

10-12-1330
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A RESOLUTION
 BY *Robert Williams*
 COUNCIL MEMBER ALEX WAN
 A RESOLUTION TO SUPPORT
 UNITING AMERICAN FAMILIES
 ACT (H.R. 1024/S. 424) CURRENTLY
 PENDING IN U.S. CONGRESS; AND
 FOR OTHER PURPOSES.

ADOPTED BY
 JUL 06 2010
 COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 JUL 06 2010
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 JUL 06 2010
Robert Williams
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 JUL 06 2010
[Signature]
 MAYOR

**A RESOLUTION
BY COUNCILMEMBER ALEX WAN**

10-P-1330

**A RESOLUTION TO SUPPORT UNITING AMERICAN FAMILIES
ACT (H.R. 1024/S.424) CURRENTLY PENDING IN U.S. CONGRESS;
AND FOR OTHER PURPOSES.**

WHEREAS, a driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and

WHEREAS, the City of Atlanta celebrates and respects all immigrant groups and all families, including those of same-sex gay and lesbian partners; and

WHEREAS, current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and

WHEREAS, this form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners; and

WHEREAS, the inability to sponsor a same-sex partner leaves the couple with the following limited options: 1. Choose to remain in a costly long-distance international relationship; 2. Choose to live abroad in the foreign partner's country, if allowable; 3. Seek a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; 4. Choose to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; or, 5. Terminate the relationship; and

WHEREAS, the limited legal options for same-sex partners to keep their relationship unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships; and

WHEREAS, beyond the personal challenges to same-sex couples, the City of Atlanta and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and

WHEREAS, currently pending in the United States Congress is the Uniting American Families Act (H.R. 1024/S.424), reintroduced on February 12, 2009, by Representative Jerrold Nadler (D-NY-8) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful

permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and

WHEREAS, The Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and

WHEREAS, The Uniting American Families Act would bring U.S. immigration law in line with the 21 other countries that already recognize same sex partnerships for immigration purposes: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and

WHEREAS, The City of Atlanta fully supports H.R. 1024/S.424 (Uniting American Families Act), a copy of which is hereby attached and made a part of this legislation, to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights.

NOW THEREFORE BE IT RESOLVED that we, the members of Atlanta City Council, do hereby express our strong support for the passage of the H.R. 1024/S.424 (Uniting American Families Act) that will end discrimination for bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the City of Atlanta fair and equal access to immigration benefits through their permanent partnerships.

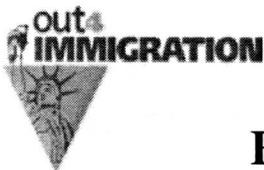
BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to forward a copy of this resolution to the Georgia Congressional Delegation; Honorable Nancy Pelosi, Speaker of the United States House of Representatives; Honorable Harry Reid, Leader of the Senate; Honorable Saxby Chambliss, United States Senator; Honorable Johnny Isakson, United States Senator, and Honorable Joseph Biden, Vice-President of the United States and President of the United States Senate.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUL 06, 2010
JUL 08, 2010



FACT SHEET on LGBT Immigration Rights

Out4Immigration: www.out4immigration.org

How U.S. Immigration Law Affects Same-Sex Binational Couples

"There are no immigration benefits available to [gays] based on their relationship. With that said, there's certainly nothing that says a U.S. citizen cannot move to another country." -- Chris Bentley, spokesman for the Department of Homeland Security's Citizen and Immigration Services, *LA Weekly*, January 9, 2004

FACT: LGBT individuals do not have the same immigration rights as heterosexual individuals. We cannot sponsor our partners (or our partners cannot sponsor us) for green cards and the right to stay together in the United States.

FACT: The United States does not recognize LGBT relationships at a federal level—and immigration is a federal issue. Many of us have been with our partners for several years, work hard, pay taxes, have children—but in the eyes of our government none of that matters. We are legal strangers.

FACT: The U.S. government is breaking up LGBT families. This happens every day. Because U.S. immigration laws discriminate against us we have very few legal options for staying together. Visas are temporary. When a foreign partner's visa runs out, their American partner cannot help them. The couple is forced to either separate—or leave the country and live in exile.

