

117TH CONGRESS
1ST SESSION

H. R. 3798

To amend the Immigration and Nationality Act to modify the provisions that relate to family-sponsored immigrants.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. STEUBE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to modify the provisions that relate to family-sponsored immigrants.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Break the Chain Act”.

5 **SEC. 2. FAMILY-SPONSORED IMMIGRATION PRIORITIES.**

6 (a) IMMEDIATE RELATIVE REDEFINED.—Section
7 201 of the Immigration and Nationality Act (8 U.S.C.
8 1151) is amended—

9 (1) in subsection (b)(2)(A)—

1 (A) in clause (i), by striking “children,
2 spouses, and parents of a citizen of the United
3 States, except that, in the case of parents, such
4 citizens shall be at least 21 years of age.” and
5 inserting “children and spouse of a citizen of
6 the United States.”; and

7 (B) in clause (ii), by striking “such an im-
8 mediate relative” and inserting “the immediate
9 relative spouse of a United States citizen”;

10 (2) by striking subsection (c) and inserting the
11 following:

12 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
13 IMMIGRANTS.—(1) The worldwide level of family-spon-
14 sored immigrants under this subsection for a fiscal year
15 is equal to 87,934 minus the number computed under
16 paragraph (2).

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

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

23 “(B)(i) did not acquire the status of an alien
24 lawfully admitted to the United States for perma-

1 nent residence during the two preceding fiscal years;
2 or

3 “(ii) acquired such status during such period
4 under a provision of law (other than subsection (b))
5 that exempts adjustment to such status from the nu-
6 merical limitation on the worldwide level of immigra-
7 tion under this section.”; and

8 (3) in subsection (f)—

9 (A) in paragraph (2), by striking “section
10 203(a)(2)(A)” and inserting “section 203(a)”;

11 (B) by striking paragraph (3);

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

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

17 (b) FAMILY-BASED VISA PREFERENCES.—Section
18 203(a) of the Immigration and Nationality Act (8 U.S.C.
19 1153(a)) is amended to read as follows:

20 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
21 NENT RESIDENT ALIENS.—Family-sponsored immigrants
22 described in this subsection are qualified immigrants who
23 are the spouse or a child of an alien lawfully admitted
24 for permanent residence. Such immigrants shall be allo-

1 cated visas in accordance with the number computed
2 under section 201(c).”.

3 (c) AGING OUT.—Section 203(h) of the Immigration
4 and Nationality Act (8 U.S.C. 1153(h)) is amended—

5 (1) by striking “(a)(2)(A)” each place such
6 term appears and inserting “(a)”;

7 (2) by amending paragraph (1) to read as fol-
8 lows:

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 for purposes of subsections (a) and (d), a determina-
11 tion of whether an alien satisfies the age require-
12 ment in the matter preceding subparagraph (A) of
13 section 101(b)(1) shall be made using the age of the
14 alien on the date on which a petition is filed with
15 the Secretary of Homeland Security.”.

16 (3) by redesignating paragraphs (2) through
17 (4) as paragraphs (3) through (5), respectively;

18 (4) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) LIMITATION.—Notwithstanding the age of
21 an alien on the date on which a petition is filed, an
22 alien who marries or turns 25 years of age prior to
23 a visa becoming available for issuance pursuant to
24 subsection (a) or (d), no longer satisfies the age re-
25 quirement described in paragraph (1).”; and

(5) in paragraph (5), as so redesignated, by striking “(3)” and inserting “(4)”.

(d) CONFORMING AMENDMENTS.—

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

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

(A) in subsection (a)(1)—

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

(ii) in subparagraph (B)—

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

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

(iii) in subparagraph (D)(i)(I), by striking “a petitioner” and all that follows

1 through “section 204(a)(1)(B)(iii).” and
 2 inserting “an individual younger than 21
 3 years of age for purposes of adjudicating
 4 such petition and for purposes of admis-
 5 sion as an immediate relative under section
 6 201(b)(2)(A)(i) or a family-sponsored im-
 7 migrant under section 203(a), as appro-
 8 priate, notwithstanding the actual age of
 9 the individual.”;

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

12 (C) by striking subsection (k).

13 (3) WAIVERS OF INADMISSIBILITY.—Section
 14 212 of such Act (8 U.S.C. 1182) is amended—

15 (A) in subsection (a)(6)(E)(ii), by striking
 16 “section 203(a)(2)” and inserting “section
 17 203(a)”; and

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

20 (4) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
 21 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
 22 1184(q)(1)(B)(i)) is amended by striking “section
 23 203(a)(2)(A)” each place such term appears and in-
 24 serting “section 203(a)”.

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

5 (6) CLASSES OF DEPORTABLE ALIENS.—Sec-
 6 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.
 7 1227(a)(1)(E)(ii)) is amended by striking “section
 8 203(a)(2)” and inserting “section 203(a)”.

