

117TH CONGRESS  
1ST SESSION

# H. R. 3214

To protect children through eliminating visa loopholes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. PERRY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect children through eliminating visa loopholes.

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 “Protecting Children  
5       Through Eliminating Visa Loopholes Act”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that—

8               (1) the laws of the United States and the poli-  
9       cies of the Department of State aim to prevent and

1       reduce the risks of child marriages, sex trafficking,  
2       and sexual abuse occurring throughout the world;

3               (2) major loopholes in Federal law have allowed  
4       up to thousands of minors to be subjected to child  
5       marriages;

6               (3) under the Immigration and Nationality Act  
7       (8 U.S.C. 1101 et seq.)—

8                       (A) a United States citizen child may peti-  
9       tion for an immigrant visa for a spouse or  
10      fiancé living in another country; and

11                      (B) a United States citizen adult may peti-  
12      tion for an immigrant visa for a minor spouse  
13      or fiancé living abroad;

14               (4) the United States Government has advo-  
15      cated for preventing and reducing the occurrence of  
16      child marriages throughout the world;

17               (5) Congress passed the Violence Against  
18      Women Reauthorization Act of 2013 (Public Law  
19      113–4), which requires the Secretary of State to es-  
20      tablish and implement a multiyear strategy—

21                      (A) to “prevent child marriages”; and

22                      (B) to “promote the empowerment of girls  
23      at risk of child marriage in developing coun-  
24      tries”;

1           (6) acknowledges that although the Federal  
 2       Government is limited in its ability to address child  
 3       marriage within individual States, establishing a  
 4       minimum age of 18 years for marriage-based and  
 5       fiancé-based immigrant visa petitions is an imme-  
 6       diate and viable solution for preventing child mar-  
 7       riage through exploitation of the United States im-  
 8       migration system;

9           (7) affirms that child well being is a foremost  
 10      priority and consideration when imposing strict age  
 11      requirements for visa spousal and fiancé petitions  
 12      within the United States immigration system; and

13          (8) recognizes that under the current immigra-  
 14      tion legal framework, individuals may exploit visa  
 15      marriage and fiancé petitions for nefarious purposes,  
 16      including—

17                   (A) coercing forced marriages; and

18                   (B) the trafficking and abuse of children.

19 **SEC. 3. PROTECTING CHILDREN THROUGH ELIMINATING**  
 20 **VISA LOOPHOLES.**

21       (a) DEFINITIONS.—Section 101(a) of the Immigra-  
 22      tion and Nationality Act (8 U.S.C. 1101(a)) is amended—

23                   (1) in paragraph (15)(K)—

24                           (A) in the matter preceding clause (i), by  
 25                   striking “(p) of section 214, an alien” and in-

1           serting “(r) of section 214, an alien who is at  
2           least 18 years of age”; and

3           (B) by inserting “who is at least 18 years  
4           of age” after “a citizen of the United States”  
5           each time such term appears; and

6           (2) in paragraph (35), by adding at the end the  
7           following: “Such terms do not include any individual  
8           who is younger than 18 years of age or who is mar-  
9           ried to an individual who is younger than 18 years  
10          of age.”.

11       (b) EFFECTIVE DATE.—

12           (1) K NONIMMIGRANTS.—The amendments  
13       made by subsection (a)(1)—

14           (A) shall take effect on the date of the en-  
15       actment of this Act; and

16           (B) shall apply to any petition or applica-  
17       tion seeking nonimmigrant status for any alien  
18       under section 101(a)(15)(K) of the Immigration  
19       and Nationality Act (8 U.S.C. 1101(a)(15)(K))  
20       that is pending before any agency, officer, or  
21       employee of the United States on or after such  
22       date of enactment.

23           (2) SPOUSE; WIFE; HUSBAND.—The amend-  
24       ment made by subsection (a)(2)—

1 (A) subject to subparagraphs (B) and (C),  
2 shall take effect on the date of the enactment  
3 of this Act;

4 (B) subject to subparagraph (C), shall  
5 apply to marriages entered into before, on, or  
6 after such date of enactment; and

7 (C) shall apply to any petition or applica-  
8 tion for any status or benefit under the immi-  
9 gration laws (as defined in section 101(a)(17)  
10 of the Immigration and Nationality Act (8  
11 U.S.C. 1101(a)(17)) that is filed or otherwise  
12 submitted on or after such date of enactment,  
13 except for a petition under section 216 of such  
14 Act (8 U.S.C. 1186a) to remove the conditional  
15 basis of lawful permanent residence based upon  
16 a grant of conditional lawful permanent resi-  
17 dent status before such date of enactment.

18 (c) RULE OF CONSTRUCTION.—The amendment  
19 made by subsection (a)(2)—

20 (1) shall apply to the immigration laws (as de-  
21 fined in section 101(a)(17) of the Immigration and  
22 Nationality Act (8 U.S.C. 1101(a)(17));

23 (2) may not be construed to affect or modify  
24 any reference to, or legal effect of, any marriage  
25 under any provision of the immigration laws using

1 a term not defined by such amendment, including  
2 whether any person is married or has been born in  
3 wedlock or legitimated for purposes of determining  
4 whether such person is a child or is a married or un-  
5 married son or daughter; and

6 (3) may not be construed to limit or modify the  
7 eligibility of any VAWA self-petitioner (as defined in  
8 section 101(a)(51) of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1101(a)(51)) for any available  
10 relief under the immigration laws.

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