FACT: At least twenty countries—Canada, most European countries, Australia, New Zealand, Brazil, Israel and South Africa—**recognize same-sex relationships for the purpose of immigration. The United States does not.**

FACT: In the 2000 Census, there were more than 36,000 same-sex binational couples living legally in the United States. This means one partner is a U.S. citizen and the other is foreign-born. We believe that this statistic is low because couples forced into exile were not counted. We also believe that due to the sensitive nature of this issue, a lot of couples do not feel comfortable enough to disclose their relationship to the census taker. Since this last census some of the foreign partners may have obtained green cards through their work. Many more have not. The choices available for such couples to stay together are limited and unfair.

FACT: Transgendered immigrants and their partners face an especially difficult and hostile environment when it comes to U.S. immigration law. In 2004, the Bush administration issued a new immigration policy that no longer recognizes legal marriages with a transsexual spouse. In 2005, the Board of Immigration Appeals published an interim decision which upheld the validity of legal marriages. It remains to be seen how couples will be treated under this interim decision. However, if the transgendered person is gay or lesbian they are subject to the same discriminatory immigration laws as all LGBT people.

FACT: Sexual orientation and gender identity are often grounds for being granted asylum in the U.S., if the person can prove that they will be harmed if forced to return to a country that is hostile toward their sexual orientation. In order to apply for asylum, you must be in the United States. There are time limits involved. Organizations like the National Center for Lesbian Rights (NCLR, www.nclrights.org) hold free monthly legal clinics and can provide more information.

FACT: LGBT immigrants face specific barriers to life in the United States that are often not addressed by either the larger immigrant rights movement or the LGBT community. For example, when immigrant rights activists speak of respecting "family unity" there is no discussion about the protection of LGBT families, and the issues that they are facing. Similarly, many in the LGBT community are unaware of the discrimination in immigration law that prohibits a U.S. citizen from sponsoring their same-sex partner for a green card. Out4Immigration works with members of both these larger groups to educate the general public and advocate for fair and humane immigration reform.

HOW CAN WE STOP THIS DISCRIMINATION? The Uniting American Families Act (UAFa) would make a simple change to current U.S. immigration law that would end the discrimination we face. This legislation would simply add the term "permanent partner" in sections of the Immigration & Nationality Act where "spouse" appears. In other words, it would recognize the partnership of those couples in domestic partnerships, civil unions and same-sex marriages. The UAFa has been sponsored by Rep Jerrold Nadler in the House and Sen Patrick Leahy in the Senate for the past three sessions and is gaining support. The current bill number in the House is HR 1024 and in the Senate is S424. We look forward to the bill being discussed and voted on in Congress soon.

Out4Immigration is also conducting a weekly letter writing campaign to educate our legislators in Congress about this important issue and to seek their support for Equal Immigration Rights for same-sex binational couples. You can join the weekly campaign by going to <http://www.change.org/actions/search?search=lgbt+immigration+rights>

Rep Mike Honda has also introduced the Reuniting Families Act (RFA, HR 2709) to reduce the amount of backlogs in green card applications under the category of Family Reunification. He has included UAFa in the bill. We hope that UAFa will be included in the omnibus Comprehensive Immigration Reform bill that will be introduced this year. The Senate version of this bill DID NOT include UAFa.



HOW CAN PEOPLE FIND OUT MORE ABOUT LGBT IMMIGRATION ISSUES? Go to our website at www.out4immigration.org, and sign up for our Yahoo Groups listserv. By becoming a member of the Out4Immigration listserv, you'll receive regular updates on the education and activism we do. You can also find us on Blogger (out4immigration.blogspot.com), Facebook (facebook.com/out4immigration) and Twitter (@out4immigration).



111TH CONGRESS
1ST SESSION

H. R. 1024

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. NADLER of New York (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHLAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mrs. TAUSCHER, Ms. TSONGAS, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WELCH, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SPEIER, Mr. SCHIFF, and Mr. STARK) introduced the following bill; which was referred to the Committee on the Judiciary



A BILL

To amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

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; AMENDMENTS TO IMMIGRATION**
4 **AND NATIONALITY ACT; TABLE OF CON-**
5 **TENTS.**

6 (a) SHORT TITLE.—This Act may be cited as the
7 “Uniting American Families Act of 2009”.

8 (b) AMENDMENTS TO IMMIGRATION AND NATION-
9 ALITY ACT.—Except as otherwise specifically provided
10 whenever in this Act, an amendment or repeal is expressed
11 as the amendment or repeal of a section or other provision,
12 the reference shall be considered to be made to that sec-
13 tion or provision in the Immigration and Nationality Act.

