

109TH CONGRESS
2D SESSION

H. R. 5767

To prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2006

Mr. KENNEDY of Minnesota (for himself, Mr. DAVIS of Tennessee, Mr. HOSTETTLER, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sex Offender Visa
5 Loophole Elimination Act of 2006”.

1 **SEC. 2. BARRING CONVICTED SEX OFFENDERS FROM HAV-**
2 **ING FAMILY-BASED PETITIONS APPROVED.**

3 (a) IMMIGRANT FAMILY MEMBERS.—Section
4 204(a)(1) of the Immigration and Nationality Act (8
5 U.S.C. 1154(a)(1)) is amended—

6 (1) in subparagraph (A)—

7 (A) in clause (i), by striking “Any” and in-
8 serting “Except as provided in clause (viii),
9 any”; and

10 (B) by adding at the end the following:

11 “(viii)(I) Clause (i) shall not apply to a citizen of the
12 United States who has been convicted of a sex offense.

13 “(II) For purposes of subclause (I):

14 “(aa) The term ‘sex offense’ means—

15 “(AA) a State, local, tribal, foreign, or
16 other criminal offense that has an element in-
17 volving a sexual act or sexual contact with an-
18 other, or an attempt or conspiracy to commit
19 such an offense;

20 “(BB) a State local, tribal, foreign or
21 other specified offense against a minor;

22 “(CC) a Federal offense (including an of-
23 fense prosecuted under section 1152 or 1153 of
24 title 18, United States Code) under section
25 1201, 1591, or 1801, or chapter 109A, 110, or
26 117, of title 18, United States Code, or any

1 other Federal offense designated by the Attor-
2 ney General for the purposes of this item; or

3 “(DD) a military offense specified by the
4 Secretary of Defense under section
5 115(a)(8)(C)(i) of the Department of Justice
6 Appropriations Act, 1998 (10 U.S.C. 951 note).

7 “(bb) The term ‘specified offense against a
8 minor’ means an offense against a minor that in-
9 volves any of the following:

10 “(AA) An offense (unless committed by a
11 parent) involving kidnapping.

12 “(BB) An offense (unless committed by a
13 parent) involving false imprisonment.

14 “(CC) Solicitation to engage in sexual con-
15 duct.

16 “(DD) Use in a sexual performance.

17 “(EE) Solicitation to practice prostitution.

18 “(FF) Possession, production, or distribu-
19 tion of child pornography.

20 “(GG) Criminal sexual conduct involving a
21 minor (less than 18 years old), or the use of the
22 Internet to facilitate or attempt such conduct.

23 “(HH) Any conduct that by its nature is
24 a sex offense against a minor.

1 “(II) Video voyeurism, as described in sec-
 2 tion 1801 of title 18, United States Code.

3 “(JJ) Any attempt or conspiracy to com-
 4 mit an offense described in any of subitems
 5 (AA) through (II).”; and
 6 (2) in subparagraph (B)(i)—

7 (A) by striking “(B)(i) Any alien” and in-
 8 serting the following:

9 “(B)(i)(I) Except as provided in subclause (II), any
 10 alien”; and

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

12 “(II) Subclause (I) shall not apply in the case of an
 13 alien lawfully admitted for permanent residence who has
 14 been convicted of a sex offense (as defined in subpara-
 15 graph (A)(viii)(II)).”.

16 (b) FIANCÉES, FIANCÉS, AND WAITING NON-
 17 IMMIGRANT SPOUSES.—

18 (1) FIANCÉES AND FIANCÉS.—Section
 19 214(d)(1) of the Immigration and Nationality Act (8
 20 U.S.C. 1184(d)(1)) is amended by adding at the end
 21 the following:

22 “The Secretary of Homeland Security may not ap-
 23 prove any petition filed by a petitioner who has been
 24 convicted of a sex offense (as defined in section
 25 204(a)(1)(A)(viii)(II)).”.

1 (2) WAITING SPOUSES.—Section 214(r)(1) of
2 such Act (8 U.S.C. 1184(r)(1)) is amended by add-
3 ing at the end the following:

4 “‘The Secretary of Homeland Security may not ap-
5 prove any petition filed by a petitioner who has been
6 convicted of a sex offense (as defined in section
7 204(a)(1)(A)(viii)(II)).’”.

8 (3) CLERICAL AMENDMENT.—Section
9 101(a)(15)(K) of such Act (8 U.S.C.
10 1101(a)(15)(K)), is amended by striking “and (p)”
11 and inserting “and (r)”.

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