SPOUSES”;

19 (2) in subparagraph (A), in the heading by in-
20 serting “, PERMANENT PARTNERS,” after
21 “SPOUSES”; and

22 (3) in subparagraph (C), in the heading by in-
23 serting “WITHOUT PERMANENT PARTNERS” after
24 “DAUGHTERS”.

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

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

5 (2) by inserting “or permanent partners” after
 6 “husband and wife”.

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

8 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
 9 BERS OF PERMANENT RESIDENT ALIENS.—Section
 10 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

11 (1) in the heading—

12 (A) by striking “and” after “SPOUSES”
 13 and inserting “, PERMANENT PARTNERS,”; and

14 (B) by inserting “WITHOUT PERMANENT
 15 PARTNERS” after “SONS” and after “DAUGH-
 16 TERS”; and

17 (2) in subparagraph (A)—

18 (A) by inserting “, permanent partners,”
 19 after “spouses”; and

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

22 (b) PREFERENCE ALLOCATION FOR SONS AND
 23 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
 24 1153(a)(3)) is amended—

1 (1) in the heading, by inserting “AND DAUGH-
2 TERS AND SONS WITH PERMANENT PARTNERS” after
3 “DAUGHTERS”; and

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

6 (c) EMPLOYMENT CREATION.—Section
7 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
8 by inserting “permanent partner,” after “spouse,”.

9 (d) TREATMENT OF FAMILY MEMBERS.—Section
10 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
11 manent partner,” after “spouse” each place such term ap-
12 pears.

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

14 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
15 (8 U.S.C. 1154(a)(1)) is amended—

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

18 (2) in subparagraph (A)(iii)—

19 (A) by inserting “or permanent partner”
20 after “spouse” each place such term appears;
21 and

22 (B) in subclause (I), by inserting “or per-
23 manent partnership” after “marriage” each
24 place such term appears; and

25 (3) in subparagraph (B)—

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.

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

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

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

13 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
14 **OF EMERGENCY SITUATION REFUGEES.**

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

16 (1) in paragraph (2)—

17 (A) by inserting “, permanent partner,”
18 after “spouse” each place such term appears;
19 and

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

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

1 **SEC. 8. ASYLUM.**

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

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

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

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

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

11 **SEC. 10. INADMISSIBLE ALIENS.**

12 (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR
13 ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is
14 amended—

15 (1) in paragraph (3)(D)(iv), by inserting “per-
16 manent partner,” after “spouse,” each place such
17 term appears;

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

20 (3) in paragraph (6)(E)(ii), by inserting “per-
21 manent partner,” after “spouse,” each place such
22 term appears; and

23 (4) in paragraph (9)(B)(v), by inserting “, per-
24 manent partner,” after “spouse” each place such
25 term appears.

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

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

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

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

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

15 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
16 amended—
17

18 (1) by inserting “permanent partner,” after
19 “spouse,”; and

20 (2) by inserting “, permanent partner,” after
21 “resident spouse”.

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

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

1 (1) by redesignating subsections (o) and (p) as
 2 added by sections 1102(b) and 1103(b), respectively,
 3 of the Departments of Commerce, Justice, and
 4 State, the Judiciary, and Related Agencies Appro-
 5 priations Act, 2001, as enacted into law by section
 6 1(a)(2) of Public Law 106–553, as subsections (p)
 7 and (q), respectively; and

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

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

11 (B) in paragraph (2), by inserting “or per-
 12 manent partnership” after “marriage” each
 13 place such term appears.

14 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
 15 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
 16 **PARTNERS, AND SONS AND DAUGHTERS.**

17 (a) SECTION HEADING.—

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

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

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

1 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
2 1186a(a)) is amended—

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

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

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

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

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

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

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

18 (3) in paragraph (1)(A)(ii)—

19 (A) by inserting “or has ceased to satisfy
20 the criteria for being considered a permanent
21 partnership under this Act,” after “termi-
22 nated,”; and

23 (B) by inserting “or permanent partner”
24 after “spouse”.

1 (d) REQUIREMENTS OF TIMELY PETITION AND
2 INTERVIEW FOR REMOVAL OF CONDITION.—Section
3 216(e) (8 U.S.C. 1186a(e)) is amended—

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

8 (2) in paragraph (3)(A), in the matter following
9 clause (ii), and in paragraphs (3)(D), (4)(B), and
10 (4)(C), by inserting “or permanent partnership”
11 after “marriage” each place such term appears.