14 (c) TABLE OF CONTENTS.—The table of contents of
15 this Act is as follows:

- Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
- Sec. 2. Definitions of permanent partner and permanent partnership.
- Sec. 3. Worldwide level of immigration.
- Sec. 4. Numerical limitations on individual foreign states.
- Sec. 5. Allocation of immigrant visas.
- Sec. 6. Procedure for granting immigrant status.



- Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
- Sec. 8. Asylum.
- Sec. 9. Adjustment of status of refugees.
- Sec. 10. Inadmissible aliens.
- Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
- Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
- Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
- Sec. 14. Deportable aliens.
- Sec. 15. Removal proceedings.
- Sec. 16. Cancellation of removal; adjustment of status.
- Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
- Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the constitution.
- Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
- Sec. 21. Application to Cuban Adjustment Act.

1 **SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PER-**
2 **MANENT PARTNERSHIP.**

3 Section 101(a) (8 U.S.C. 1101(a)) is amended—

4 (1) in paragraph (15)(K)(ii), by inserting “or
5 permanent partnership” after “marriage”; and

6 (2) by adding at the end the following:

7 “(52) The term ‘permanent partner’ means an
8 individual 18 years of age or older who—

9 “(A) is in a committed, intimate relation-
10 ship with another individual 18 years of age or
11 older in which both parties intend a lifelong
12 commitment;

13 “(B) is financially interdependent with
14 that other individual;



1 “(C) is not married to or in a permanent
2 partnership with anyone other than that other
3 individual;

4 “(D) is unable to contract with that other
5 individual a marriage cognizable under this Act;
6 and

7 “(E) is not a first, second, or third degree
8 blood relation of that other individual.

9 “(53) The term ‘permanent partnership’ means
10 the relationship that exists between two permanent
11 partners.”.

12 **SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.**

13 Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i))
14 is amended—

15 (1) by inserting “permanent partners,” after
16 “spouses,”;

17 (2) by inserting “or permanent partner” after
18 “spouse” each place it appears;

19 (3) by inserting “(or, in the case of a perma-
20 nent partnership, whose permanent partnership was
21 not terminated)” after “was not legally separated
22 from the citizen”; and

23 (4) by striking “remarries.” and inserting “re-
24 marries or enters a permanent partnership with an-
25 other person.”.



1 **SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOR-**
2 **EIGN STATES.**

3 (a) PER COUNTRY LEVELS.—Section 202(a)(4) (8
4 U.S.C. 1152(a)(4)) is amended—

5 (1) in the heading, by inserting “, PERMANENT
6 PARTNERS,” after “SPOUSES”;

7 (2) in the heading of subparagraph (A), by in-
8 sserting “, PERMANENT PARTNERS,” after
9 “SPOUSES”; and

10 (3) in the heading of subparagraph (C), by
11 striking “AND DAUGHTERS” inserting “WITHOUT
12 PERMANENT PARTNERS AND UNMARRIED DAUGH-
13 TERS WITHOUT PERMANENT PARTNERS”.

14 (b) RULES FOR CHARGEABILITY.—Section 202(b)(2)
15 (8 U.S.C. 1152(b)(2)) is amended—

16 (1) by inserting “or permanent partner” after
17 “spouse” each place it appears; and

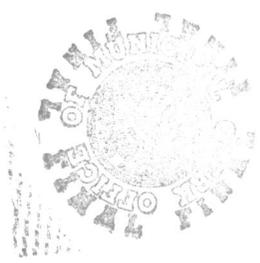
18 (2) by inserting “or permanent partners” after
19 “husband and wife”.

20 **SEC. 5. ALLOCATION OF IMMIGRANT VISAS.**

21 (a) PREFERENCE ALLOCATION FOR FAMILY MEM-
22 BERS OF PERMANENT RESIDENT ALIENS.—Section
23 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

24 (1) in the heading—

25 (A) by striking “AND” after “SPOUSES”
26 and inserting “, PERMANENT PARTNERS,”; and



1 (B) by inserting “WITHOUT PERMANENT
2 PARTNERS” after “SONS” and after “DAUGH-
3 TERS”;

4 (2) in subparagraph (A), by inserting “, perma-
5 nent partners,” after “spouses”; and

6 (3) in subparagraph (B), by inserting “without
7 permanent partners” after “sons” and after “daugh-
8 ters”.

