

The Reuniting Families Act (S. 1085)

Sen. Menendez (D-NJ)

Sec. 1. Title Section**Sec. 2. Recapture of Immigrant Visas Lost to Bureaucratic Delay**

This section recaptures unused employment-based visas and family-sponsored visas from fiscal years 1992-2007. For future fiscal years, unused visa numbers will “roll over” to the next fiscal year. To reduce current backlogs, this section exempts immediate relatives from the cap on the number of immigrant visas.

Sec. 3. Reclassification of Spouses and Minor Children of Lawful Permanent Residents as Immediate Relatives

This section reclassifies the following individuals as “immediate relatives,” to promote efficient reunification of families: 1) derivative spouse, parent or child accompanying or following to join a U.S. citizen; 2) spouses and children of lawful permanent residents; 3) spouse of a deceased U.S. citizen or lawful permanent resident and 4) parents or children of a deceased U.S. citizen or lawful permanent resident if the petition was filed within two years of the death or before the minor turns 21.

Sec. 4. Country Limits

To ensure that the nationals of certain countries do not face unreasonably long backlogs, this section revises the per country immigration limits from 7 to 10 percent of total admissions.

Sec. 5. Family Unity

This section increases the government’s discretion and flexibility in addressing numerous hardships caused by a provision which bars individuals unlawfully present in the United States from utilizing our legal immigration system. Current law bars certain individuals from leaving and re-entering on a legal visa for a set period of years, and in some cases, permanently. This section would also allow the Attorney General to waive the unlawful presence bar in the case of an immigrant who is the spouse or son or daughter or parent of a United States Citizen or lawful permanent resident if refusal to admit the individual would result in hardship to the citizen or lawful permanent resident parent, son or daughter of the individual. The section provides exceptions to the bars to admission for those individuals who have a pending employment-based visa petition or a petition for family reunification.

Section 6. Relief for Orphans and Widows

This section would allow the surviving family members of United States citizens or lawful permanent residents to benefit from family petitions in cases where the citizen or resident relative died before the date of enactment of this Act if the individual files within two years of enactment. This section also allows the Attorney General the discretion to grant parole to individuals who were removed due to the death of their citizen or resident petitioner. The section allows immediate relatives, family-sponsored immigrants, and derivative beneficiaries of employment-based visas to benefit from a filed visa petition or adjust status on the basis of a petition filed before the death of the sponsoring relative.

Section 7. Exemption from Immigrant Visa Limit for Certain Veterans from the Philippines

This section would provide for exemptions for the children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.