

115TH CONGRESS
1ST SESSION

H. R. 3775

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

Mr. SMITH of Texas (for himself, Mr. JODY B. HICE of Georgia, Mr. KING of Iowa, Mr. JONES, Mr. MARCHANT, Mr. BRAT, Mr. CARTER of Georgia, Mr. DUNCAN of South Carolina, Mr. BROOKS of Alabama, Mr. FRANCIS ROONEY of Florida, Mr. HUNTER, Mr. MCCAUL, Mr. WEBSTER of Florida, Mr. BANKS of Indiana, Mr. DAVIDSON, Mr. DUNCAN of Tennessee, Mr. HARRIS, and Mr. PERRY) introduced the following bill; which was 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 “Immigration in the
3 National Interest Act of 2017”.

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

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

8 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

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

12 (A) in section 101(a)(15)(V), by striking
13 “section 203(d)” and inserting “section
14 203(c)”;

15 (B) in section 201—

16 (i) in subsection (a)—

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

19 (II) by striking paragraph (3);
20 and

21 (ii) by striking subsection (e);

22 (C) in section 203—

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

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

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

7 (iv) in subsection (d), as redesignated—
8

9 (I) by striking paragraph (2);

10 and

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

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

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

21 (vii) in subsection (g), as redesignated—
22

23 (I) by striking “(d)” each place
24 such term appears and inserting
25 “(c)”;

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

4 (D) in section 204—

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

7 (ii) in subsection (e), by striking “sub-
8 section (a), (b), or (c) of section 203” and
9 inserting “subsection (a) or (b) of section
10 203”; and

11 (iii) in subsection (l)(2)—

12 (I) in subparagraph (B), by
13 striking “section 203 (a) or (d)” and
14 inserting “subsection (a) or (c) of sec-
15 tion 203”; and

16 (II) in subparagraph (C), by
17 striking “section 203(d)” and insert-
18 ing “section 203(c)”;

19 (E) in section 214(q)(1)(B)(i), by striking
20 “section 203(d)” and inserting “section
21 203(c)”;

22 (F) in section 216(h)(1), in the undesig-
23 nated matter following subparagraph (C), by
24 striking “section 203(d)” and inserting “section
25 203(c)”;

1 (G) in section 245(i)(1)(B), by striking
2 “section 203(d)” and inserting “section
3 203(c)”.

4 (2) IMMIGRANT INVESTOR PILOT PROGRAM.—
5 Section 610(d) of the Departments of Commerce,
6 Justice, and State, the Judiciary, and Related Agen-
7 cies Appropriations Act, 1993 (Public Law 102–
8 395) is amended by striking “section 203(e) of such
9 Act (8 U.S.C. 1153(e))” and inserting “section
10 203(d) of such Act (8 U.S.C. 1153(d))”.

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

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

16 Section 207 of the Immigration and Nationality Act
17 (8 U.S.C. 1157) is amended—

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

19 (2) by redesignating subsection (e) as sub-
20 section (a);

21 (3) by redesignating subsection (f) as sub-
22 section (e);

23 (4) by inserting after subsection (a), as redesign-
24 nated, the following:

25 “(b) MAXIMUM NUMBER OF ADMISSIONS.—

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

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

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

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

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

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

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

19 (A) in subsection (b)(2)(A)—

20 (i) in clause (i), by striking “children,
21 spouses, and parents of a citizen of the
22 United States, except that, in the case of
23 parents, such citizens shall be at least 21
24 years of age.” and inserting “children and

1 spouse of a citizen of the United States.”;

2 and

3 (ii) in clause (ii), by striking “such an
4 immediate relative” and inserting “the im-
5 mediate relative spouse of a United States
6 citizen”;

7 (B) by striking subsection (c) and insert-
8 ing the following:

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

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

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

20 “(B)(i) did not acquire the status of an alien
21 lawfully admitted to the United States for perma-
22 nent residence during the two preceding fiscal years;
23 or

24 “(ii) acquired such status during such period
25 under a provision of law (other than subsection (b))

1 that exempts adjustment to such status from the nu-
2 merical limitation on the worldwide level of immigra-
3 tion under this section.”; and

4 (C) in subsection (f)—

5 (i) in paragraph (2), by striking “sec-
6 tion 203(a)(2)(A)” and inserting “section
7 203(a)”;

8 (ii) by striking paragraph (3);

9 (iii) by redesignating paragraph (4) as
10 paragraph (3); and

11 (iv) in paragraph (3), as redesignated,
12 by striking “(1) through (3)” and inserting
13 “(1) and (2)”.