9 (b) PREFERENCE ALLOCATION FOR SONS AND
10 DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C.
11 1153(a)(3)) is amended—

12 (1) in the heading, by inserting “AND DAUGH-
13 TERS AND SONS WITH PERMANENT PARTNERS” after
14 “DAUGHTERS”; and

15 (2) by inserting “, or daughters or sons with
16 permanent partners,” after “daughters”.

17 (c) EMPLOYMENT CREATION.—Section
18 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended
19 by inserting “permanent partner,” after “spouse,”.

20 (d) TREATMENT OF FAMILY MEMBERS.—Section
21 203(d) (8 U.S.C. 1153(d)) is amended by inserting “, per-
22 manent partner,” after “spouse” each place it appears.

23 **SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

24 (a) CLASSIFICATION PETITIONS.—Section 204(a)(1)
25 (8 U.S.C. 1154(a)(1)) is amended—



1 (1) in subparagraph (A)(ii), by inserting “or
2 permanent partner” after “spouse”;

3 (2) in subparagraph (A)(iii)—

4 (A) by inserting “or permanent partner”
5 after “spouse” each place it appears; and

6 (B) in subclause (I), by inserting “or per-
7 manent partnership” after “marriage” each
8 place it appears;

9 (3) in subparagraph (A)(v)(I), by inserting
10 “permanent partner,” after “is the spouse,”;

11 (4) in subparagraph (A)(vi)—

12 (A) by inserting “or termination of the
13 permanent partnership” after “divorce”; and

14 (B) by inserting “, permanent partner,”
15 after “spouse”; and

16 (5) in subparagraph (B)—

17 (A) by inserting “or permanent partner”
18 after “spouse” each place it appears;

19 (B) by inserting or permanent partnership
20 after “marriage” in clause (ii)(I)(aa) and the
21 first place it appears in clause (ii)(I)(bb); and

22 (C) in clause (ii)(II)(aa)(CC)(bbb), by in-
23 serting “(or the termination of the permanent
24 partnership)” after “termination of the mar-
25 riage”.



1 (b) IMMIGRATION FRAUD PREVENTION.—Section
2 204(c) (8 U.S.C. 1154(c)) is amended—

3 (1) by inserting “or permanent partner” after
4 “spouse” each place it appears; and

5 (2) by inserting “or permanent partnership”
6 after “marriage” each place it appears.

7 **SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION**
8 **OF EMERGENCY SITUATION REFUGEES.**

9 Section 207(c) (8 U.S.C. 1157(c)) is amended—

10 (1) in paragraph (2)—

11 (A) by inserting “or permanent partner”
12 after “spouse” each place it appears; and

13 (B) by inserting “or permanent partner’s”
14 after “spouse’s”; and

15 (2) in paragraph (4), by inserting “or perma-
16 nent partner” after “spouse”.

17 **SEC. 8. ASYLUM.**

18 Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amend-
19 ed—

20 (1) in the heading, by inserting “OR PERMA-
21 NENT PARTNER” after “SPOUSE”; and

22 (2) in the text, by inserting “or permanent
23 partner” after “spouse”.



1 **SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.**

2 Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended
3 by inserting “or permanent partner” after “spouse”.

4 **SEC. 10. INADMISSIBLE ALIENS.**

5 (a) **CLASSES OF ALIENS INELIGIBLE FOR VISAS OR**
6 **ADMISSION.**—Section 212(a) (8 U.S.C. 1182(a)) is
7 amended—

8 (1) in paragraph (3)(D)(iv), by inserting “per-
9 manent partner,” after “spouse,”;

10 (2) in paragraph (4)(C)(i)(I), by inserting “,
11 permanent partner,” after “spouse”;

12 (3) in paragraph (6)(E)(ii), by inserting “per-
13 manent partner,” after “spouse,”; and

14 (4) in paragraph (9)(B)(v), by inserting “, per-
15 manent partner,” after “spouse”.

16 (b) **WAIVERS.**—Section 212(d) (8 U.S.C. 1182(d)) is
17 amended—

18 (1) in paragraph (11), by inserting “permanent
19 partner,” after “spouse,”; and

20 (2) in paragraph (12), by inserting “, perma-
21 nent partner,” after “spouse”.

22 (c) **WAIVERS OF INADMISSIBILITY ON HEALTH-RE-**
23 **LATED GROUNDS.**—Section 212(g)(1)(A) (8 U.S.C.
24 1182(g)(1)(A)) is amended by inserting “or permanent
25 partner” after “spouse”.



