

110TH CONGRESS
1ST SESSION

H. R. 938

To amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. GINGREY (for himself, Mr. GOODE, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. ALEXANDER, Mr. AKIN, Mr. SULLIVAN, Mr. JONES of North Carolina, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants.

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 “Nuclear Family Pri-
5 ority Act”.

6 **SEC. 2. CHANGE IN FAMILY-SPONSORED IMMIGRANT CAT-**
7 **EGORIES.**

8 Section 203(a) of the Immigration and Nationality
9 Act (8 U.S.C. 1153(a)) is amended to read as follows:

1 “(a) PREFERENCE ALLOCATION FOR SPOUSES AND
 2 CHILDREN OF PERMANENT RESIDENT ALIENS.—Quali-
 3 fied immigrants who are the spouses or children of an
 4 alien lawfully admitted for permanent residence shall be
 5 allotted visas in a number not to exceed the worldwide
 6 level specified in section 201(c).”.

7 **SEC. 3. CHANGE IN WORLDWIDE LEVEL OF FAMILY-SPON-**
 8 **SORED IMMIGRANTS.**

9 Section 201(c) of the Immigration and Nationality
 10 Act (8 U.S.C. 1151(c)) is amended—

11 (1) by amending paragraph (1) to read as follows:

12 “(1) The worldwide level of family-sponsored
 13 immigrants under this subsection for a fiscal year is
 14 equal to—

15 “(A) 88,000; minus

16 “(B) the number computed under para-
 17 graph (2).”;

18 (2) by striking paragraphs (2), (3), and (5);

19 and

20 (3) by redesignating paragraph (4) as para-
 21 graph (2).

22 **SEC. 4. CONFORMING AMENDMENTS.**

23 (a) NUMERICAL LIMITATION TO ANY SINGLE FOR-
 24 EIGN STATE.—Section 202 of the Immigration and Na-
 25 tionality Act (8 U.S.C. 1152) is amended—

1 (1) in subsection (a)(4)—

2 (A) by amending subparagraphs (A) and
3 (B) to read as follows:

4 “(A) 75 PERCENT OF FAMILY-SPONSORED
5 IMMIGRANTS NOT SUBJECT TO PER COUNTRY
6 LIMITATION.—Of the visa numbers made avail-
7 able under section 203(a) in any fiscal year, 75
8 percent shall be issued without regard to the
9 numerical limitation under paragraph (2).

10 “(B) TREATMENT OF REMAINING 25 PER-
11 CENT FOR COUNTRIES SUBJECT TO SUB-
12 SECTION (e).—

13 “(i) IN GENERAL.—Of the visa num-
14 bers made available under section 203(a)
15 in any fiscal year, the remaining 25 per-
16 cent shall be available, in the case of a for-
17 eign state or dependent area that is sub-
18 ject to subsection (e) only to the extent
19 that the total number of visas issued in ac-
20 cordance with subsection (A) to natives of
21 the foreign state or dependent area is less
22 than the subsection (e) ceiling (as defined
23 in clause (ii)).

24 “(ii) SUBSECTION (E) CEILING DE-
25 FINED.—In clause (i), the term ‘subsection

1 (e) ceiling’ means, for a foreign state or
 2 dependent area, 77 percent of the max-
 3 imum number of visas that may be made
 4 available under section 203(a) to immi-
 5 grants who are natives of the state or area
 6 consistent with subsection (e).”; and

7 (B) by striking subparagraphs (C) and
 8 (D); and
 9 (2) in subsection (e)—

10 (A) in paragraph (1), by adding “and” at
 11 the end;

12 (B) by striking paragraph (2) and redesign-
 13 ating paragraph (3) as paragraph (2); and

14 (C) in the final sentence, by striking “re-
 15 spectively,” and all that follows through the pe-
 16 riod at the end and inserting “respectively.”.

17 (b) RULES FOR DETERMINING WHETHER CERTAIN
 18 ALIENS ARE CHILDREN.—Section 203(h) of the Immigra-
 19 tion and Nationality Act (8 U.S.C. 1153(h)) is amended
 20 by striking “(a)(2)(A)” each place such term appears and
 21 inserting “(a)”.

22 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-
 23 TUS.—Section 204 of the Immigration and Nationality
 24 Act (8 U.S.C. 1154) is amended—

25 (1) in subsection (a)(1)—

1 (A) in subparagraph (A)(i), by striking “to
2 classification by reason of a relationship de-
3 scribed in paragraph (1), (3), or (4) of section
4 203(a) or”;

5 (B) in subparagraph (B), by striking
6 “203(a)(2)(A)” and “203(a)(2)” each place
7 such terms appear and inserting “203(a)”; and

8 (C) in subparagraph (D)(i)(I), by striking
9 “a petitioner for preference status under para-
10 graph (1), (2), or (3)” and all that follows
11 through the period at the end and inserting “an
12 individual under 21 years of age for purposes of
13 adjudicating such petition and for purposes of
14 admission as an immediate relative under sec-
15 tion 201(b)(2)(A)(i) or a family-sponsored im-
16 migrant under section 203(a), as appropriate,
17 notwithstanding the actual age of the indi-
18 vidual.”;

19 (2) in subsection (f)(1), by striking “201(b),
20 203(a)(1), or 203(a)(3), as appropriate.” and insert-
21 ing “201(b).”; and

22 (3) by striking subsection (k).

23 (d) WAIVERS OF INADMISSIBILITY.—Section
24 212(d)(11) of the Immigration and Nationality Act (8

1 U.S.C. 1182(d)(11)) is amended by striking “(other than
2 paragraph (4) thereof)”.

3 (e) **CONDITIONAL PERMANENT RESIDENT STATUS**
4 **FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGH-**
5 **TERS.**—Section 216(g)(1)(C) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1186a(g)(1)(C)) is amended by
7 striking “203(a)(2)” and inserting “203(a)”.

8 (f) **CLASSES OF DEPORTABLE ALIENS.**—Section
9 237(a)(1)(E)(ii) of the Immigration and Nationality Act
10 (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking
11 “203(a)(2)” and inserting “203(a)”.

12 **SEC. 5. EFFECTIVE DATE; APPLICABILITY.**

13 The amendments made by this Act shall take effect
14 on the first day of the second fiscal year that begins after
15 the date of the enactment of this Act, except that the fol-
16 lowing shall be considered invalid:

17 (1) Any petition under section 204 of the Immi-
18 gration and Nationality Act (8 U.S.C. 1154) seeking
19 classification of an alien under a family-sponsored
20 immigrant category eliminated by the amendments
21 made by this Act that is filed after the date of the
22 introduction of this Act.

23 (2) Any application for an immigrant visa based
24 on a petition described in paragraph (1).

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