

116TH CONGRESS  
1ST SESSION

# H. R. 2278

To amend the Immigration and Nationality Act to establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. ROONEY of Florida (for himself, Mr. DUNCAN, Mr. GAETZ, Mr. BROOKS of Alabama, Mr. GOSAR, and Mr. PERRY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to establish a skills-based immigration points system, to focus family-sponsored immigration on spouses and minor children, to eliminate the Diversity Visa Program, to set a limit on the number of refugees admitted annually to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reforming American  
3 Immigration for a Strong Economy Act” or the “RAISE  
4 Act”.

5 **SEC. 2. ELIMINATION OF DIVERSITY VISA PROGRAM.**

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

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

13 (A) in section 101(a)(15)(V) (8 U.S.C.  
14 1101(a)(15)(V)), by striking “section 203(d)”  
15 and inserting “section 203(c”;

16 (B) in section 201 (8 U.S.C. 1151)—

17 (i) in subsection (a)—

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

20 (II) in paragraph (2), by striking  
21 “; and” and inserting a period; and

22 (III) by striking paragraph (3);

23 (ii) by striking subsection (e); and

24 (iii) by redesignating subsection (f) as  
25 subsection (e);

26 (C) in section 203 (8 U.S.C. 1153)—

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

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

8 (iii) in subsection (e), as so redesign-  
9 nated, by striking “subsection (a), (b), or  
10 (c)” and inserting “subsection (a) or (b)”;

11 (iv) in subsection (d), as so redesign-  
12 nated—

13 (I) by striking paragraph (2);

14 and

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

17 (v) in subsection (e), as so redesign-  
18 nated, by striking “subsection (a), (b), or  
19 (c) of this section” and inserting “sub-  
20 section (a) or (b)”;

21 (vi) in subsection (f), as so redesign-  
22 nated, by striking “subsections (a), (b),  
23 and (c)” and inserting “subsections (a)  
24 and (b)”;

1 (vii) in subsection (g), as so redesignig-  
2 nated—

3 (I) by striking “(d)” each place  
4 such term appears and inserting  
5 “(c)”;

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

9 (D) in section 204 (8 U.S.C. 1154)—

10 (i) in subsection (a)(1)—

11 (I) by striking subparagraph (I);  
12 and

13 (II) by redesignating subpara-  
14 graphs (J) through (L) as subpara-  
15 graphs (I) through (K), respectively;

16 (ii) in subsection (e), by striking “sub-  
17 section (a), (b), or (c) of section 203” and  
18 inserting “subsection (a) or (b) of section  
19 203”; and

20 (iii) in subsection (l)(2)—

21 (I) in subparagraph (B), by  
22 striking “section 203 (a) or (d)” and  
23 inserting “subsection (a) or (c) of sec-  
24 tion 203”; and

1 (II) in subparagraph (C), by  
2 striking “section 203(d)” and insert-  
3 ing “section 203(c)”;

4 (E) in section 214(q)(1)(B)(i) (8 U.S.C.  
5 1184(q)(1)(B)(i)), by striking “section 203(d)”  
6 and inserting “section 203(c)”;

7 (F) in section 216(h)(1) (8 U.S.C.  
8 1186a(h)(1)), in the undesignated matter fol-  
9 lowing subparagraph (C), by striking “section  
10 203(d)” and inserting “section 203(c)”;

11 (G) in section 245(i)(1)(B) (8 U.S.C.  
12 1255(i)(1)(B)), by striking “section 203(d)”  
13 and inserting “section 203(c)”.

14 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—  
15 Section 610(d) of the Departments of Commerce,  
16 Justice, and State, the Judiciary, and Related Agen-  
17 cies Appropriations Act, 1993 (8 U.S.C. 1153 note;  
18 Public Law 102–395) is amended by striking “sec-  
19 tion 203(e) of such Act (8 U.S.C. 1153(e))” and in-  
20 serting “section 203(d) of such Act (8 U.S.C.  
21 1153(d))”.

22 (3) HAITIAN REFUGEE IMMIGRATION FAIRNESS  
23 ACT OF 1998.—Section 902(d)(1)(B)(iii) of the Hai-  
24 tian Refugee Immigration Fairness Act of 1998 (8  
25 U.S.C. 1225 note; Public Law 105–277) by striking

1 “section 204(a)(1)(J)” and inserting “section  
2 204(a)(1)(I)”.

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

7 **SEC. 3. ANNUAL ADMISSION OF REFUGEES.**

8 Section 207 of the Immigration and Nationality Act  
9 (8 U.S.C. 1157) is amended—

10 (1) by striking subsections (a) and (b);

11 (2) by redesignating subsections (e) and (f) as  
12 subsections (a) and (e), respectively, and moving the  
13 subsections so as to appear in alphabetical order;  
14 and

15 (3) by inserting after subsection (a), as so re-  
16 designated, the following:

17 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

18 “(1) IN GENERAL.—The number of refugees  
19 who may be admitted under this section in any fiscal  
20 year may not exceed 50,000.