1 (d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND
2 RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C.
3 1182(h)(1)(B)) is amended by inserting “permanent part-
4 ner,” after “spouse,”.

5 (e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is
6 amended by inserting “permanent partner,” after
7 “spouse,”.

9 **SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PART-**
10 **NERS AWAITING THE AVAILABILITY OF AN**
11 **IMMIGRANT VISA.**

12 Section 214(r) (8 U.S.C. 1184(r)) is amended—

13 (1) in paragraph (1), by inserting “or permanent
14 partner” after “spouse”; and

15 (2) by inserting “or permanent partnership”
16 after “marriage” each place it appears.

17 **SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS**
18 **FOR CERTAIN ALIEN SPOUSES, PERMANENT**
19 **PARTNERS, AND SONS AND DAUGHTERS.**

20 (a) SECTION HEADING.—

21 (1) IN GENERAL.—The heading for section 216
22 (8 U.S.C. 1186a) is amended by inserting “AND
23 PERMANENT PARTNERS” after “SPOUSES”.



1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents is amended by amending the item relating to
3 section 216 to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien spouses and permanent partners and sons and daughters.”.

4 (b) IN GENERAL.—Section 216(a) (8 U.S.C.
5 1186a(a)) is amended—

6 (1) in paragraph (1), by inserting “or perma-
7 nent partner” after “spouse”;

8 (2) in paragraph (2)(A), by inserting “or per-
9 manent partner” after “spouse”;

10 (3) in paragraph (2)(B), by inserting “perma-
11 nent partner,” after “spouse,”; and

12 (4) in paragraph (2)(C), by inserting “perma-
13 nent partner,” after “spouse,”.

14 (c) TERMINATION OF STATUS IF FINDING THAT
15 QUALIFYING MARRIAGE IMPROPER.—Section 216(b) of
16 such Act (8 U.S.C. 1186a(b)) is amended—

17 (1) in the heading, by inserting “OR PERMA-
18 NENT PARTNERSHIP” after “MARRIAGE”;

19 (2) in paragraph (1)(A), by inserting “or per-
20 manent partnership” after “marriage”; and

21 (3) in paragraph (1)(A)(ii)—

22 (A) by inserting “or has ceased to satisfy
23 the criteria for being considered a permanent



1 partnership under this Act,” after “termi-
2 nated,”; and

3 (B) by inserting “or permanent partner”
4 after “spouse”.

5 (d) REQUIREMENTS OF TIMELY PETITION AND
6 INTERVIEW FOR REMOVAL OF CONDITION.—Section
7 216(c) (8 U.S.C. 1186a(c)) is amended—

8 (1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii),
9 (3)(C), (4)(B), and (4)(C), by inserting “or perma-
10 nent partner” after “spouse” each place it appears;
11 and

12 (2) in paragraph (3)(A), in the matter following
13 clause (ii), and in paragraph (3)(D), (4)(B), and
14 (4)(C), by inserting “or permanent partnership”
15 after “marriage” each place it appears.

16 (e) CONTENTS OF PETITION.—Section 216(d)(1) of
17 such Act (8 U.S.C. 1186a(d)(1)) is amended—

18 (1) in the heading of subparagraph (A), by in-
19 serting “OR PERMANENT PARTNERSHIP” after “MAR-
20 RIAGE”;

21 (2) in subparagraph (A)(i), by inserting “or
22 permanent partnership” after “marriage”;

23 (3) in subparagraph (A)(i)(I), by inserting be-
24 fore the comma at the end “, or is a permanent
25 partnership recognized under this Act”;



1 (4) in subparagraph (A)(i)(II)—

2 (A) by inserting “or has not ceased to sat-
3 isfy the criteria for being considered a perma-
4 nent partnership under this Act,” after “termi-
5 nated,”; and

6 (B) by inserting “or permanent partner”
7 after “spouse”;

8 (5) in subparagraph (A)(ii), by inserting “or
9 permanent partner” after “spouse”; and

10 (6) in subparagraph (B)(i)—

11 (A) by inserting “or permanent partner-
12 ship” after “marriage”; and

13 (B) by inserting “or permanent partner”
14 after “spouse”.