14 (b) FAMILY-BASED VISA PREFERENCES.—Section
15 203(a) of the Immigration and Nationality Act (8 U.S.C.
16 1153(a)) is amended to read as follows:

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

22 (c) CONFORMING AMENDMENTS.—

23 (1) DEFINITION OF V NONIMMIGRANT.—Section
24 101(a)(15)(V) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-

1 ing “section 203(a)(2)(A)” each place such term ap-
2 pears and inserting “section 203(a)”.

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

6 (A) in subsection (a)(4)—

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

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

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

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

1 state or dependent area is less than the
2 subsection (e) ceiling.

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

11 (ii) by striking subparagraphs (C) and
12 (D); and
13 (B) in subsection (e)—

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

16 (ii) by striking paragraph (2);

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

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

23 (3) RULES FOR DETERMINING WHETHER CER-
24 TAIN ALIENS ARE CHILDREN.—Section 203(h) of
25 such Act (8 U.S.C. 1153(h)) is amended by striking

1 “(a)(2)(A)” each place such term appears and in-
2 serting “(a)(2)”.

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

6 (A) in subsection (a)(1)—

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

11 (ii) in subparagraph (B)—

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

15 (II) by striking “203(a)(2)(A)”
16 each place such terms appear and in-
17 serting “203(a)”; and

18 (iii) in subparagraph (D)(i)(I), by
19 striking “a petitioner” and all that follows
20 through “section 204(a)(1)(B)(iii).” and
21 inserting “an individual younger than 21
22 years of age for purposes of adjudicating
23 such petition and for purposes of admis-
24 sion as an immediate relative under section
25 201(b)(2)(A)(i) or a family-sponsored im-

1 migrant under section 203(a), as appro-
2 priate, notwithstanding the actual age of
3 the individual.”;

4 (B) in subsection (f)(1), by striking “,
5 203(a)(1), or 203(a)(3), as appropriate”; and

6 (C) by striking subsection (k).

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

9 (A) in subsection (a)(6)(E)(ii), by striking
10 “section 203(a)(2)” and inserting “section
11 203(a)”;

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

14 (6) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
15 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
16 1184(q)(1)(B)(i)) is amended by striking “section
17 203(a)(2)(A)” each place such term appears and in-
18 serting “section 203(a)”.

19 (7) DEFINITION OF ALIEN SPOUSE.—Section
20 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))
21 is amended by striking “section 203(a)(2)” and in-
22 serting “section 203(a)”.

23 (8) CLASSES OF DEPORTABLE ALIENS.—Sec-
24 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.

1 1227(a)(1)(E)(ii)) is amended by striking “section
2 203(a)(2)” and inserting “section 203(a)”.

3 (d) CREATION OF NONIMMIGRANT CLASSIFICATION
4 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
5 ZENS.—

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

9 (A) in subparagraph (T)(ii)(III), by strik-
10 ing the period at the end and inserting a semi-
11 colon;

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

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

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

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

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

23 “(s)(1) The initial period of authorized admission for
24 a nonimmigrant described in section 101(a)(15)(W) shall
25 be 5 years, but may be extended by the Secretary of

1 Homeland Security for additional 5-year periods if the
2 United States citizen son or daughter of the nonimmigrant
3 is still residing in the United States.

4 “(2) A nonimmigrant described in section
5 101(a)(15)(W)—

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

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

10 “(3) Regardless of the resources of a nonimmigrant
11 described in section 101(a)(15)(W), the United States cit-
12 izen son or daughter who sponsored the nonimmigrant
13 parent shall be responsible for the nonimmigrant’s support
14 while the nonimmigrant resides in the United States.

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

22 (e) EFFECTIVE DATE; APPLICABILITY.—

23 (1) EFFECTIVE DATE.—The amendments made
24 by this section shall take effect on the first day of

1 the first fiscal year beginning on or after the date
2 of the enactment of this Act.