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

14 (1) in subparagraph (A)—

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

17 (B) in clause (i)—

18 (i) in the matter preceding subclause
19 (I), by inserting “or permanent partner-
20 ship” after “marriage”;

21 (ii) in subclause (I), by inserting be-
22 fore the comma at the end “, or is a per-
23 manent partnership recognized under this
24 Act”; and

25 (iii) in subclause (II)—

1 (I) by inserting “or has not
2 ceased to satisfy the criteria for being
3 considered a permanent partnership
4 under this Act,” after “terminated,”;
5 and

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

8 (C) in clause (ii), by inserting “or perma-
9 nent partner” after “spouse”; and
10 (2) 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.—Section 216A (8 U.S.C.
15 1186b) is amended in the heading by inserting “OR
16 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 in the
4 matter following subparagraph (C), by inserting “or per-
5 manent partner” after “spouse”.

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 (a) IN GENERAL.—Section 237(a) (8 U.S.C.
16 1227(a)) is amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (D)(i), by inserting
19 “or permanent partners” after “spouses” each
20 place such term appears;

21 (B) in subparagraph (E)—

22 (i) in clause (ii), by inserting “or per-
23 manent partner” after “spouse”; and

24 (ii) in clause (iii), by inserting “or
25 permanent partner” after “spouse”;

1 (C) in subparagraph (H)(i)(I), by inserting
2 “or permanent partner” after “spouse”; and

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

4 “(I) PERMANENT PARTNERSHIP FRAUD.—

5 An alien shall be considered to be deportable as
6 having procured a visa or other documentation
7 by fraud (within the meaning of section
8 212(a)(6)(C)(i)) and to be in the United States
9 in violation of this Act (within the meaning of
10 subparagraph (B)) if—

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

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

3 (2) in paragraph (2)—

4 (A) in the heading, by inserting “, PERMA-
5 NENT PARTNER,” after “SPOUSE”; and

6 (B) in subparagraph (A), by inserting
7 “, permanent partner,” after “spouse” each
8 place such term appears.

9 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
10 **THAT OF PERSON ADMITTED FOR PERMA-**
11 **NENT RESIDENCE.**

12 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—
13 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
14 ing “or permanent partnership” after “marriage”.

15 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
16 (8 U.S.C. 1255(e)) is amended—

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

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

20 “(4) Paragraph (1) and section 204(g) shall not
21 apply with respect to a permanent partnership if the alien
22 establishes by clear and convincing evidence to the satis-
23 faction of the Secretary of Homeland Security that the
24 permanent partnership was entered into in good faith and
25 in accordance with section 101(a)(51) and the permanent

1 partnership was not entered into for the purpose of pro-
2 curing the alien’s admission as an immigrant and no fee
3 or other consideration was given (other than a fee or other
4 consideration to an attorney for assistance in preparation
5 of a lawful petition) for the filing of a petition under sec-
6 tion 204(a) or 214(d) with respect to the alien permanent
7 partner. In accordance with regulations, there shall be
8 only one level of administrative appellate review for each
9 alien under the previous sentence.”.

10 (c) **ADJUSTMENT OF STATUS FOR CERTAIN ALIENS**
11 **PAYING FEE.**—Section 245(i)(1)(B) (8 U.S.C.
12 1255(i)(1)(B)) is amended by inserting “, permanent
13 partner,” after “spouse”.

14 (d) **INFORMANTS.**—Section 245(j) (8 U.S.C. 1255(j))
15 is amended by inserting “permanent partner,” after
16 “spouse,” each place such term appears.

17 (e) **TECHNICAL AND CONFORMING AMENDMENTS.**—
18 Section 245 (8 U.S.C. 1255) is amended by striking “At-
19 torney General” each place that term appears and insert-
20 ing “Secretary of Homeland Security”.

21 **SEC. 18. MISREPRESENTATION AND CONCEALMENT OF**
22 **FACTS.**

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

1 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
 2 **CHARACTER, ATTACHMENT TO THE PRIN-**
 3 **CIPLES OF THE CONSTITUTION.**

4 Section 316(b) (8 U.S.C. 1427(b)) is amended, in the
 5 matter following paragraph (2), by inserting “or perma-
 6 nent partner” after “spouse”.

7 **SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING**
 8 **UNITED STATES CITIZENSHIP.**

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

13 **SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO**
 14 **PERMANENT PARTNERS OF CERTAIN LIFE**
 15 **ACT BENEFICIARIES.**

16 Section 1504 of division B of the Miscellaneous Ap-
 17 propriations Act, 2001, as enacted into law by section
 18 1(a)(4) of Public Law 106–554, is amended—

19 (1) in the section heading, by inserting
 20 “, **PERMANENT PARTNERS,**” after
 21 “**SPOUSES**”;

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

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

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

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

○