15 (e) DEFINITIONS.—Section 216(g) (8 U.S.C.
16 1186a(g)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “or permanent partner”
19 after “spouse” each place it appears; and

20 (B) by inserting “or permanent partner-
21 ship” after “marriage” each place it appears;

22 (2) in paragraph (2), by inserting “or perma-
23 nent partnership” after “marriage”;

24 (3) in paragraph (3), by inserting “or perma-
25 nent partnership” after “marriage”; and



1 (4) in paragraph (4)—

2 (A) by inserting “or permanent partner”
3 after “spouse” each place it appears; and

4 (B) by inserting “or permanent partner-
5 ship” after “marriage”.

6 **SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS**
7 **FOR CERTAIN ALIEN ENTREPRENEURS,**
8 **SPOUSES, PERMANENT PARTNERS, AND CHIL-**
9 **DREN.**

10 (a) SECTION HEADING.—

11 (1) IN GENERAL.—The heading for section
12 216A (8 U.S.C. 1186b) is amended by inserting “OR
13 PERMANENT PARTNERS” after “SPOUSES”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents is amended by amending the item relating to
16 section 216A to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien entre-
preneurs, spouses or permanent partners, and children.”.

17 (b) IN GENERAL.—Section 216A(a) (8 U.S.C.
18 1186b(a)) is amended, in paragraphs (1), (2)(A), (2)(B),
19 and (2)(C), by inserting “or permanent partner” after
20 “spouse” each place it appears.

21 (c) TERMINATION OF STATUS IF FINDING THAT
22 QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section
23 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by insert-



1 ing “or permanent partner” after “spouse” in the matter
2 following subparagraph (C).

3 (d) REQUIREMENTS OF TIMELY PETITION AND
4 INTERVIEW FOR REMOVAL OF CONDITION.—Section
5 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs
6 (1), (2)(A)(ii), and (3)(C), by inserting “or permanent
7 partner” after “spouse”.

8 (e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C.
9 1186b(f)(2)) is amended by inserting “or permanent part-
10 ner” after “spouse” each place it appears.

11 **SEC. 14. DEPORTABLE ALIENS.**

12 Section 237(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1227(a)) is amended—

14 (1) in paragraph (1)(D)(i), by inserting “or
15 permanent partners” after “spouses” each place it
16 appears;

17 (2) in paragraphs (1)(E)(ii), (1)(E)(iii), and
18 (1)(H)(i)(I), by inserting “or permanent partner”
19 after “spouse”;

20 (3) by adding at the end of paragraph (1) the
21 following new subparagraph:

22 “(I) PERMANENT PARTNERSHIP FRAUD.—

23 An alien shall be considered to be deportable as
24 having procured a visa or other documentation
25 by fraud (within the meaning of section



1 212(a)(6)(C)(i)) and to be in the United States
2 in violation of this Act (within the meaning of
3 subparagraph (B)) if—

4 “(i) the alien obtains any admission to
5 the United States with an immigrant visa
6 or other documentation procured on the
7 basis of a permanent partnership entered
8 into less than 2 years prior to such admis-
9 sion and which, within 2 years subsequent
10 to such admission, is terminated because
11 the criteria for permanent partnership are
12 no longer fulfilled, unless the alien estab-
13 lishes to the satisfaction of the Secretary
14 of Homeland Security that such permanent
15 partnership was not contracted for the
16 purpose of evading any provisions of the
17 immigration laws; or

18 “(ii) it appears to the satisfaction of
19 the Secretary of Homeland Security that
20 the alien has failed or refused to fulfill the
21 alien’s permanent partnership which in the
22 opinion of the Secretary of Homeland Se-
23 curity was made for the purpose of pro-
24 curing the alien’s admission as an immi-
25 grant.”; and



1 (4) in paragraphs (2)(E)(i) and (3)(C)(ii), by
2 inserting “or permanent partner” after “spouse”
3 each place it appears.

4 **SEC. 15. REMOVAL PROCEEDINGS.**

5 Section 240 (8 U.S.C. 1229a) is amended—

6 (1) in the heading of subsection (e)(7)(C)(iv),
7 by inserting “PERMANENT PARTNERS,” after
8 “SPOUSES,”; and

9 (2) in subsection (e)(1), by inserting “or per-
10 manent partner” after “spouse”.

11 **SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF**
12 **STATUS.**

13 Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

14 (1) in paragraph (1)(D), by inserting “or per-
15 manent partner” after “spouse”;

16 (2) in the heading for paragraph (2), by insert-
17 ing “, PERMANENT PARTNER,” after “SPOUSE”; and

18 (3) in paragraph (2)(A), by inserting “, perma-
19 nent partner,” after “spouse” each place it appears.