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

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

4 **SEC. 4. FAMILY-SPONSORED IMMIGRATION PRIORITIES.**

5           (a) IMMEDIATE RELATIVE REDEFINED.—The Immi-  
6           gration and Nationality Act (8 U.S.C. 1101 et seq.) is  
7           amended—

8           (1) in section 101(b)(1) (8 U.S.C. 1101(b)(1)),  
9           in the matter preceding subparagraph (A), by strik-  
10          ing “under twenty-one years of age who” and insert-  
11          ing “who is younger than 18 years of age and”; and

12          (2) in section 201 (8 U.S.C. 1151)—

13                 (A) in subsection (b)(2)(A)—

14                         (i) in clause (i), by striking “children,  
15                         spouses, and parents of a citizen of the  
16                         United States, except that, in the case of  
17                         parents, such citizens shall be at least 21  
18                         years of age.” and inserting “children and  
19                         spouse of a citizen of the United States.”;  
20                         and

21                         (ii) in clause (ii), by striking “such an  
22                         immediate relative” and inserting “the im-  
23                         mediate relative spouse of a United States  
24                         citizen”;

1 (B) by striking subsection (c) and insert-  
2 ing the following:

3 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED  
4 IMMIGRANTS.—(1) The worldwide level of family-spon-  
5 sored immigrants under this subsection for a fiscal year  
6 is equal to 88,000 minus the number computed under  
7 paragraph (2).

8 “(2) The number computed under this paragraph for  
9 a fiscal year is the number of aliens who were paroled into  
10 the United States under section 212(d)(5) in the second  
11 preceding fiscal year who—

12 “(A) did not depart from the United States  
13 (without advance parole) within 365 days; and

14 “(B)(i) did not acquire the status of an alien  
15 lawfully admitted to the United States for perma-  
16 nent residence during the two preceding fiscal years;  
17 or

18 “(ii) acquired such status during such period  
19 under a provision of law (other than subsection (b))  
20 that exempts adjustment to such status from the nu-  
21 merical limitation on the worldwide level of immigra-  
22 tion under this section.”; and

23 (C) in subsection (f)—



1 (i) in paragraph (2), by striking “sec-  
2 tion 203(a)(2)(A)” and inserting “section  
3 203(a)”;

4 (ii) by striking paragraph (3);

5 (iii) by redesignating paragraph (4) as  
6 paragraph (3); and

7 (iv) in paragraph (3), as redesignated,  
8 by striking “(1) through (3)” and inserting  
9 “(1) and (2)”.

10 (b) FAMILY-BASED VISA PREFERENCES.—Section  
11 203(a) of the Immigration and Nationality Act (8 U.S.C.  
12 1153(a)) is amended to read as follows:

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

18 (c) CONFORMING AMENDMENTS.—

19 (1) DEFINITION OF V NONIMMIGRANT.—Section  
20 101(a)(15)(V) of the Immigration and Nationality  
21 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-  
22 ing “section 203(a)(2)(A)” each place such term ap-  
23 pears and inserting “section 203(a)”.

1           (2) NUMERICAL LIMITATION TO ANY SINGLE  
2 FOREIGN STATE.—Section 202 of such Act (8  
3 U.S.C. 1152) is amended—

4           (A) in subsection (a)(4)—

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

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

13           “(B) TREATMENT OF REMAINING 25 PER-  
14 CENT FOR COUNTRIES SUBJECT TO SUB-  
15 SECTION (e).—

16           “(i) IN GENERAL.—Of the visa num-  
17 bers made available under section 203(a)  
18 in any fiscal year, 25 percent shall be  
19 available, in the case of a foreign state or  
20 dependent area that is subject to sub-  
21 section (e) only to the extent that the total  
22 number of visas issued in accordance with  
23 subparagraph (A) to natives of the foreign  
24 state or dependent area is less than the  
25 subsection (e) ceiling.

1           “(ii) SUBSECTION (e) CEILING DE-  
2           FINED.—In clause (i), the term ‘subsection  
3           (e) ceiling’ means, for a foreign state or  
4           dependent area, 77 percent of the max-  
5           imum number of visas that may be made  
6           available under section 203(a) to immi-  
7           grants who are natives of the state or area,  
8           consistent with subsection (e).”; and

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

11          (B) in subsection (e)—

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

14           (ii) by striking paragraph (2);

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

17           (iv) in the undesignated matter after  
18           paragraph (2), as redesignated, by striking  
19           “, respectively,” and all that follows  
20           through “subsection (a)(4)(A)”.

21          (3) RULES FOR DETERMINING WHETHER CER-  
22          TAIN ALIENS ARE CHILDREN.—Section 203(h) of  
23          such Act (8 U.S.C. 1153(h)) is amended by striking  
24          “(a)(2)(A)” each place such term appears and in-  
25          serting “(a)(2)”.

1           (4) PROCEDURE FOR GRANTING IMMIGRANT  
2 STATUS.—Section 204 of such Act (8 U.S.C. 1154)  
3 is amended—

4           (A) in subsection (a)(1)—

5           (i) in subparagraph (A)(i), by striking  
6 “to classification by reason of a relation-  
7 ship described in paragraph (1), (3), or (4)  
8 of section 203(a) or”;

9           (ii) in subparagraph (B)—

10           (I) in clause (i)—

11           (aa) by redesignating the  
12 second subclause (I) as subclause  
13 (II); and

14           (bb) in subclause (I), by  
15 striking “203(a)(2)” and insert-  
16 ing “203(a)”; and

17           (II) in clause (ii)—

18           (aa) in subclause (I), in the  
19 matter preceding item (aa), by  
20 striking “clause (iii) of section  
21 203(a)(2)(A)” and inserting  
22 “section 203(a)”; and

23           (bb) in subclause (II)(cc), by  
24 striking “203(a)(2)(A)” and in-  
25 serting “203(a)”; and

1 (iii) in subparagraph (D)(i)(I), by  
2 striking “a petitioner” and all that follows  
3 through “(a)(1)(B)(iii).” and inserting “an  
4 individual younger than 21 years of age for  
5 purposes of adjudicating such petition and  
6 for purposes of admission as an immediate  
7 relative under section 201(b)(2)(A)(i) or a  
8 family-sponsored immigrant under section  
9 203(a), as appropriate, notwithstanding  
10 the actual age of the individual.”;

11 (B) in subsection (f)(1), by striking “,  
12 203(a)(1), or 203(a)(3), as appropriate”;

13 (C) by striking subsection (k); and

14 (D) by redesignating subsection (l) as sub-  
15 section (k).

