

117TH CONGRESS
1ST SESSION

H. R. 4522

To amend the Immigration and Nationality Act to provide for the admission of certain sons and daughters of citizens of the United States, which citizens served on active duty in the Armed Forces of the United States abroad, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Mr. KIND (for himself and Mr. FITZPATRICK) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the admission of certain sons and daughters of citizens of the United States, which citizens served on active duty in the Armed Forces of the United States abroad, and for other purposes.

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 “Uniting Families Act
5 of 2021”.

1 **SEC. 2. ADMISSION OF CERTAIN SONS AND DAUGHTERS OF**
2 **CITIZENS OF THE UNITED STATES WHO**
3 **SERVED IN THE ARMED FORCES.**

4 (a) CLASSIFICATION AS A NONIMMIGRANT.—Section
5 101(a)(15) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(15)) is amended—

7 (1) in subparagraph (U), by striking “or” at
8 the end;

9 (2) in subparagraph (V), by striking the period
10 at the end and inserting “; or”; and

11 (3) by inserting after subparagraph (V) the fol-
12 lowing:

13 “(W) subject to section 214(s), an alien
14 who—

15 “(i) is 18 years of age or older and is
16 the son or daughter of a citizen of the
17 United States, which citizen served on ac-
18 tive duty in the Armed Forces of the
19 United States abroad; or

20 “(ii) is the spouse or child of an alien
21 described in clause (i) and is accom-
22 panying, or following to join, the alien.”.

23 (b) REQUIREMENTS FOR ADMISSION.—Section 214
24 of the Immigration and Nationality Act (8 U.S.C. 1184)
25 is amended by adding at the end the following:

1 “(s)(1) Subject to paragraph (3), a visa shall not be
2 issued under section 101(a)(15)(W) until a petition has
3 been filed in the United States by the citizen parent of
4 the visa applicant and approved by the Secretary of Home-
5 land Security.

6 “(2) Subject to paragraph (3), the petition shall be
7 in such form and contain such information as the Sec-
8 retary of Homeland Security shall prescribe, and shall in-
9 clude the following information:

10 “(A) DNA evidence that establishes that the
11 beneficiary is the genetic child of the petitioner.

12 “(B) An agreement in writing that the parent
13 will provide financial support for the beneficiary
14 until the beneficiary’s status is adjusted to the sta-
15 tus of an alien lawfully admitted for permanent resi-
16 dence.

17 “(C) Information that establishes that the peti-
18 tioner—

19 “(i) is a citizen of the United States; and

20 “(ii) served on active duty in the Armed
21 Forces of the United States abroad.

22 “(3)(A) In a case in which the citizen parent who
23 served on active duty in the Armed Forces of the United
24 States abroad is deceased, the petition described in para-

1 graph (1) may be filed by a sibling of the visa applicant
2 if the sibling—

3 “(i) is 18 years of age or older;

4 “(ii) is a citizen of the United States; and

5 “(iii) is capable of providing financial support
6 for the visa applicant until the applicant’s status is
7 adjusted to the status of an alien lawfully admitted
8 for permanent residence.

9 “(B) Such a petition shall be in such form and con-
10 tain such information as the Secretary of Homeland Secu-
11 rity shall prescribe, and shall include the following infor-
12 mation:

13 “(i) Evidence that establishes that the bene-
14 ficiary is the child of a citizen of the United States
15 who served on active duty in the Armed Forces of
16 the United States abroad.

17 “(ii) Evidence that establishes the sibling rela-
18 tionship, such as—

19 “(I) birth certificates showing at least one
20 common parent;

21 “(II) marriage certificates, in a case where
22 the siblings have a common father but different
23 mothers;

24 “(III) other appropriate evidence specified
25 by the Secretary of Homeland Security, in a

1 case in where the siblings are related through
2 adoption or a stepparent; and

3 “(IV) additional information proving the
4 sibling relationship specified by the Secretary of
5 Homeland Security.

6 “(iii) An agreement in writing that the sibling
7 will provide financial support for the beneficiary
8 until the beneficiary’s status is adjusted to the sta-
9 tus of an alien lawfully admitted for permanent resi-
10 dence.

11 “(4) The period of authorized admission for an alien
12 admitted to the United States as a nonimmigrant under
13 section 101(a)(15)(W) shall be 5 years, which may be ex-
14 tended for one additional 2-year period.

15 “(5) The total number of principal aliens who may
16 be admitted under section 101(a)(15)(W) during any fis-
17 cal year may not exceed 5,000.”.

18 (c) ADJUSTMENT OF STATUS.—Section 245 of the
19 Immigration and Nationality Act (8 U.S.C. 1255) is
20 amended by adding at the end the following:

21 “(n)(1) The Secretary of Homeland Security may ad-
22 just the status of an alien admitted to the United States
23 as a nonimmigrant under section 101(a)(15)(W) to that
24 of an alien lawfully admitted for permanent residence if
25 the alien—

1 “(A) is admissible to the United States as an
2 immigrant; and

3 “(B) satisfies the requirements under section
4 312, unless the alien is a child described in section
5 101(a)(15)(W)(ii) who is under the age of 18.

6 “(2) The numerical limitations of sections 201 and
7 202 shall not apply to the adjustment of aliens to lawful
8 permanent resident status under this subsection.”.

9 (d) NATURALIZATION.—Section 312(b) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1423(b)) is amend-
11 ed by inserting at the end the following:

12 “(4) The requirements of subsection (a) shall
13 not apply to any person who has satisfied such re-
14 quirements under section 245(n)(1)(B).”.

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