3 (2) INVALIDITY OF CERTAIN PETITIONS AND
4 APPLICATIONS.—Excepted as provided in paragraph
5 (3), any petition under section 204 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1154) seeking
7 classification of an alien under a family-sponsored
8 immigrant category that was eliminated by the
9 amendments made by this section and filed on or
10 after the date of enactment of this Act and any ap-
11 plication for an immigrant visa based on such a peti-
12 tion shall be considered invalid.

13 (3) VALID OFFER OF ADMISSION.—Notwith-
14 standing the termination by this Act of the family-
15 sponsored and employment-based immigrant visa
16 categories, any alien whose petition or application
17 for a visa subsection (a) or (b) of section 203 of the
18 Immigration and Nationality Act, as in effect on the
19 day before the date of the enactment of this Act,
20 was approved and who is scheduled to receive an im-
21 migrant visa in the applicable preference category
22 not later than 1 year after the date of the enactment
23 of this Act, shall be entitled to such visa if the alien
24 enters the United States within 1 year after such
25 date of enactment.

1 **SEC. 5. REPLACEMENT OF EMPLOYMENT-BASED IMMIGRA-**
2 **TION CATEGORIES WITH IMMIGRATION**
3 **POINTS SYSTEM.**

4 (a) **WORLDWIDE LEVEL OF IMMIGRATION.**—Section
5 201 of the Immigration and Nationality Act (8 U.S.C.
6 1151) is amended—

7 (1) in subsection (a), as amended by section
8 2(b)(1)(B), by amending paragraph (2) to read as
9 follows:

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

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

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

17 (2) by amending subsection (d) to read as fol-
18 lows:

19 “(d) **WORLDWIDE LEVEL OF POINTS-BASED IMMI-**
20 **GRANTS.**—

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

24 “(2) **EFFECT OF VISAS ISSUES TO SPOUSES**
25 **AND CHILDREN.**—The numerical limitation set forth

1 in paragraph (1) shall include any visas issued pur-
2 suant to section 203(b)(3).”.

3 (b) NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-
4 EIGN STATES.—Section 202(a) of the Immigration and
5 Nationality Act (8 U.S.C. 1182(a)) is amended—

6 (1) in paragraph (2), by striking “subsections
7 (a) and (b)” and inserting “subsection (a)”;

8 (2) in paragraph (3), by striking “both sub-
9 sections (a) and (b)” and inserting “subsection (a)”;
10 and

11 (3) by striking paragraph (5).

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

15 (1) by amending subsection (b) to read as fol-
16 lows:

17 “(b) APPLICATION PROCESS FOR POINTS-BASED IM-
18 MIGRANT VISAS.—

19 “(1) ELIGIBILITY SCREENING.—

20 “(A) APPLICATION SUBMISSION.—Any
21 alien seeking to immigrate to the United States
22 who believes that he or she meets the points re-
23 quirement set forth in section 220 may submit
24 an online application to U.S. Citizenship and

1 Immigration Services for placement in the eligi-
2 ble applicant pool.

3 “(B) APPLICATION ELEMENTS.—Each ap-
4 plication submitted under subparagraph (A)
5 shall include—

6 “(i) the identification of the points for
7 which the applicant is eligible under sec-
8 tion 220;

9 “(ii) an attestation by the applicant,
10 under penalty of disqualification, that the
11 applicant has sufficient documentation to
12 verify the points claimed under clause (i);

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

15 “(iv) any other information required
16 by the Director of U.S. Citizenship and
17 Immigration Services, by regulation.

18 “(C) ELIGIBLE APPLICANT POOL.—

19 “(i) IN GENERAL.—Each application
20 that meets the points requirement set forth
21 in section 220 and for which an attestation
22 of a job offer from a prospective employer
23 has been received shall be placed in an eli-
24 gible applicant pool, which shall be sorted
25 by total points.

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

4 “(I) Applicants whose highest
5 educational degree is a doctorate de-
6 gree (or equivalent foreign degree)
7 shall be ranked higher than applicants
8 whose highest educational degree is a
9 professional degree (as defined in sec-
10 tion 220(h)) or equivalent foreign de-
11 gree, who shall be ranked higher than
12 applicants whose highest educational
13 degree is a master’s degree (or equiv-
14 alent foreign degree), who shall be
15 ranked higher than applicants whose
16 highest educational degree is a bach-
17 elor’s degree (or equivalent foreign de-
18 gree), who shall be ranked higher
19 than applicants whose highest edu-
20 cational degree is a high school di-
21 ploma (as defined in section 220(h) or
22 equivalent foreign diploma, who shall
23 be ranked higher than applicants
24 without a high school diploma, with

1 United States degrees ranked higher
2 than their foreign counterparts.

3 “(II) Applicants with equal
4 points and equal educational attain-
5 ment shall be ranked according to
6 their respective English language pro-
7 ficiency test rankings (as defined in
8 section 220(h)).