20 **SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
21 **THAT OF PERSON ADMITTED FOR PERMA-**
22 **NENT RESIDENCE.**

23 (a) PROHIBITION ON ADJUSTMENT OF STATUS.—

24 Section 245(d) (8 U.S.C. 1255(d)) is amended by insert-
25 ing “or permanent partnership” after “marriage”.



1 (b) AVOIDING IMMIGRATION FRAUD.—Section 245(e)
2 (8 U.S.C. 1255(e)) is amended—

3 (1) in paragraph (1), by inserting “or perma-
4 nent partnership” after “marriage”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(4) Paragraph (1) and section 204(g) shall not
8 apply with respect to a permanent partnership if the alien
9 establishes by clear and convincing evidence to the satis-
10 faction of the Secretary of Homeland Security that the
11 permanent partnership was entered into in good faith and
12 in accordance with section 101(a)(52) and the permanent
13 partnership was not entered into for the purpose of pro-
14 curing the alien’s admission as an immigrant and no fee
15 or other consideration was given (other than a fee or other
16 consideration to an attorney for assistance in preparation
17 of a lawful petition) for the filing of a petition under sec-
18 tion 204(a) or 214(d) with respect to the alien permanent
19 partner. In accordance with regulations, there shall be
20 only one level of administrative appellate review for each
21 alien under the previous sentence.”.

22 (c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS
23 PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C.
24 1255(i)(1)(B)) is amended by inserting “or permanent
25 partner” after “spouse” each place it appears.



1 **SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR**
2 **MISREPRESENTATION AND CONCEALMENT**
3 **OF FACTS REGARDING PERMANENT PART-**
4 **NERSHIPS.**

5 Section 275(c) (8 U.S.C. 1325(c)) is amended to read
6 as follows:

7 “(c) Any individual who knowingly enters into a mar-
8 riage or permanent partnership for the purpose of evading
9 any provision of the immigration laws shall be imprisoned
10 for not more than 5 years, or fined not more than
11 \$250,000, or both.”.

12 **SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL**
13 **CHARACTER, ATTACHMENT TO THE PRIN-**
14 **CIPLES OF THE CONSTITUTION.**

15 Section 316(b) (8 U.S.C. 1427(b)) is amended by in-
16 serting “or permanent partner” after “spouse”.

17 **SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO**
18 **PERMANENT PARTNERS OF CERTAIN LIFE**
19 **ACT BENEFICIARIES.**

20 Section 1504 of the LIFE Act (division B of the Mis-
21 cellaneous Appropriations Act, 2001, as enacted into law
22 by section 1(a)(4) of Public Law 106-554) is amended—

23 (1) in the heading, by inserting “, **PERMA-**
24 **NENT PARTNERS,**” after “**SPOUSES**”;

25 (2) in subsection (a), by inserting “, permanent
26 partner,” after “spouse”; and



1 (3) in each of subsections (b) and (c)—

2 (A) in the subsection headings, by insert-
3 ing “, PERMANENT PARTNERS,” after
4 “SPOUSES”; and

5 (B) by inserting “, permanent partner,”
6 after “spouse” each place it appears.

7 **SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.**

8 (a) IN GENERAL.—The first section of Public Law
9 89-732 (November 2, 1966; 8 U.S.C. 1255 note) is
10 amended—

11 (1) in the next to last sentence, by inserting “,
12 permanent partner,” after “spouse” the first two
13 places it appears; and

14 (2) in the last sentence, by inserting “, perma-
15 nent partners,” after “spouses”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 101(a)(51)(D) (8 U.S.C.
18 1101(a)(51)(D)) is amended by striking “or spouse”
19 and inserting “, spouse, or permanent partner”.

20 (2) Section 1506(c)(2)(A)(i)(IV) of the Violence
21 Against Women Act of 2000 (8 U.S.C. 1229a note;
22 division B of Public Law 106-386) is amended by
23 striking “or spouse” and inserting “, spouse, or per-
24 manent partner”.

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RCS# 436
7/06/10
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Atlanta City Council

REGULAR SESSION

PERSONAL

SUPPORTING UNITING AMERICAN FAMILIES
ACT (HR 1024/S.424)
ADOPT/WAN

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

Y Smith	E Archibong	Y Moore	Y Bond
NV Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	B Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

PERSONAL