

AMENDMENT NO.III

Calendar No.III

Purpose: To amend the provisions in the Immigration and Nationality Act relating to the numerical limitations for permanent residents.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on IIIIIIIII and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ

Viz:

1 Beginning on page 276, strike line 10 and all that
2 follows through page 326, line 22, and insert the following:
3 **SEC. 2303. ELIMINATION OF ARBITRARY LIMITATION OF FOREIGN**
4 **NATIONALITIES.**

5 (a) REPEAL.—Section 202 (8 U.S.C. 1152) is re-
6 pealed.

7 (b) CONFORMING AMENDMENT.—Section 203(b) (8
8 U.S.C. 1153(b)) is amended by striking paragraph (6).

9 **SEC. 2304. ELIMINATION OF DIVERSITY VISA LOTTERY.**

10 (a) REPEAL.—Section 203(c) (8 U.S.C. 1153(c)) is
11 repealed.

1 (b) CONFORMING AMENDMENTS.—Title II (8 U.S.C.
2 1151 et seq.) is amended—

3 (1) in section 201—

4 (A) in subsection (a), by striking para-
5 graph (3); and

6 (B) by striking subsection (e); and

7 (2) in section 204(a)(1), by striking subpara-
8 graph (I).

9 **SEC. 2305. FAMILY-SPONSORED IMMIGRANTS.**

10 (a) NUMERICAL LIMITATIONS.—Section 201(c) (8
11 U.S.C. 1151(c)) is amended to read as follows:

12 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
13 MIGRANTS.—The maximum worldwide level of family-
14 sponsored immigrants for each fiscal year shall be
15 337,500.”.

16 (b) VISA ALLOCATION FOR FAMILY-SPONSORED IM-
17 MIGRANTS .—Section 203(a) (8 U.S.C. 1153(a)) is
18 amended to read as follows:

19 “(a) VISA ALLOCATION FOR FAMILY-SPONSORED IM-
20 MIGRANTS.—Qualified immigrants who are the unmarried
21 sons or unmarried daughters (but not children) of a cit-
22 izen of the United States or an alien lawfully admitted
23 for permanent residence shall be allocated all of the visas
24 made available under section 201(c).”.

1 (c) EXPANSION OF IMMEDIATE RELATIVE DEFINI-
2 TION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is
3 amended to read as follows:

4 “(A)(i) Immediate relatives.

5 “(ii) Aliens admitted under section 211(a) on
6 the basis of a prior issuance of a visa to their ac-
7 companying parent who is an immediate relative.

8 “(iii) In this subparagraph the term ‘immediate
9 relatives’ means the children, spouse, and parents of
10 a citizen of the United States or of a lawful perma-
11 nent resident. If the immediate relative is a parent,
12 the citizen or permanent resident shall be at least 21
13 years of age. If the alien was the spouse of a citizen
14 of the United States or of a lawful permanent resi-
15 dent and was not legally separated from the citizen
16 or permanent resident at the time of the citizen’s or
17 permanent resident’s death, the alien (and each
18 child of the alien) shall be considered, for purposes
19 of this subparagraph, to remain an immediate rel-
20 ative after the date of the citizen’s or permanent
21 resident’s death and until the date the spouse re-
22 marries if the spouse files a petition under section
23 204(a)(1)(A)(ii) not later than 2 years after such
24 death. An alien who has filed a petition under clause
25 (iii) or (iv) of section 204(a)(1)(A) shall remain an

1 immediate relative if the United States citizen or
2 lawful permanent resident spouse or parent loses
3 United States citizenship or lawful permanent resi-
4 dent status on account of the abuse.”.