9 “(III) Applicants with equal
10 points, equal educational attainment,
11 and equal English language pro-
12 ficiency test rankings shall be ranked
13 according to their age, with applicants
14 who are nearest their 25th birthdays
15 being ranked higher.

16 “(D) DURATION.—Applications shall re-
17 main in the eligible applicant pool for 12
18 months. An applicant who is not invited to
19 apply for a point-based immigrant visa during
20 the 12-month period in which the application
21 remains in the eligible applicant pool may re-
22 apply for placement in the eligible applicant
23 pool.

24 “(2) VISA PETITION.—

1 “(A) INVITATION.—Every 6 months, the
2 Director of U.S. Citizenship and Immigration
3 Services shall invite the highest ranked appli-
4 cants in the eligible applicant pool, in a number
5 that is expected to yield 50 percent of the
6 point-based immigrant visas authorized under
7 section 201(d) for the fiscal year, including
8 spouses and dependent children accompanying
9 or following to join the principle alien, to file a
10 petition for a points-based immigrant visa.

11 “(B) PETITION ELEMENTS.—Subject to
12 subparagraph (C), the Director of U.S. Citizen-
13 ship and Immigration Services shall award a
14 points-based immigrant visa to any applicant
15 invited to file a petition under subparagraph
16 (A) who, not later than 90 days after receiving
17 such invitation, files a petition with the Direc-
18 tor that includes—

19 “(i) valid documentation proving that
20 the applicant is entitled to all of the points
21 claimed in the application submitted pur-
22 suant to paragraph (1);

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

1 “(I) of the annual salary being
2 offered to the applicant; and

3 “(II) that the job being offered
4 to the applicant is a new or vacant po-
5 sition that does not displace a United
6 States worker;

7 “(iii)(I) proof that the applicant’s
8 United States employer has secured health
9 insurance that meet all applicable regula-
10 tions; or

11 “(II) evidence that the applicant has
12 posted a bond to be used to purchase the
13 health insurance described in subclause (I);
14 and

15 “(iv) a fee in the amount of \$345.

16 “(C) DISPOSITION OF PETITIONS EXCEED-
17 ING THE ANNUAL NUMERICAL LIMITATION.—If
18 the Director receives a petition that complies
19 with the requirements under subparagraph (B)
20 after the numerical limitation set forth in sec-
21 tion 201(d) has been reached for the applicable
22 fiscal year, the Director shall—

23 “(i) issue a points-based immigrant
24 visa to the petitioner;

1 “(ii) delay the admission into the
2 United States of the petitioner and his or
3 her spouse and children, if applicable, until
4 the first day of the following fiscal year;
5 and

6 “(iii) reduce the number of points-
7 based immigrant visas that may be issued
8 during the following fiscal year accord-
9 ingly.

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

11 “(A) SPOUSE.—The legal spouse of an ap-
12 plicant under this subsection who is accom-
13 panying or following to join the applicant in the
14 United States shall be issued a points-based im-
15 migrant visa under this section upon the ap-
16 proval of the spouse’s petition under paragraph
17 (2).

18 “(B) MINOR CHILDREN.—Any children of
19 an applicant under this subsection who have not
20 reached 18 years of age as of the date on which
21 a petition is filed under paragraph (2) and are
22 accompanying or following to join the applicant
23 in the United States shall be issued a points-
24 based immigrant visa under this section upon

1 the approval of the parent’s petition under
2 paragraph (2).

3 “(C) DEPENDENT ADULT CHILDREN.—
4 Any adult child of an applicant under this sub-
5 section who is unable to care for himself or her-
6 self may be admitted into the United States, on
7 a temporary basis, until he or she is capable to
8 care for himself or herself, but may not be au-
9 thorized to work in the United States or to re-
10 ceive any other benefits of permanent residence.