16 (5) WAIVERS OF INADMISSIBILITY.—Section  
17 212 of such Act (8 U.S.C. 1182) is amended—

18 (A) in subsection (a)(6)(E)(ii), by striking  
19 “section 203(a)(2)” and inserting “section  
20 203(a)”;

21 (B) in subsection (d)(11), by striking  
22 “(other than paragraph (4) thereof)”.

23 (6) REQUIREMENTS FOR SPONSOR’S AFFIDAVIT  
24 OF SUPPORT.—Section 213A(f)(5)(B)(ii) of such Act

1 (8 U.S.C. 1183a(f)(5)(B)(ii)) is amended by striking  
2 “section 204(l)” and inserting “section 204(k)”.

3 (7) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-  
4 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.  
5 1184(q)(1)(B)(i)) is amended by striking “section  
6 203(a)(2)(A)” each place such term appears and in-  
7 serting “section 203(a)”.

8 (8) DEFINITION OF ALIEN SPOUSE.—Section  
9 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))  
10 is amended by striking “section 203(a)(2)” and in-  
11 serting “section 203(a)”.

12 (9) CLASSES OF DEPORTABLE ALIENS.—Sec-  
13 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.  
14 1227(a)(1)(E)(ii)) is amended by striking “section  
15 203(a)(2)” and inserting “section 203(a)”.

16 (d) CREATION OF NONIMMIGRANT CLASSIFICATION  
17 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-  
18 ZENS.—

19 (1) IN GENERAL.—Section 101(a)(15) of the  
20 Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(15)) is amended—

22 (A) in subparagraph (T)(ii)(III), by strik-  
23 ing the period at the end and inserting a semi-  
24 colon;

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

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

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

6 “(W) subject to section 214(s), an alien who is  
7 a parent of a citizen of the United States, if the cit-  
8 izen is at least 21 years of age.”.

9 (2) CONDITIONS ON ADMISSION.—Section 214  
10 of such Act (8 U.S.C. 1184) is amended by adding  
11 at the end the following:

12 “(s)(1) The initial period of authorized admission for  
13 a nonimmigrant described in section 101(a)(15)(W) shall  
14 be 5 years, but may be extended by the Secretary of  
15 Homeland Security for additional 5-year periods if the  
16 United States citizen son or daughter of the nonimmigrant  
17 is still residing in the United States.

18 “(2) A nonimmigrant described in section  
19 101(a)(15)(W)—

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

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

24 “(3) Regardless of the resources of a nonimmigrant  
25 described in section 101(a)(15)(W), the United States cit-

1 izen son or daughter who sponsored the nonimmigrant  
2 parent shall be responsible for the nonimmigrant's support  
3 while the nonimmigrant resides in the United States.

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

11 (e) EFFECTIVE DATE; APPLICABILITY.—

12 (1) EFFECTIVE DATE.—The amendments made  
13 by this section shall take effect on the first day of  
14 the first fiscal year that begins after the date of the  
15 enactment of this Act.

16 (2) INVALIDITY OF CERTAIN PETITIONS AND  
17 APPLICATIONS.—Except as provided in paragraph  
18 (3), any petition under section 204 of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1154) seeking  
20 classification of an alien under a family-sponsored  
21 immigrant category that was eliminated by the  
22 amendments made by this section and filed after the  
23 date on which this Act was introduced and any ap-  
24 plication for an immigrant visa based on such a peti-  
25 tion shall be considered invalid.



1           (3) VALID OFFER OF ADMISSION.—Notwith-  
2 standing the termination by this Act of the family-  
3 sponsored and employment-based immigrant visa  
4 categories, any alien who was granted admission to  
5 the United States under subsection (a) or (b) of sec-  
6 tion 203 of the Immigration and Nationality Act (8  
7 U.S.C. 1153), as in effect on the day before the date  
8 of the enactment of this Act, and is scheduled to re-  
9 ceive an immigrant visa in the applicable preference  
10 category not later than 1 year after the date of the  
11 enactment of this Act, shall be entitled to such visa  
12 if the alien enters the United States within 1 year  
13 after such date of enactment.

14 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMIGRA-**  
15 **TION CATEGORIES WITH IMMIGRATION**  
16 **POINTS SYSTEM.**

17           (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section  
18 201 of the Immigration and Nationality Act (8 U.S.C.  
19 1151) is amended—

20           (1) in subsection (a), as amended by section  
21 2(b)(1)(B), by amending paragraph (2) to read as  
22 follows:

23           “(2) points-based immigrants described in sec-  
24 tion 203(b), in a number not to exceed—

1           “(A) the number specified in subsection  
2           (d) during any fiscal year; or

3           “(B) 50 percent of the number specified in  
4           subsection (d) during the first 6 months of any  
5           fiscal year.”; and

6           (2) by amending subsection (d) to read as fol-  
7           lows:

8           “(d) WORLDWIDE LEVEL OF POINTS-BASED IMMI-  
9           GRANTS.—

10           “(1) IN GENERAL.—The worldwide level of  
11           points-based immigrant visas issued during any fis-  
12           cal year may not exceed 140,000.

