115TH CONGRESS
1ST SESSION

S. 354

To amend the Immigration and Nationality Act to eliminate the Diversity Visa Program, to limit the President’s discretion in setting the number of refugees admitted annually to the United States, to reduce the number of family-sponsored immigrants, to create a new nonimmigrant classification for the parents of adult United States citizens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2017

Mr. COTTON (for himself and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

This Act may be cited as the “Reforming American Immigration for Strong Employment Act” or the “RAISE Act”.

SEC. 2. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(a)(15)(V), by striking “section 203(d)” and inserting “section 203(c)”;

(B) in section 201—

(i) in subsection (a)—

(I) in paragraph (1), by adding “and” at the end; and

(II) in paragraph (2), by striking “; and” at the end and inserting a period; and

(III) by striking paragraph (3); and

(ii) by striking subsection (e);

(C) in section 203—
(i) in subsection (b)(2)(B)(ii)(IV), by striking “section 203(b)(2)(B)” each place such term appears and inserting “clause (i)”;

(ii) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(iii) in subsection (e), as redesignated, by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”;

(iv) in subsection (d), as redesignated—

(I) by striking paragraph (2);

and

(II) by redesignating paragraph (3) as paragraph (2);

(v) in subsection (e), as redesignated, by striking “subsection (a), (b), or (c) of this section” and inserting “subsection (a) or (b)”;

(vi) in subsection (f), as redesignated, by striking “subsections (a), (b), and (c)” and inserting “subsections (a) and (b)”;

and
(vii) in subsection (g), as redesignated—

(I) by striking “(d)” each place such term appears and inserting “(e)” ; and

(II) in paragraph (2)(B), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)” ;

(D) in section 204—

(i) in subsection (a)(1), by striking subparagraph (I);

(ii) in subsection (e), by striking “subsection (a), (b), or (e) of section 203” and inserting “subsection (a) or (b) of section 203”; and

(iii) in subsection (l)(2)—

(I) in subparagraph (B), by striking “section 203 (a) or (d)” and inserting “subsection (a) or (e) of section 203”; and

(II) in subparagraph (C), by striking “section 203(d)” and inserting “section 203(e)” ;
(E) in section 214(q)(1)(B)(i), by striking “section 203(d)” and inserting “section 203(c)”;

(F) in section 216(h)(1), in the undesignated matter following subparagraph (C), by striking “section 203(d)” and inserting “section 203(c)”; and

(G) in section 245(i)(1)(B), by striking “section 203(d)” and inserting “section 203(c)”.

(2) IMMIGRANT INVESTOR PILOT PROGRAM.—

Section 610(d) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102–395) is amended by striking “section 203(e) of such Act (8 U.S.C. 1153(e))” and inserting “section 203(d) of such Act (8 U.S.C. 1153(d))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning on or after the date of the enactment of this Act.

SEC. 3. ANNUAL ADMISSION OF REFUGEES.

Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) by striking subsections (a) and (b);
(2) by redesignating subsection (e) as subsection (a);

(3) by redesignating subsection (f) as subsection (e);

(4) by inserting after subsection (a), as redesignated, the following:

“(b) Maximum Number of Admissions.—

“(1) In General.—The number of refugees who may be admitted under this section in any fiscal year may not exceed 50,000.

“(2) Asylees.—The President shall annually enumerate the number of aliens who were granted asylum in the previous fiscal year.”; and

(5) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”.