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

15 “(5) INELIGIBILITY FOR PUBLIC BENEFITS.—
16 An alien who has been issued a points-based immi-
17 grant visa under this subsection, and every member
18 of the household of such alien, shall not be eligible
19 for any Federal means-tested public benefit (as de-
20 fined and implemented in section 403 of the Per-
21 sonal Responsibility and Work Opportunity Rec-
22 onciliation Act of 1996 (8 U.S.C. 1613)) during the
23 5-year period beginning on the date on which such
24 visa was issued.”; and

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

3 (d) ESTABLISHMENT OF IMMIGRATION POINTS SYS-
4 TEM.—

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

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

9 “(a) IN GENERAL.—An alien is eligible to submit an
10 application for placement in the eligible applicant pool
11 under section 203(b)(1) if the applicant has accrued a
12 total of 20 points under this section.

13 “(b) EDUCATION.—

14 “(1) IN GENERAL.—An applicant may only ac-
15 crue points for educational attainment under this
16 section based on the highest degree obtained by the
17 applicant as of the date on which the applicant sub-
18 mits an application under section 203(b).

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

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

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

12 “(5) FOREIGN MASTER’S DEGREE IN STEM.—
13 An applicant whose highest degree is a master’s de-
14 gree in STEM from a foreign college or university,
15 approved by the Secretary of Education, shall accrue
16 8 points.

17 “(6) UNITED STATES MASTER’S DEGREE IN
18 STEM.—An applicant whose highest degree is a mas-
19 ter’s degree in STEM from an institution of higher
20 education shall accrue 10 points.

21 “(7) FOREIGN PROFESSIONAL DEGREE OR DOC-
22 TORATE DEGREE IN STEM.—An applicant whose
23 highest degree is a foreign professional degree or a
24 doctorate degree in STEM, approved by the Sec-
25 retary of Education, shall accrue 12 points.

1 “(8) UNITED STATES PROFESSIONAL DEGREE
2 OR DOCTORATE DEGREE IN STEM.—An applicant
3 whose highest degree is a United States professional
4 degree or a doctorate degree in STEM from an in-
5 stitution of higher education shall accrue 15 points.
6 For purposes of this paragraph, a doctorate degree
7 in STEM must be a degree from an institution
8 that—

9 “(A) is described in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1001(a)) or is a proprietary institution of high-
12 er education (as defined in section 102(b) of
13 such Act (20 U.S.C. 1002(b)));

14 “(B) was classified by the Carnegie Foun-
15 dation for the Advancement of Teaching on
16 January 1, 2013, as a doctorate-granting uni-
17 versity with a very high or high level of re-
18 search activity or classified by the National
19 Science Foundation after the date of enactment
20 of this paragraph, pursuant to an application
21 by the institution, as having equivalent research
22 activity to those institutions that had been clas-
23 sified by the Carnegie Foundation as being doc-
24 torate-granting universities with a very high or
25 high level of research activity;

1 “(C) has been in existence for at least 10
2 years; and

3 “(D) is accredited by an accrediting body
4 that is itself accredited either by the Depart-
5 ment of Education or by the Council for Higher
6 Education Accreditation.

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

16 “(c) JOB OFFER.—

17 “(1) IN GENERAL.—An applicant may accrue,
18 for highly compensated employment under this sub-
19 section—

20 “(A) 5 points if the annual salary being of-
21 fered by the applicant’s prospective employer is
22 at least 150 percent of the median household
23 income in the State in which the applicant will
24 be employed, as determined by the Secretary of

1 Labor, and less than 200 percent of such me-
2 dian household income;

3 “(B) 8 points if the annual salary being of-
4 fered by the applicant’s prospective employer is
5 at least 200 percent of the median household
6 income in the State in which the applicant will
7 be employed, as determined by the Secretary of
8 Labor, and less than 300 percent of such me-
9 dian household income; and

10 “(C) 13 points if the annual salary being
11 offered by the applicant’s prospective employer
12 is at least 300 percent of the median household
13 income in the State in which the applicant will
14 be employed, as determined by the Secretary of
15 Labor.

16 “(2) REQUIREMENT.—An applicant may not be
17 placed in the eligible applicant pool under section
18 203(b)(1) if—

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

21 “(B) the applicant does not accrue any
22 points under paragraph (1).