13           “(2) EFFECT OF VISAS ISSUED TO SPOUSES  
14           AND CHILDREN.—The numerical limitation set forth  
15           in paragraph (1) shall include any visas issued pur-  
16           suant to section 203(b)(3).”.

17           (b) NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-  
18           EIGN STATES.—Section 202(a) of the Immigration and  
19           Nationality Act (8 U.S.C. 1152(a)) is amended—

20           (1) in paragraph (2)—

21           (A) in the paragraph heading, by striking  
22           “AND EMPLOYMENT-BASED”;

23           (B) by striking “paragraphs (3), (4), and  
24           (5)” and inserting “paragraphs (3) and (4)”;

25           and

1 (C) by striking “subsections (a) and (b) of  
2 section 203” and inserting “section 203(a)”;

3 (2) in paragraph (3), by striking “both sub-  
4 sections (a) and (b) of section 203” and inserting  
5 “section 203(a)”; and

6 (3) by striking paragraph (5).

7 (c) APPLICATION PROCESS FOR POINTS-BASED IM-  
8 MIGRANTS.—Section 203 of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1153) is amended—

10 (1) by amending subsection (b) to read as fol-  
11 lows:

12 “(b) APPLICATION PROCESS FOR POINTS-BASED IM-  
13 MIGRANT VISAS.—

14 “(1) ELIGIBILITY SCREENING.—

15 “(A) APPLICATION SUBMISSION.—Any  
16 alien seeking to immigrate to the United States  
17 who believes that he or she meets the points re-  
18 quirement set forth in section 220 may submit  
19 an online application to U.S. Citizenship and  
20 Immigration Services for placement in the eligi-  
21 ble applicant pool.

22 “(B) APPLICATION ELEMENTS.—Each ap-  
23 plication submitted under subparagraph (A)  
24 shall include—

1 “(i) the identification of the points for  
2 which the applicant is eligible under sec-  
3 tion 220;

4 “(ii) an attestation by the applicant,  
5 under penalty of disqualification, that the  
6 applicant has sufficient documentation to  
7 verify the points claimed under clause (i);

8 “(iii) the electronic submission of an  
9 application fee in the amount of \$160; and

10 “(iv) any other information required  
11 by the Director of U.S. Citizenship and  
12 Immigration Services, by regulation.

13 “(C) ELIGIBLE APPLICANT POOL.—

14 “(i) IN GENERAL.—Each application  
15 that meets the points requirement set forth  
16 in section 220 shall be placed in an eligible  
17 applicant pool, which shall be sorted by  
18 total points.

19 “(ii) TIE-BREAKING FACTORS.—Appli-  
20 cations with equal points will be sorted  
21 based on the following tie-breaking factors:

22 “(I) Applicants whose highest  
23 educational degree is a doctorate de-  
24 gree (or equivalent foreign degree)  
25 shall be ranked higher than applicants

1           whose highest educational degree is a  
2           professional degree (as defined in sec-  
3           tion 220(a)) or equivalent foreign de-  
4           gree, who shall be ranked higher than  
5           applicants whose highest educational  
6           degree is a master’s degree (or equiv-  
7           alent foreign degree), who shall be  
8           ranked higher than applicants whose  
9           highest educational degree is a bach-  
10          elor’s degree (or equivalent foreign de-  
11          gree), who shall be ranked higher  
12          than applicants whose highest edu-  
13          cational degree is a high school di-  
14          ploma (as defined in section 220(a))  
15          or equivalent foreign diploma, who  
16          shall be ranked higher than applicants  
17          without a high school diploma, with  
18          United States degrees ranked higher  
19          than their foreign counterparts.

20                   “(II) Applicants with equal  
21                   points and equal educational attain-  
22                   ment shall be ranked according to  
23                   their respective English language pro-  
24                   ficiency test rankings (as defined in  
25                   section 220(a)).

1                   “(III) Applicants with equal  
2                   points, equal educational attainment,  
3                   and equal English language pro-  
4                   ficiency test rankings shall be ranked  
5                   according to their age, with applicants  
6                   who are nearest their 25th birthdays  
7                   being ranked higher.

8                   “(D) DURATION.—Applications shall re-  
9                   main in the eligible applicant pool for 12  
10                  months. An applicant who is not invited to  
11                  apply for a point-based immigrant visa during  
12                  the 12-month period in which the application  
13                  remains in the eligible applicant pool may re-  
14                  apply for placement in the eligible applicant  
15                  pool.

16                  “(2) VISA PETITION.—

17                  “(A) INVITATION.—Every 6 months, the  
18                  Director of U.S. Citizenship and Immigration  
19                  Services shall invite the highest ranked appli-  
20                  cants in the eligible applicant pool, in a number  
21                  that is expected to yield 50 percent of the  
22                  point-based immigrant visas authorized under  
23                  section 201(d) for the fiscal year, including  
24                  spouses and dependent children accompanying

1 or following to join the principle alien, to file a  
2 petition for a points-based immigrant visa.