SEC. 4. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) Immediate Relative Redefined.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (i), by striking “children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.” and
inserting “children and spouse of a citizen of
the United States.”; and
(B) in clause (ii), by striking “such an im-
mediate relative” and inserting “the immediate
relative spouse of a United States citizen”;
(2) by striking subsection (c) and inserting the
following:
“(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
IMMIGRANTS.—(1) The worldwide level of family-spon-
sored immigrants under this subsection for a fiscal year
is equal to 88,000 minus the number computed under
paragraph (2).
“(2) The number computed under this paragraph for
a fiscal year is the number of aliens who were paroled into
the United States under section 212(d)(5) in the second
preceding fiscal year who—
“(A) did not depart from the United States
(without advance parole) within 365 days; and
“(B)(i) did not acquire the status of an alien
lawfully admitted to the United States for perma-
nen residence during the two preceding fiscal years;
or
“(ii) acquired such status during such period
under a provision of law (other than subsection (b))
that exempts adjustment to such status from the nu-
merical limitation on the worldwide level of immigration under this section.”; and

(3) in subsection (f)—

(A) in paragraph (2), by striking “section 203(a)(2)(A)” and inserting “section 203(a)”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by striking “(1) through (3)” and inserting “(1) and (2)”.

(b) FAMILY-BASED VISA PREFERENCES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence.”.

(e) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.
(2) Numerical limitation to any single foreign state.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) 75 percent of family-sponsored immigrants not subject to per country limitation.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

“(B) Treatment of remaining 25 percent for countries subject to subsection (e).—

“(i) In general.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.
“(ii) Subsection (e) ceiling defined.—In clause (i), the term ‘subsection (e) ceiling’ means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).”; and

(ii) by striking subparagraphs (C) and (D); and

(B) in subsection (e)—

(i) in paragraph (1), by adding “and” at the end;

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (2); and

(iv) in the undesignated matter after paragraph (2), as redesignated, by striking “, respectively,” and all that follows and inserting a period.

(3) Rules for determining whether certain aliens are children.—Section 203(h) of such Act (8 U.S.C. 1153(h)) is amended by striking “(a)(2)(A)” each place such term appears and inserting “(a)(2)”. 
(4) Procedure for granting immigrant status.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

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

(ii) in subparagraph (B)—

(I) in clause (i), by redesignating the second subclause (I) as subclause (II); and

(II) by striking “203(a)(2)(A)” each place such terms appear and inserting “203(a)”;

(iii) in subparagraph (D)(i)(I), by striking “a petitioner” and all that follows through “(a)(1)(B)(iii).” and inserting “an individual younger than 21 years of age for purposes of adjudicating such petition and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i) or a family-sponsored immigrant under section 203(a), as appropriate, notwithstanding the actual age of the individual.”;
(B) in subsection (f)(1), by striking “,
203(a)(1), or 203(a)(3), as appropriate”; and
(C) by striking subsection (k).

(5) WAIVERS OF INADMISSIBILITY.—Section 212 of such Act (8 U.S.C. 1182) is amended—
(A) in subsection (a)(6)(E)(ii), by striking “section 203(a)(2)” and inserting “section 203(a)”;
and
(B) in subsection (d)(11), by striking “(other than paragraph (4) thereof)”.

(6) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.

(7) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking “section 203(a)(2)” and inserting “section 203(a)”.

(d) **Creation of Nonimmigrant Classification for Alien Parents of Adult United States Citizens.**—

(1) **In General.—**Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semi-colon;

(B) in subparagraph (U)(iii), by striking “or” at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.”.

(2) **Conditions on Admission.—**Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be five years, but may be extended by the Secretary of Homeland Security for additional five-year periods if the
United States citizen son or daughter of the nonimmigrant is still residing in the United States.

“(2) A nonimmigrant described in section 101(a)(15)(W)—

“(A) is not authorized to be employed in the United States; and

“(B) is not eligible for any Federal, State, or local public benefit.

“(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant’s support while the nonimmigrant resides in the United States.

“(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien’s residence in the United States.”.

(e) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.
(2) INVALIDITY OF CERTAIN PETITIONS AND APPLICATIONS.—Any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) seeking classification of an alien under a family-sponsored immigrant category that was eliminated by the amendments made by this section and filed after the date on which this Act was introduced and any application for an immigrant visa based on such a petition shall be considered invalid.