5 (d) CONFORMING AMENDMENTS.—The Act (8 U.S.C.
6 1101 et seq.) is amended—

7 (1) in section 101(a)(15)(V), by striking
8 “203(a)(2)(A)” each place it appears and inserting
9 “203(a)”;

10 (2) in section 201(f)—

11 (A) in paragraph (2), by striking
12 “203(a)(2)(A)” and inserting “203(a)”;

13 (B) by striking paragraph (3); and

14 (C) by redesignating paragraph (4) as
15 paragraph (3); and

16 (D) in paragraph (3), as redesignated, by
17 striking “(1) through (3)” and inserting “(1)
18 and (2)”;

19 (3) in section 204—

20 (A) in subsection (a)(1)—

21 (i) in subparagraph (A)(i), by striking
22 “paragraph (1), (3), or (4) of section
23 203(a)” and inserting “section 203(a)”;
24 and

25 (ii) in subparagraph (B)—

1 (I) in clause (i)(I), by striking
2 “section 203(a)(2)” and inserting

3 “section 203(a)”; and

4 (II) in clause (ii), by striking
5 “clause (iii) of section 203(a)(2)(A)”
6 each place it appears and inserting
7 “section 203(a)”; and

8 (III) in clause (iii), by striking
9 “section 203(a)(2)(A)” and inserting
10 “section 203(a)”; and

11 (iii) in subparagraph (D)(i)(I), by
12 striking “paragraph (1), (2), or (3) of sec-
13 tion 203(a)” and inserting “section
14 203(a)”; and

15 (B) in subsection (a)(2)(A), in the undesig-
16 nated matter after clause (ii), by striking “pref-
17 erence status under section 203(a)(2)” and in-
18 serting “status as an immediate relative under
19 section 201(b)(2)(A)”; and

20 (C) in subsection (k)(1), by striking “sec-
21 tion 203(a)(2)(B)” and inserting “section
22 203(a)”.

23 **SEC. 2306. EMPLOYMENT-BASED IMMIGRANTS.**

24 (a) **NUMERICAL LIMITATIONS.**—Section 201(d) (8
25 U.S.C. 1151(c)) is amended to read as follows:

1 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
2 IMMIGRANTS.—The maximum worldwide level of employ-
3 ment-based immigrants for each fiscal year shall be
4 1,012,500.”.

5 (b) VISA ALLOCATION FOR EMPLOYMENT-BASED IM-
6 MIGRANTS.—Section 203(b) (8 U.S.C. 1153(a)) is
7 amended to read as follows:

8 “(b) VISA ALLOCATION FOR EMPLOYMENT-BASED
9 IMMIGRANTS.—Aliens subject to the worldwide level speci-
10 fied in section 201(d) for employment-based immigrants
11 in a fiscal year shall be allocated visas as follows:

12 “(1) HIGHLY-SKILLED WORKERS.—Up to
13 607,500 visas shall be allocated each fiscal year to
14 qualified immigrants described in this paragraph,
15 with preference to be given to immigrants described
16 in subparagraph (A).

17 “(A) ADVANCED DEGREES IN STEM
18 FIELD.—An alien described in this paragraph
19 holds an advanced degree in science, technology,
20 engineering, or mathematics from an accredited
21 institution of higher education in the United
22 States.

23 “(B) ALIENS WITH EXTRAORDINARY ABIL-
24 ITY.—An alien described in this subpara-
25 graph—

1 “(i) has extraordinary ability in the
2 sciences, arts, education, business, or ath-
3 letics which has been demonstrated by sus-
4 tained national or international acclaim
5 and whose achievements have been recog-
6 nized in the field through extensive docu-
7 mentation;

8 “(ii) seeks to enter the United States
9 to continue work in the area of extraor-
10 dinary ability; and

11 “(iii) will substantially benefit the
12 United States.

13 “(C) OUTSTANDING PROFESSORS AND RE-
14 SEARCHERS.—An alien described in this sub-
15 paragraph—

16 “(i) is recognized internationally as
17 outstanding in a specific academic area;

18 “(ii) has at least 3 years of experience
19 in teaching or research in the academic
20 area; and

21 “(iii) seeks to enter the United
22 States—

23 “(I) for a tenured position (or
24 tenure-track position) within a univer-

1 sity or institution of higher education
2 to teach in the academic area;

3 “(II) for a comparable position
4 with a university or institution of
5 higher education to conduct research
6 in the area; or

7 “(III) for a comparable position
8 to conduct research in the area with a
9 department, division, or institute of a
10 private employer, if the department,
11 division, or institute employs at least
12 3 persons full-time in research activi-
13 ties and has achieved documented ac-
14 complishments in an academic field.