9 (e) CREATION OF NONIMMIGRANT CLASSIFICATION
 10 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
 11 ZENS.—

12 (1) IN GENERAL.—Section 101(a)(15) of the
 13 Immigration and Nationality Act (8 U.S.C.
 14 1101(a)(15)) is amended—

15 (A) in subparagraph (T)(ii)(III), by strik-
 16 ing the period at the end and inserting a semi-
 17 colon;

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

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

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

23 “(W) Subject to section 214(s), an alien
 24 who is a parent of a citizen of the United

1 States, if the citizen is at least 21 years of
2 age.”.

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

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

12 “(2) A nonimmigrant described in section
13 101(a)(15)(W)—

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

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

18 “(3) The United States citizen son or daughter
19 shall file a petition with the Secretary of Homeland
20 Security on behalf of the alien parent in order for
21 the alien parent to be issued a visa or otherwise be
22 provided nonimmigrant status under section
23 101(a)(15)(W).

24 “(4) An alien is ineligible to be issued a visa or
25 otherwise be provided nonimmigrant status under

1 section 101(a)(15)(W), or to be admitted into the
 2 United States as a nonimmigrant described in sec-
 3 tion 101(a)(15)(W), unless the alien provides satis-
 4 factory proof that the United States citizen son or
 5 daughter has arranged for health insurance coverage
 6 for the alien, at no cost to the alien, during the an-
 7 ticipated period of the alien’s residence in the United
 8 States.”.

9 (3) AFFIDAVIT OF SUPPORT.—

10 (A) GROUND OF INADMISSIBILITY.—Sec-
 11 tion 212(a)(4)(C) of the Immigration and Na-
 12 tionality Act (8 U.S.C. 1182(a)(4)(C)) is
 13 amended—

14 (i) in the heading by adding at the
 15 end the following: “AND NONIMMIGRANTS”;
 16 and

17 (ii) in the matter preceding clause (i),
 18 by striking “section 201(b)(2) or 203(a)”
 19 and inserting “section 101(a)(15)(W),
 20 201(b)(2), or 203(a)”.

21 (B) AFFIDAVIT REQUIRED.—Section 213A
 22 of the Immigration and Nationality Act (8
 23 U.S.C. 1183a) is amended—

24 (i) in subsection (a)(2)—

1 (I) by striking “An affidavit of
2 support” and inserting “(A) IN GEN-
3 ERAL—Except as provided in sub-
4 paragraph (B), an affidavit of sup-
5 port”; and

6 (II) by adding at the end the fol-
7 lowing:

8 “(B) SPECIAL RULE.—In the case of an
9 alien who has been issued a visa or otherwise
10 provided nonimmigrant status under section
11 101(a)(15)(W), an affidavit of support shall be
12 enforceable with respect to benefits provided for
13 an alien while the alien is physically present in
14 the United States.”; and

15 (ii) in subsection (f)(1)(D), by insert-
16 ing after “section 204” the following: “or
17 petitioning for the alien to be provided a
18 visa under or accorded status under sec-
19 tion 101(a)(15)(W)”.

20 (f) EFFECTIVE DATE; APPLICABILITY.—

21 (1) EFFECTIVE DATE.—The amendments made
22 by this section shall take effect on October 1, 2022.

23 (2) INVALIDITY OF CERTAIN PETITIONS AND
24 APPLICATIONS.—

1 (A) IN GENERAL.—No person may file,
2 and the Secretary of Homeland Security and
3 the Secretary of State may not accept, adju-
4 dicate, or approve any petition under section
5 204 of the Immigration and Nationality Act (8
6 U.S.C. 1154) filed on or after the date of enact-
7 ment of this Act seeking classification of an
8 alien under section 201(b)(2)(A)(i) with respect
9 to a parent of a United States citizen, or under
10 section 203(a)(1), (2)(B), (3), or (4) of such
11 Act (8 U.S.C. 1151(b)(2)(A)(i), 1153(a)(1),
12 (2)(B), (3), or (4)). Any application for adjust-
13 ment of status or an immigrant visa based on
14 such a petition shall be invalid.

15 (B) PENDING PETITIONS.—Neither the
16 Secretary of Homeland Security nor the Sec-
17 retary of State may adjudicate or approve any
18 petition under section 204 of the Immigration
19 and Nationality Act (8 U.S.C. 1154) pending
20 as of the date of enactment of this Act seeking
21 classification of an alien under section
22 201(b)(2)(A)(i) with respect to a parent of a
23 United States citizen, or under section
24 203(a)(1), (2)(B), (3), or (4) of such Act (8
25 U.S.C. 1151(b)(2)(A)(i), 1153(a)(1), (2)(B),

(3), or (4)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(3) APPLICABILITY TO WAITLISTED APPLICANTS.—

(A) IN GENERAL.—Notwithstanding the amendments made by this section, an alien with regard to whom a petition or application for status under paragraph (1), (2)(B), (3), or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as in effect on September 30, 2020, was approved prior to the date of the enactment of this Act, may be issued a visa pursuant to that paragraph in accordance with the availability of visas under subparagraph (B).

(B) AVAILABILITY OF VISAS.—Visas may be issued to beneficiaries of approved petitions under each category described in subparagraph (A), but only until such time as the number of visas that would have been allocated to that category in fiscal year 2022, notwithstanding the amendments made by this section, have been issued. When the number of visas described in the previous sentence have been

1 issued for each category described in subpara-
2 graph (A), no additional visas may be issued for
3 that category.

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