23 “(d) VALID OFFER OF ADMISSION UNDER FAMILY
24 PREFERENCE CATEGORY.—Any alien who was granted
25 admission to the United States under section 203(a) of

1 the Immigration and Nationality Act, as in effect on the
2 day before the date of enactment of this Act, shall be enti-
3 tled to 2 points if—

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

6 “(2) the applicant did not receive an immigrant
7 visa during the 1-year period beginning on the date
8 of the enactment of this Act.

9 “(e) ENGLISH LANGUAGE PROFICIENCY.—

10 “(1) IN GENERAL.—In addition to any other
11 points accrued under this section, an applicant may
12 accrue points for English language proficiency in ac-
13 cordance with this subsection based on the highest
14 English language assessment test ranking of the ap-
15 plicant as of the date on which the applicant submits
16 an application under section 203(b).

17 “(2) 1ST THROUGH 5TH DECILES.—An appli-
18 cant whose English language proficiency test score is
19 lower than the 6th decile rank shall not accrue any
20 points under this subsection.

21 “(3) 6TH AND 7TH DECILES.—An applicant
22 whose English language proficiency test score is in
23 the 6th or 7th decile ranks shall accrue 6 points.

1 “(4) 8TH DECILE.—An applicant whose English
2 language proficiency test score is in the 8th decile
3 rank shall accrue 8 points.

4 “(5) 9TH DECILE.—An applicant whose English
5 language proficiency test score is in the 9th decile
6 rank shall accrue 9 points.

7 “(6) 10TH DECILE.—An applicant whose
8 English language proficiency test score is in the
9 10th decile rank shall accrue 10 points.

10 “(f) AGE.—

11 “(1) IN GENERAL.—In addition to any other
12 points accrued under this section, an applicant may
13 accrue points for age under this subsection based on
14 the age of the applicant on the date on which the
15 applicant submits an application under section
16 203(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 “(g) DEFINITIONS.—In this section:

21 “(1) DEGREE IN STEM.—The term ‘degree in
22 STEM’ means a degree in a field of science, tech-
23 nology, engineering, or mathematics from a United
24 States institution of higher education, or have suc-
25 cessfully completed a dental or medical residency

1 program (within the summary group of residency
2 programs in the Department of Education’s Classi-
3 fication of Instructional Programs taxonomy), a
4 medical degree (MD) in a program that prepares in-
5 dividuals for the independent professional practice of
6 medicine (series 51.12 in the Department of Edu-
7 cation’s Classification of Instructional Programs tax-
8 onomy), a dentistry degree (DDS, DMD) in a pro-
9 gram that prepares individuals for the independent
10 professional practice of dentistry/dental medicine
11 (series 51.04 in the Department of Education’s
12 Classification of Instructional Programs taxonomy),
13 or an osteopathic medicine/osteopathy degree (DO)
14 in a program that prepares individuals for the inde-
15 pendent professional practice of osteopathic medicine
16 (series 51.19 in the Department of Education’s
17 Classification of Instructional Programs taxonomy).

18 “(2) FIELD OF SCIENCE, TECHNOLOGY, ENGI-
19 NEERING, OR MATHEMATICS.—The term ‘field of
20 science, technology, engineering, or mathematics’
21 means a field included in the Department of Edu-
22 cation’s Classification of Instructional Programs tax-
23 onomy within the summary groups of computer and
24 information sciences and support services, engineer-
25 ing, biological and biomedical sciences, mathematics

1 and statistics, physical sciences, and the series geog-
2 raphy and cartography (series 45.07), advanced/
3 graduate dentistry and oral sciences (series 51.05)
4 and nursing (series 51.38).

5 “(3) HIGH SCHOOL.—The term ‘high school’
6 has the meaning given such term in section 8101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 “(4) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 same meaning given that term in section 101 of the
12 Higher Education Act of 1965 (20 U.S.C. 1001).

13 “(5) IELTS.—The term ‘IELTS’ means the
14 International English Language Testing System.

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

17 “(7) ENGLISH LANGUAGE PROFICIENCY TEST
18 RANKING.—

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

1 “(B) ADJUSTMENT.—The Commissioner of
2 U.S. Citizenship and Immigration Services, in
3 consultation with the Secretary of Education,
4 may adjust the decile rank of an applicant’s
5 English language proficiency test score if the
6 number of people taking such test is too small
7 or unusually skewed to make such decile rank
8 inconsistent with the decile rank the applicant
9 would have received if he or she had taken the
10 IELTS or TOEFL.