3 “(B) PETITION ELEMENTS.—Subject to  
4 subparagraph (C), the Director of U.S. Citizen-  
5 ship and Immigration Services shall award a  
6 points-based immigrant visa to any applicant  
7 invited to file a petition under subparagraph  
8 (A) who, not later than 90 days after receiving  
9 such invitation, files a petition with the Direc-  
10 tor that includes—

11 “(i) valid documentation proving that  
12 the applicant is entitled to all of the points  
13 claimed in the application submitted pur-  
14 suant to paragraph (1);

15 “(ii) an attestation from the prospec-  
16 tive employer, if applicable—

17 “(I) of the annual salary being  
18 offered to the applicant; and

19 “(II) that the job being offered  
20 to the applicant is a new or vacant po-  
21 sition that does not displace a United  
22 States worker;

23 “(iii)(I) proof that the applicant’s  
24 United States employer has secured health

1 insurance that meet all applicable regula-  
2 tions; or

3 “(II) evidence that the applicant has  
4 posted a bond to be used to purchase the  
5 health insurance described in subclause (I);  
6 and

7 “(iv) a fee in the amount of \$345.

8 “(C) DISPOSITION OF PETITIONS EXCEED-  
9 ING THE ANNUAL NUMERICAL LIMITATION.—If  
10 the Director receives a petition that complies  
11 with the requirements under subparagraph (B)  
12 after the numerical limitation set forth in sec-  
13 tion 201(d) has been reached for the applicable  
14 fiscal year, the Director shall—

15 “(i) issue a points-based immigrant  
16 visa to the petitioner;

17 “(ii) delay the admission into the  
18 United States of the petitioner and his or  
19 her spouse and children, if applicable, until  
20 the first day of the following fiscal year;  
21 and

22 “(iii) reduce the number of points-  
23 based immigrant visas that may be issued  
24 during the following fiscal year accord-  
25 ingly.



1 “(3) VISAS FOR SPOUSES AND CHILDREN.—

2 “(A) SPOUSE.—The legal spouse of an ap-  
3 plicant under this subsection who is accom-  
4 panying or following to join the applicant in the  
5 United States shall be issued a points-based im-  
6 migrant visa under this section upon the ap-  
7 proval of the spouse’s petition under paragraph  
8 (2).

9 “(B) MINOR CHILDREN.—Any children of  
10 an applicant under this subsection who have not  
11 reached 18 years of age as of the date on which  
12 a petition is filed under paragraph (2) and are  
13 accompanying or following to join the applicant  
14 in the United States shall be issued a points-  
15 based immigrant visa under this section upon  
16 the approval of the parent’s petition under  
17 paragraph (2).

18 “(C) DEPENDENT ADULT CHILDREN.—  
19 Any adult child of an applicant under this sub-  
20 section who is unable to care for himself or her-  
21 self may be admitted into the United States, on  
22 a temporary basis, until he or she is capable to  
23 care for himself or herself, but may not be au-  
24 thorized to work in the United States or to re-  
25 ceive any other benefits of permanent residence.

1           “(4) INFLATION ADJUSTMENTS.—The Director  
2 shall adjust the amount of the fees required under  
3 paragraphs (1)(B)(iii) and (2)(B)(iv) every 2 years,  
4 as appropriate, to reflect inflation.

5           “(5) INELIGIBILITY FOR PUBLIC BENEFITS.—  
6 An alien who has been issued a points-based immi-  
7 grant visa under this subsection, and every member  
8 of the household of such alien, shall not be eligible  
9 for any Federal means-tested public benefit (as de-  
10 fined and implemented in section 403 of the Per-  
11 sonal Responsibility and Work Opportunity Rec-  
12 onciliation Act of 1996 (8 U.S.C. 1613)) during the  
13 5-year period beginning on the date on which such  
14 visa was issued.”; and

15           (2) in subsection (d)(1), as redesignated by sec-  
16 tion 2(b)(1)(C)(ii), by striking “or (b)”.

17           (d) ESTABLISHMENT OF IMMIGRATION POINTS SYS-  
18 TEM.—

19           (1) IN GENERAL.—Chapter 2 of title II of the  
20 Immigration and Nationality Act (8 U.S.C. 1181 et  
21 seq.) is amended by adding at the end the following:

22 **“SEC. 220. IMMIGRATION POINTS SYSTEM.**

23           “(a) DEFINITIONS.—In this section:

1           “(1) ENGLISH LANGUAGE PROFICIENCY  
2 TEST.—The term ‘English language proficiency test’  
3 means—

4                   “(A) the International English Language  
5 Testing System (IELTS), as administered by a  
6 partnership between the British Council, IDP  
7 Education, and Cambridge English Language  
8 Assessment;

9                   “(B) the Test of English as a Foreign  
10 Language (TOEFL), as administered by the  
11 Educational Testing Service; or

12                   “(C) any other test to measure English  
13 proficiency that has been approved by the Di-  
14 rector of U.S. Citizenship and Immigration  
15 Services for purposes of subsection (e) that  
16 meets the standards of English language ability  
17 measurement and anti-fraud integrity set by the  
18 IELTS or the TOEFL.

19           “(2) ENGLISH LANGUAGE PROFICIENCY TEST  
20 RANKING.—

21                   “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), the term ‘English language pro-  
23 ficiency test ranking’ means the decile rank of  
24 the applicant’s English language proficiency  
25 test score, when compared with all of the other

1 people who took the same test during the same  
2 period.