15 “(D) CERTAIN MULTINATIONAL EXECU-
16 TIVES AND MANAGERS.—An alien described in
17 this subparagraph, in the 3 years preceding the
18 time of the alien’s application for classification
19 and admission into the United States under
20 this subparagraph, has been employed for at
21 least 1 year by a firm or corporation or other
22 legal entity or an affiliate or subsidiary thereof
23 and the alien seeks to enter the United States
24 in order to continue to render services to the
25 same employer or to a subsidiary or affiliate

1 thereof in a capacity that is managerial or exec-
2 utive.

3 “(E) SKILLED WORKERS, PROFESSIONALS,
4 AND OTHER WORKERS.—An alien described in
5 this subparagraph—

6 “(i) is capable, at the time of peti-
7 tioning for classification under this para-
8 graph, of performing skilled labor (requir-
9 ing at least 2 years training or experience),
10 not of a temporary or seasonal nature, for
11 which qualified workers are not available in
12 the United States; or

13 “(ii) holds a baccalaureate degree and
14 is a members of the professions.

15 “(F) EMPLOYMENT CREATION.—An alien
16 described in this subparagraph seeks to enter
17 the United States for the purpose of engaging
18 in a new commercial enterprise (including a
19 limited partnership)—

20 “(i) in which such alien has invested
21 (after the date of the enactment of the Im-
22 migration Act of 1990) or, is actively in
23 the process of investing, capital in an
24 amount not less than \$1,000,000; and

1 “(ii) which will benefit the United
2 States economy and create full-time em-
3 ployment for not fewer than 10 United
4 States citizens or aliens lawfully admitted
5 for permanent residence or other immi-
6 grants lawfully authorized to be employed
7 in the United States (other than the immi-
8 grant and the immigrant’s spouse, sons, or
9 daughters).

10 “(2) WORKERS IN DESIGNATED SHORTAGE OC-
11 CUPATIONS.—Up to 405,000 visas shall be allocated
12 each fiscal year to qualified immigrants who—

13 “(A) are not described in paragraph (1);
14 and

15 “(B) have at least 2 years experience in an
16 occupation designated by the Bureau of Labor
17 Statistics as experiencing a shortage of labor
18 throughout the United States.”.

19 (c) TREATMENT OF FAMILY MEMBERS.—Section
20 203(d) (8 U.S.C. 1153(d)) is amended—

21 (1) by striking “(a), (b), or (c)” and inserting
22 “(a) or (b)”; and

23 (2) by adding at the end the following: “The
24 spouse, children, or parents of an alien receiving a
25 visa under subsection 203(b) who are accompanying

1 or following to join the alien shall be counted against
2 the numerical limitations set forth in subsection
3 (b).”.

4 **SEC. 2307. ONLINE PORTAL FOR LAWFUL PERMANENT**
5 **RESIDENT APPLICATIONS.**

6 (a) ESTABLISHMENT.—The Secretary shall establish
7 an online portal through which individuals may submit ap-
8 plications for lawful permanent resident status.

9 (b) FEATURES.—The online portal established pursu-
10 ant to subsection (a) shall provide—

11 (1) step-by-step instructions, in plain English,
12 describing what information and supporting docu-
13 mentation is required to be submitted;

14 (2) an e-mail or text message to notify appli-
15 cants of changes in the status of their application.

16 (c) USER FEE.—In addition to any other fees re-
17 quired of applicants for lawful permanent under any other
18 provision of law, the Secretary may charge individuals who
19 apply for such status through the online portal established
20 pursuant to subsection (a) a fee in an amount sufficient
21 to pay for the costs of maintaining the online portal.

22 (d) TIME LIMITATION.—All petitions submitted
23 through the online portal established pursuant to sub-
24 section (a) shall be adjudicated in 60 days or less.