

HR 878 IH

111th CONGRESS

1st Session

**H. R. 878**

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 4, 2009**

Mr. GINGREY of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DEAL of Georgia, Ms. FALLIN, Mr. GOHMERT, Mr. HARPER, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. LINDER, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. ROE of Tennessee, and Mr. WESTMORELAND) 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Nuclear Family Priority Act'.

**SEC. 2. CHANGE IN FAMILY-SPONSORED IMMIGRANT CATEGORIES.**

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

`(a) Preference Allocation for Spouses and Children of Permanent Resident Aliens- Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allotted visas in a number not to exceed the worldwide level specified in section 201(c).'

**SEC. 3. CHANGE IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.**

[+]  
FEEDBACK

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

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

`(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to--

`(A) 88,000; minus

`(B) the number computed under paragraph (2).';

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

(3) by redesignating paragraph (4) as paragraph (2).

**SEC. 4. CONFORMING AMENDMENTS.**

(a) Numerical Limitation to Any Single Foreign State- Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended--

(1) in subsection (a)(4)--

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

`(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, the remaining 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 subsection (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling (as defined in clause (ii)).

`(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

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

(2) in subsection (e)--

(A) in paragraph (1), by adding `and' at the end;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in the final sentence, by striking `respectively,' and all that follows through the period at the end and inserting `respectively.'.

(b) Rules for Determining Whether Certain Aliens Are Children- Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by striking `(a)(2)(A)' each place such term appears and inserting `(a)'.

(c) Procedure for Granting Immigrant Status- Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended--

(1) in subsection (a)(1)--

(A) 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';

(B) in subparagraph (B), by striking `203(a)(2)(A)' and `203(a)(2)' each place such terms appear and inserting `203(a)'; and

(C) in subparagraph (D)(i)(I), by striking `a petitioner for preference status under paragraph (1), (2), or (3)' and all that follows through the period at the end and inserting `an individual under 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.';

(2) in subsection (f)(1), by striking `201(b), 203(a)(1), or 203(a)(3), as appropriate.' and inserting `201(b).'; and

(3) by striking subsection (k).

(d) Waivers of Inadmissibility- Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking `(other than paragraph (4) thereof)'.

(e) Conditional Permanent Resident Status for Certain Alien Spouses and Sons and Daughters- Section 216(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1186a(g)(1)(C)) is amended by striking `203(a)(2)' and inserting `203(a)'.

(f) Classes of Deportable Aliens- Section 237(a)(1)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking `203(a)(2)' and inserting `203(a)'.

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

The amendments made by this Act shall take effect on the first day of the second fiscal year that begins after the date of the enactment of this Act, except that the following shall be considered invalid:

(1) 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 eliminated by the amendments made by this Act that is filed after the date of the introduction of this Act.

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

*END*