3 “(B) ADJUSTMENT.—The Director of U.S.  
4 Citizenship and Immigration Services, in con-  
5 sultation with the Secretary of Education, may  
6 adjust the decile rank of an applicant’s English  
7 language proficiency test score if the number of  
8 people taking such test is too small or unusu-  
9 ally skewed to make such decile rank incon-  
10 sistent with the decile rank the applicant would  
11 have received if he or she had taken the IELTS  
12 or TOEFL.

13 “(3) HIGH SCHOOL.—The term ‘high school’  
14 has the meaning given such term in section 8101 of  
15 the Elementary and Secondary Education Act of  
16 1965 (20 U.S.C. 7801).

17 “(4) IELTS.—The term ‘IELTS’ means the  
18 International English Language Testing System.

19 “(5) INSTITUTION OF HIGHER EDUCATION.—  
20 The term ‘institution of higher education’ has the  
21 meaning given the term in section 101 of the Higher  
22 Education Act of 1965 (20 U.S.C. 1001).

23 “(6) PROFESSIONAL DEGREE.—The term ‘pro-  
24 fessional degree’ includes the following degrees:

25 “(A) Master’s of Business Administration.

1 “(B) Doctor of Jurisprudence.

2 “(C) Doctor of Medicine.

3 “(7) STEM.—The term ‘STEM’ means the  
4 academic discipline of science, technology, engineer-  
5 ing, or mathematics.

6 “(8) TOEFL.—The term ‘TOEFL’ means the  
7 Test of English as a Foreign Language.

8 “(b) IN GENERAL.—An alien is eligible to submit an  
9 application for placement in the eligible applicant pool  
10 under section 203(b)(1) if the applicant has accrued a  
11 total of 30 points under this section.

12 “(c) AGE.—

13 “(1) IN GENERAL.—An applicant may accrue  
14 points for age under this subsection based on the  
15 age of the applicant on the date on which the appli-  
16 cant submits an application under section 203(b)(1).

17 “(2) AGES 0 THROUGH 17.—An alien who has  
18 not reached 18 years of age may not submit an ap-  
19 plication under section 203(b)(1).

20 “(3) AGES 18 THROUGH 21.—An applicant who  
21 is at least 18 years of age and younger than 22  
22 years of age shall accrue 6 points.

23 “(4) AGES 22 THROUGH 25.—An applicant who  
24 is at least 22 years of age and younger than 26  
25 years of age shall accrue 8 points.

1           “(5) AGES 26 THROUGH 30.—An applicant who  
2 is at least 26 years of age and younger than 31  
3 years of age shall accrue 10 points.

4           “(6) AGES 31 THROUGH 35.—An applicant who  
5 is at least 31 years of age and younger than 36  
6 years of age shall accrue 8 points.

7           “(7) AGES 36 THROUGH 40.—An applicant who  
8 is at least 36 years of age and younger than 41  
9 years of age shall accrue 6 points.

10           “(8) AGES 41 THROUGH 45.—An applicant who  
11 is at least 41 years of age and younger than 46  
12 years of age shall accrue 4 points.

13           “(9) AGES 46 THROUGH 50.—An applicant who  
14 is at least 46 years of age and younger than 51  
15 years of age shall accrue 2 points.

16           “(10) AGE 51 AND OLDER.—An applicant who  
17 is at least 51 years of age may submit an applica-  
18 tion under section 203(b), but shall not accrue any  
19 points on account of age.

20           “(d) EDUCATION.—

21           “(1) IN GENERAL.—An applicant may only ac-  
22 crue points for educational attainment under this  
23 section based on the highest degree obtained by the  
24 applicant as of the date on which the applicant sub-  
25 mits an application under section 203(b).

1           “(2) UNITED STATES OR FOREIGN HIGH  
2 SCHOOL DEGREE.—An applicant whose highest de-  
3 gree is a diploma from a high school in the United  
4 States, or the foreign equivalent of such a degree, as  
5 determined by the Secretary of Education, shall ac-  
6 crue 1 point.

7           “(3) FOREIGN BACHELOR’S DEGREE.—An ap-  
8 plicant who has received the foreign equivalent of a  
9 bachelor’s degree from an institution of higher edu-  
10 cation, as determined by the Secretary of Education,  
11 but has not received a degree described in para-  
12 graphs (5) through (8), shall accrue 5 points.

13           “(4) UNITED STATES BACHELOR’S DEGREE.—  
14 An applicant who has received a bachelor’s degree  
15 from an institution of higher education, but has not  
16 received a degree described in paragraphs (5)  
17 through (8), shall accrue 6 points.

18           “(5) FOREIGN MASTER’S DEGREE IN STEM.—  
19 An applicant whose highest degree is a master’s de-  
20 gree in STEM from a foreign college or university,  
21 approved by the Secretary of Education, shall accrue  
22 7 points.

23           “(6) UNITED STATES MASTER’S DEGREE IN  
24 STEM.—An applicant whose highest degree is a mas-

1 ter's degree in STEM from an institution of higher  
2 education shall accrue 8 points.

3 “(7) FOREIGN PROFESSIONAL DEGREE OR DOC-  
4 TORATE DEGREE IN STEM.—An applicant whose  
5 highest degree is a foreign professional degree or a  
6 doctorate degree in STEM, approved by the Sec-  
7 retary of Education, shall accrue 10 points.

8 “(8) UNITED STATES PROFESSIONAL DEGREE  
9 OR DOCTORATE DEGREE IN STEM.—An applicant  
10 whose highest degree is a United States professional  
11 degree or a doctorate degree in STEM from an in-  
12 stitution of higher education shall accrue 13 points.

