

116TH CONGRESS
1ST SESSION

S. 1103

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.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2019

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

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 (c), (d),
 7 (e), (f), and (g), respectively;

8 (iii) in subsection (c), 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 redesign-
 2 nated—

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

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”;

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;

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.”.

○