11 “(8) ENGLISH LANGUAGE PROFICIENCY
12 TEST.—The term ‘English language proficiency test’
13 means—

14 “(A) the International English Language
15 Testing System (IELTS), as administered by a
16 partnership between the British Council, IDP
17 Education, and Cambridge English Language
18 Assessment;

19 “(B) the Test of English as a Foreign
20 Language (TOEFL), as administered by the
21 Educational Testing Service; or

22 “(C) any other test to measure English
23 proficiency that has been approved by the Com-
24 missioner of U.S. Citizenship and Immigration
25 Services for purposes of subsection (f) that

1 meets the standards of English-language ability
2 measurement and anti-fraud integrity set by the
3 IELTS or the TOEFL.”.

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

“Sec. 220. Immigration points system.”.

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

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

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

21 (A) the percentage of such aliens seeking
22 residence in each State;

23 (B) the percentage of such aliens in each
24 of the educational attainment categories set
25 forth in section 220(b) of such Act; and

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

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

9 (f) QUADRENNIAL REPORT.—

10 (1) IN GENERAL.—Not later than 4 years after
11 the date of the enactment of this Act, and every 4
12 years thereafter, the Secretary of Homeland Secu-
13 rity, in consultation with the Secretary of Labor, the
14 Secretary of Commerce, and the Secretary of State,
15 shall submit a report to the Committee on the Judi-
16 ciary of the Senate and the Committee on the Judi-
17 ciary of the House of Representatives that includes
18 any recommendations for revisions to the immigra-
19 tion points system set forth in section 220 of the
20 Immigration and Nationality Act, as added by sub-
21 section (d)—

22 (A) by reallocating points within or among
23 the categories set forth in subsections (b)
24 through (f) of such section 220; and

1 (B) by adding or subtracting additional
2 points categories.

3 (2) CRITERIA FOR RECOMMENDATIONS.—The
4 recommendations included in the report required
5 under paragraph (1) shall be designed to achieve the
6 goals of—

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

9 (B) enhancing prospects for the economic
10 success of immigrants issued points-based im-
11 migrant visas;

12 (C) improving the fiscal health of the
13 United States; and

14 (D) protecting or increasing the wages of
15 working Americans.

16 (g) PUBLIC INFORMATION.—The Secretary of Home-
17 land Security shall make available to the public on the
18 official website of the Department of Homeland Security,
19 and shall update not less than monthly, the following in-
20 formation (which shall be organized according to month
21 and fiscal year) with respect to aliens granted status
22 under section 201(b) of the Immigration and Nationality
23 Act (8 U.S.C. 1151(b)):

1 (1) The name, city, and State of each employer
2 of such an alien who was granted status in the
3 month and fiscal year to date.

4 (2) The number of aliens so granted status in
5 the month and fiscal year to date based upon an at-
6 testation that a job offer has been made by that em-
7 ployer.

8 (3) The occupations for which such alien or
9 aliens were sought by such employer and the job ti-
10 tles listed by such employer.

11 **SEC. 6. EMPLOYMENT CREATION VISAS.**

12 (a) EMPLOYMENT CREATION VISAS.—Chapter 2 of
13 title II of the Immigration and Nationality Act (8 U.S.C.
14 1181 et seq.), as amended by this Act, is further amended
15 by adding at the end the following:

16 **“SEC. 221. EMPLOYMENT CREATION VISAS.**

17 “(a) IN GENERAL.—Visas shall be made available, in
18 a number not to exceed 9,940 each fiscal year, to qualified
19 immigrants seeking to enter the United States for the pur-
20 pose of engaging in a new commercial enterprise (includ-
21 ing a limited partnership)—

22 “(1) in which such alien has invested (after No-
23 vember 29, 1990) or, is actively in the process of in-
24 vesting, capital in an amount not less than the
25 amount specified in subsection (c); and

1 “(2) which will benefit the United States econ-
2 omy and create full-time employment for not fewer
3 than 10 United States citizens or aliens lawfully ad-
4 mitted for permanent residence or other immigrants
5 lawfully authorized to be employed in the United
6 States (other than the immigrant and the immi-
7 grant’s spouse, sons, or daughters).