13 “(9) APPROVED FOREIGN EDUCATIONAL INSTI-  
14 TUTIONS AND DEGREES.—The Director of U.S. Citi-  
15 zenship and Immigration Services, in cooperation  
16 with the Secretary of Education, shall maintain and  
17 regularly update a list of foreign educational institu-  
18 tions and degrees that meet accreditation standards  
19 equivalent to those recognized by major United  
20 States accrediting agencies and are approved for the  
21 purpose of accruing points under this subsection.

22 “(e) ENGLISH LANGUAGE PROFICIENCY.—

23 “(1) IN GENERAL.—An applicant may accrue  
24 points for English language proficiency in accord-  
25 ance with this subsection based on the highest



1 English language assessment test ranking of the ap-  
2 plicant as of the date on which the applicant submits  
3 an application under section 203(b).

4 “(2) 1ST THROUGH 5TH DECILES.—An appli-  
5 cant whose English language proficiency test score is  
6 lower than the 6th decile rank shall not accrue any  
7 points under this subsection.

8 “(3) 6TH AND 7TH DECILES.—An applicant  
9 whose English language proficiency test score is in  
10 the 6th or 7th decile ranks shall accrue 6 points.

11 “(4) 8TH DECILE.—An applicant whose English  
12 language proficiency test score is in the 8th decile  
13 rank shall accrue 10 points.

14 “(5) 9TH DECILE.—An applicant whose English  
15 language proficiency test score is in the 9th decile  
16 rank shall accrue 11 points.

17 “(6) 10TH DECILE.—An applicant whose  
18 English language proficiency test score is in the  
19 10th decile rank shall accrue 12 points.

20 “(f) EXTRAORDINARY ACHIEVEMENT.—An applicant  
21 may accrue, for extraordinary achievement under this sub-  
22 section—

23 “(1) 25 points if the applicant is a Nobel Lau-  
24 reate or has received comparable recognition in a  
25 field of scientific or social scientific study, as deter-

1       mined by the Director of U.S. Citizenship and Immi-  
2       gration Services; and

3           “(2) 15 points if the applicant, during the 8-  
4       year period immediately preceding the submission of  
5       an application under section 203(b)(1), earned an  
6       individual Olympic medal or placed first in an inter-  
7       national sporting event in which the majority of the  
8       best athletes in an Olympic sport were represented,  
9       as determined by the Director of U.S. Citizenship  
10      and Immigration Services.

11      “(g) JOB OFFER.—

12           “(1) IN GENERAL.—An applicant may accrue,  
13      for highly compensated employment under this sub-  
14      section—

15           “(A) 5 points if the annual salary being of-  
16      fered by the applicant’s prospective employer is  
17      at least 150 percent of the median household  
18      income in the State in which the applicant will  
19      be employed, as determined by the Secretary of  
20      Labor, and less than 200 percent of such me-  
21      dian household income;

22           “(B) 8 points if the annual salary being of-  
23      fered by the applicant’s prospective employer is  
24      at least 200 percent of the median household  
25      income in the State in which the applicant will

1 be employed, as determined by the Secretary of  
2 Labor, and less than 300 percent of such me-  
3 dian household income; and

4 “(C) 13 points if the annual salary being  
5 offered by the applicant’s prospective employer  
6 is at least 300 percent of the median household  
7 income in the State in which the applicant will  
8 be employed, as determined by the Secretary of  
9 Labor.

10 “(2) REQUIREMENT.—An applicant may not be  
11 placed in the eligible applicant pool under section  
12 203(b)(1) if—

13 “(A) the applicant has not received a de-  
14 gree higher than a bachelor’s degree; and

15 “(B) the applicant does not accrue any  
16 points under paragraph (1).

17 “(h) INVESTMENT IN, AND ACTIVE MANAGEMENT  
18 OF, NEW COMMERCIAL ENTERPRISE.—

19 “(1) IN GENERAL.—An applicant may accrue,  
20 for foreign investment under this subsection—

21 “(A) 6 points if the applicant agrees to in-  
22 vest the equivalent of \$1,350,000 in foreign  
23 currency in a new commercial enterprise in the  
24 United States, maintain such investment for at  
25 least 3 years, and play an active role in the

1 management of such commercial enterprise as  
2 the applicant's primary occupation; and

3 “(B) 12 points if the applicant agrees to  
4 invest the equivalent of \$1,800,000 in foreign  
5 currency in a new commercial enterprise in the  
6 United States, maintain such investment for at  
7 least 3 years, and play an active role in the  
8 management of such commercial enterprise as  
9 the applicant's primary occupation.

10 “(2) FAILURE TO MAINTAIN INVESTMENT.—A  
11 points-based immigrant visa issued under section  
12 201(b) to an applicant who accrued points under  
13 this subsection shall be rescinded if the applicant  
14 fails to comply with the requirements under para-  
15 graph (1) for a period in excess of 1 year.

16 “(i) VALID OFFER OF ADMISSION UNDER FAMILY  
17 PREFERENCE CATEGORY.—Any alien who was granted  
18 admission to the United States under section 203(a), as  
19 in effect on the day before the date of enactment of this  
20 section, shall be entitled to 2 points if—

21 “(1) the applicant was scheduled to receive an  
22 immigrant visa under that preference category; and

23 “(2) the applicant did not receive an immigrant  
24 visa during the 1-year period beginning on the date  
25 of the enactment of this section.

