



## Reuniting Families Act Bill Summary

Immigration is fundamentally about people planting permanent roots in a new country. It should take into account the human need to live with and care for one's family. Our current family-based immigration system, including the diversity visa program and refugee and asylum programs, have contributed to strong, vibrant and diverse American communities, making the United States the country that it is today. Family unity promotes physical and mental health and well-being, security, integration and prosperity. Our immigration system must continue to promote family unity and family reunification.

However, the current family-based immigration system has not been updated in 20 years—keeping spouses, children, and their parents separated for years and often decades. There are nearly 4 million people in the family immigration [backlog](#) waiting unconscionable periods of time to reunite with their family members. The Reuniting Families Act reflects our moral values by reuniting family members to strengthen our communities and our economy. This bill would reduce family immigration visa backlogs and promote humane and timely reunification of immigrant families. Specifically, the bill would:

### **Clear the Family-based & Employment-based Backlogs:**

- **Recapture Immigrant Visas Lost to Bureaucratic Delay**—Recaptures unused employment-based and family-sponsored visas from fiscal years 1992-2015. For future years, unused visa numbers will automatically “roll over” to the next fiscal year. [Between 1992-2009](#), there were over 240,000 unused family-based visas and 506,000 unused employment-based visas.
- **Reclassify Spouses, Permanent Partners & Minor Children of Green Card Holders as “Immediate Relatives”**— a category not subject to annual numerical limits.
- **End the Counting of Derivatives Towards the Caps**— Prevents derivative visa recipients (spouses, permanent partners, and children who are eligible to “accompany” or “follow to join” the primary applicant) from being counted towards the categorical or per-country caps.
- **Raise the Per-Country Limits**— Addresses the decades-long backlogs of people from certain countries by raising the per-country immigration limits from 7% to 20%.
- **Create a Ten Year Maximum Wait Time**— Provides that once a beneficiary has been waiting in line for 10 years, they are no longer subject to the per-country or categorical visa caps.
- **Create Exemption from Family Visa Limit for Certain Sons and Daughters of Veterans from the Philippines**— Honors the contribution of Filipino World War II veterans by reducing their children's waiting times for family-based visas.

### **Provide Relief for Orphans, Widows & Equal Treatment to All Stepchildren:**

- Protects widows, widowers, and orphans by allowing them to continue to wait in line for a visa after the death of a sponsoring relative.
- Affords the same protection to the children of fiancés of U.S. citizens, preventing them from aging out of the visa application process that other married immigrant visa holders have pursuant to the Child Status Protection Act.

- Provides equal treatment for stepchildren by allowing stepchildren under the age of 21 to be reclassified as “immediate relatives” upon their parent’s marriage or permanent partnership (current age limit is 18).

### **Provide Greater Enforcement Relief to Reunify & Keep Families Together:**

- Repeals the three- and ten-year bars, as well as the permanent bar on admission for individuals unlawfully present in the United States from adjusting to legal status.
- Narrows the instances of inadmissibility or deportability for those who willfully misrepresent (versus falsely represent) himself or herself to be a citizen of the United States by accepting any alien under the age of 21 at the time of making the willful misrepresentation.
- Increases the government’s discretion and flexibility in waiving grounds of inadmissibility or deportability in the case of an immigrant who is the parent, spouse, permanent partner, son or daughter of a citizen or LPR, in instances that would not be contrary to the national welfare, safety, or security of the United States, or for humanitarian purposes, family unity, or public interest.

### **Provide Relief for Spouses, Permanent Partners, and Children on H-4 Visas:**

- Allows spouses, permanent partners, and children of H1-B visa holders to contribute to the economy with work authorization.
- Prevents the children of H1-B visa holders from aging out of the H-4 visa or adjustment of status application by freezing the age of the child on the date the employment-based petition is filed.

### **Eliminate Discrimination Facing LGBTQ Families Throughout Our Immigration Laws:**

- Permits U.S. citizens and legal permanent residents in binational same-sex relationships to sponsor their permanent partner for immigration to the U.S. This bill would help individuals whose permanent partner is from a country that does not recognize same-sex marriage. It would also ensure that same-sex refugee partners are resettled together and that asylum grantees can have their nonmarried partners “follow to join” them in the U.S.
- Extends acquired automatic citizenship to children with at least one U.S. citizen parent regardless of a biological relationship to that parent. These provisions apply to children born through Assisted Reproductive Technology and children adopted within the first year of their life.

### **Ensure Retention of Priority Dates:**

- The bill would correct a drafting error in the Child Status Protection Act to protect children from aging out of the visa application as a result of processing delays on the part of the U.S. Citizenship and Immigration Services or the Department of State.
- The bill would provide that a beneficiary of any family or employment-based petition shall retain his or her earliest priority date regardless of the category of subsequent petitions.

### **Embrace the Diversity Visa Program**

- The bill would increase the number of green cards provided through the diversity visa program by increasing the cap from 55,000 to 80,000 visa and no longer counting spouses and children, accompanying or following to join, under the cap.