8 “(b) SET-ASIDE FOR TARGETED EMPLOYMENT
9 AREAS.—

10 “(1) IN GENERAL.—Not less than 3,000 of the
11 visas made available under this paragraph in each
12 fiscal year shall be reserved for qualified immigrants
13 who invest in a new commercial enterprise described
14 in subsection (a) which will create employment in a
15 targeted employment area.

16 “(2) ‘TARGETED EMPLOYMENT AREA’ DE-
17 FINED.—In this paragraph, the term ‘targeted em-
18 ployment area’ means, at the time of the investment,
19 a rural area or an area which has experienced high
20 unemployment (of at least 150 percent of the na-
21 tional average rate).

22 “(3) ‘RURAL AREA’ DEFINED.—In this para-
23 graph, the term ‘rural area’ means any area other
24 than an area within a metropolitan statistical area
25 or within the outer boundary of any city or town

1 having a population of 20,000 or more (based on the
2 most recent decennial census of the United States).

3 “(c) AMOUNT OF CAPITAL REQUIRED.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subparagraph, the amount of capital re-
6 quired under subsection (a) shall be \$1,000,000.
7 The Attorney General, in consultation with the Sec-
8 retary of Labor and the Secretary of State, may
9 from time to time prescribe regulations increasing
10 the dollar amount specified under the previous sen-
11 tence.

12 “(2) ADJUSTMENT FOR TARGETED EMPLOY-
13 MENT AREAS.—The Attorney General may, in the
14 case of investment made in a targeted employment
15 area, specify an amount of capital required under
16 subsection (a) that is less than (but not less than $\frac{1}{2}$
17 of) the amount specified in paragraph (1).

18 “(3) ADJUSTMENT FOR HIGH EMPLOYMENT
19 AREAS.—In the case of an investment made in a
20 part of a metropolitan statistical area that at the
21 time of the investment—

22 “(A) is not a targeted employment area;
23 and

24 “(B) is an area with an unemployment
25 rate significantly below the national average un-

1 employment rate, the Attorney General may
2 specify an amount of capital required under
3 subsection (a) that is greater than (but not
4 greater than 3 times) the amount specified in
5 paragraph (1).

6 “(d) FULL-TIME EMPLOYMENT DEFINED.—In this
7 paragraph, the term ‘full-time employment’ means em-
8 ployment in a position that requires at least 35 hours of
9 service per week at any time, regardless of who fills the
10 position.”.

11 (b) NOT SUBJECT TO DIRECT NUMERICAL LIMITA-
12 TION.—Section 201(b) of the Immigration and Nationality
13 Act (8 U.S.C. 1151(b)) is amended by adding at the end
14 the following:

15 “(3) EMPLOYMENT CREATION VISAS.—Aliens
16 who are admitted under section 221.”.

17 (c) CLERICAL AMENDMENT.—

18 (1) TABLE OF CONTENTS.—The table of con-
19 tents for the Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.), as amended by this Act, is fur-
21 ther amended by inserting after the item relating to
22 section 220 the following:

“Sec. 221. Employment creation visas.”.

23 (2) CONDITIONAL PERMANENT RESIDENCE.—
24 Section 216A of such Act (8 U.S.C. 1186b) is

1 amended by striking “section 203(b)(5)” each place
2 it appears and inserting “section 221”.

3 **SEC. 7. PREREQUISITE FOR NATURALIZATION.**

4 Section 318 of the Immigration and Nationality Act
5 (8 U.S.C. 1429 et seq.) is amended—

6 (1) by striking “Except” and inserting the fol-
7 lowing:

8 “(a) PERMANENT RESIDENT.—Except”;

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

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

12 (4) by striking “Attorney General” each place
13 such term appears and inserting “Secretary of
14 Homeland Security”;

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

17 (6) by striking “Notwithstanding” and insert-
18 ing the following:

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

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

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

23 “(c) OUTSTANDING DEBTS.—No person may be nat-
24 uralized under this title if the individual who executed an
25 affidavit of support with respect to the person has failed

1 to reimburse the Federal Government, in accordance with
2 section 213A(b), for all means-tested public benefits re-
3 ceived by the person during the 5-year period beginning
4 on the date on which the alien was lawfully admitted for
5 permanent residence.”.

○