1 “(j) EFFECT OF SPOUSE ON ACCRUAL OF POINTS.—

2 “(1) IN GENERAL.—If an applicant has a  
3 spouse who will be accompanying or following to join  
4 the applicant in the United States, the applicant will  
5 identify the points that the spouse would accrue  
6 under each of subsections (c) through (e) if he or  
7 she were applying for a points-based immigrant visa.

8 “(2) POINTS ADJUSTMENT.—For each of the  
9 categories set forth in subsections (c) through (e)—

10 “(A) if the number of points that would be  
11 accrued by the spouse is the same or higher as  
12 the points accrued by the applicant, the number  
13 of points shall not be adjusted; and

14 “(B) if the number of points that would be  
15 accrued by the spouse is lower than the number  
16 of points accrued by the applicant, the number  
17 of points accrued by the applicant shall be ad-  
18 justed so that it is equal to the sum of—

19 “(i) the number of points accrued by  
20 the applicant under such category multi-  
21 plied by 70 percent; and

22 “(ii) the number of points accrued by  
23 the spouse under such category multiplied  
24 by 30 percent.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents for the Immigration and Nationality Act (8  
3           U.S.C. 1101 et seq.) is amended by inserting after  
4           the item relating to section 219 the following:

“Sec. 220. Immigration points system.”.

5           (e) ANNUAL REPORT.—Not later than 1 year after  
6           the date of the enactment of this Act, and annually there-  
7           after, the Secretary of Homeland Security shall submit a  
8           report to Congress that includes, for the previous fiscal  
9           year—

10           (1) the number of visas issued under section  
11           203(b) of the Immigration and Nationality Act, as  
12           added by subsection (c), based on the Immigration  
13           Points System established under section 220 of such  
14           Act, as added by subsection (d);

15           (2) with respect to the aliens placed in the eligi-  
16           ble applicant pool under section 203(b)(1)(C) of  
17           such Act during the previous fiscal year—

18           (A) the percentage of such aliens seeking  
19           residence in each State;

20           (B) the percentage of such aliens in each  
21           of the educational attainment categories set  
22           forth in section 220(d) of such Act;

23           (C) the percentage of such aliens in each  
24           of the English language proficiency categories  
25           set forth in section 220(e) of such Act;

1 (D) the initial United States employer of  
2 such aliens and the average starting annual sal-  
3 ary offered by such employers in the United  
4 States; and

5 (E) the number of such aliens agreeing to  
6 invest in a new commercial enterprise in the  
7 United States, and the percentage of such  
8 aliens in each of the categories set forth in sec-  
9 tion 220(h) of such Act; and

10 (3) with respect to the aliens invited to file a  
11 points-based immigrant visa petition pursuant to  
12 section 203(b)(2) of such Act, the statistics set forth  
13 in subparagraphs (A) through (E) of paragraph (2).

14 (f) QUADRENNIAL REPORT.—

15 (1) IN GENERAL.—Not later than 4 years after  
16 the date of the enactment of this Act, and every 4  
17 years thereafter, the Secretary of Homeland Secu-  
18 rity, in consultation with the Secretary of Labor, the  
19 Secretary of Commerce, and the Secretary of State,  
20 shall submit a report to the Committee on the Judi-  
21 ciary and the Committee on Foreign Relations of the  
22 Senate and the Committee on the Judiciary and the  
23 Committee on Foreign Affairs of the House of Rep-  
24 resentatives that includes any recommendations for  
25 revisions to the immigration points system set forth

1 in section 220 of the Immigration and Nationality  
2 Act, as added by section 5(d), by—

3 (A) reallocating points within or among the  
4 categories set forth in subsections (c) through  
5 (i) of such section; and

6 (B) adding or subtracting additional points  
7 categories.

8 (2) CRITERIA FOR RECOMMENDATIONS.—The  
9 recommendations included in the report required  
10 under paragraph (1) shall be designed to achieve the  
11 goals of—

12 (A) increasing per capita growth in the  
13 gross domestic product of the United States;

14 (B) enhancing prospects for the economic  
15 success of immigrants issued points-based im-  
16 migrant visas;

17 (C) improving the fiscal health of the  
18 United States; and

19 (D) protecting or increasing the wages of  
20 working Americans.

21 **SEC. 6. PREREQUISITE FOR NATURALIZATION.**

22 Section 318 of the Immigration and Nationality Act  
23 (8 U.S.C. 1429) is amended—

24 (1) by striking “Except” and inserting the fol-  
25 lowing:



1 “(a) PERMANENT RESIDENT.—Except”;

2 (2) by striking “he” each place such term ap-  
3 pears and inserting “he or she”;

4 (3) by striking “his” and inserting “his or her”;

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

8 (5) by striking “the Service” and inserting “the  
9 Department of Homeland Security”;

10 (6) by striking “Notwithstanding” and insert-  
11 ing the following:

12 “(b) WARRANT OF ARREST.—Notwithstanding”;

13 (7) by striking “Act: *Provided*, That the find-  
14 ings” and inserting “Act. The findings”; and

15 (8) by adding at the end the following:

16 “(c) OUTSTANDING DEBTS.—No person may be nat-  
17 uralized under this title if the individual who executed an  
18 affidavit of support with respect to the person has failed  
19 to reimburse the Federal Government, in accordance with  
20 section 213A(b), for all means-tested public benefits re-  
21 ceived by the person during the 5-year period beginning  
22 on the date on which the alien was lawfully admitted for  
23 permanent residence.”.

○