

AMENDMENT TO RULES COMMITTEE PRINT

117-54

OFFERED BY MS. ROSS OF NORTH CAROLINA

Add at the end of title LVIII of division E the following:

1 **SEC. 28__ . IMMIGRATION AGE-OUT PROTECTIONS.**

2 (a) AGE-OUT PROTECTIONS FOR IMMIGRANTS.—

3 (1) IN GENERAL.—Section 101(b) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1101(b)) is
5 amended by adding at the end the following:

6 “(6) A determination of whether an alien is a
7 child shall be made as follows:

8 “(A) For purposes of a petition under sec-
9 tion 204 and a subsequent application for an
10 immigrant visa or adjustment of status, such
11 determination shall be made using the age of
12 the alien on the date that is the priority date
13 for the principal beneficiary and all derivative
14 beneficiaries under section 203(h).

15 “(B) For purposes of a petition under sec-
16 tion 214(d) and a subsequent application for
17 adjustment of status under section 245(d), such
18 determination shall be made using the age of

1 the alien on the date on which the petition is
2 filed with the Secretary of Homeland Security.

3 “(C) In the case of a petition under section
4 204 filed for an alien’s classification as a mar-
5 ried son or daughter of a United States citizen
6 under section 203(a)(3), if the petition is later
7 converted, due to the legal termination of the
8 alien’s marriage, to a petition to classify the
9 alien as an immediate relative under section
10 201(b)(2)(A)(i) or as an unmarried son or
11 daughter of a United States citizen under sec-
12 tion 203(a)(1), the determination of the alien’s
13 age shall be made using the age of the alien on
14 the date of the termination of the marriage.

15 “(D) For an alien who was in status as a
16 dependent child of a nonimmigrant pursuant to
17 an approved employment-based petition under
18 section 214 or an approved application under
19 section 101(a)(15)(E) for an aggregate period
20 of eight years prior to the age of 21, notwith-
21 standing subparagraphs (A) through (C), the
22 alien’s age shall be based on the date that such
23 initial nonimmigrant employment-based petition
24 or application was filed.

1 “(E) For an alien who has not sought to
2 acquire status of an alien lawfully admitted for
3 permanent residence within two years of an im-
4 migrant visa number becoming available to such
5 alien, the alien’s age shall be their biological
6 age unless the failure to seek to acquire status
7 was due to extraordinary circumstances.

8 “(7) An alien who has reached 21 years of age
9 and has been admitted under section 203(d) as a
10 lawful permanent resident on a conditional basis as
11 the child of an alien lawfully admitted for permanent
12 residence under section 203(b)(5), whose lawful per-
13 manent resident status on a conditional basis is ter-
14 minated under section 216A or section
15 203(b)(5)(M), shall continue to be considered a child
16 of the principal alien for the purpose of a subse-
17 quent immigrant petition by such alien under section
18 203(b)(5) if the alien remains unmarried and the
19 subsequent petition is filed by the principal alien not
20 later than 1 year after the termination of conditional
21 lawful permanent resident status. No alien shall be
22 considered a child under this paragraph with respect
23 to more than 1 petition filed after the alien reaches
24 21 years of age.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—Section 201 of the Immigration and Nation-
3 ality Act (8 U.S.C. 1151) is amended by striking
4 subsection (f).

5 (3) EFFECTIVE DATE.—

6 (A) IN GENERAL.—The amendments made
7 by this section shall be effective as if included
8 in the Child Status Protection Act (Public Law
9 107–208).

10 (B) MOTION TO REOPEN OR RECON-
11 SIDER.—

12 (i) IN GENERAL.—A motion to reopen
13 or reconsider the denial of a petition or ap-
14 plication described in paragraph (6) of sec-
15 tion 101(b), as amended in paragraph (1),
16 may be granted if—

17 (I) such petition or application
18 would have been approved if the
19 amendments described in such para-
20 graph had been in effect at the time
21 of adjudication of the petition or ap-
22 plication;

23 (II) the individual seeking relief
24 pursuant to such motion was in the
25 United States at the time the under-

1 lying petition or application was filed;
2 and

3 (III) such motion is filed with the
4 Secretary of Homeland Security or
5 the Attorney General not later than
6 the date that is 2 years after the date
7 of the enactment of this Act.

8 (ii) NUMERICAL LIMITATIONS.—Not-
9 withstanding any other provision of law, an
10 individual granted relief pursuant to such
11 motion to reopen or reconsider shall be ex-
12 empt from numerical limitations in sec-
13 tions 201, 202, and 203 of the Immigra-
14 tion and Nationality Act (8 U.S.C. 1151,
15 1152, and 1153).

16 (b) AGE OUT PROTECTIONS FOR NONIMMIGRANT
17 DEPENDENT CHILDREN.—Section 214 of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1184) is amended by
19 adding at the end the following:

20 “(s)(1) Except as described in paragraph (2), the de-
21 termination of whether an alien who is the derivative bene-
22 ficiary of a properly filed pending or approved immigrant
23 petition under section 204 is eligible to be a dependent
24 child of a nonimmigrant admitted pursuant to an ap-
25 proved employer petition under this section or approved

1 application under section 101(a)(15)(E), shall be based on
2 whether the alien is determined to be a child under section
3 101(b)(6) of the Immigration and Nationality Act.

4 “(2) If otherwise eligible, an alien who is determined
5 to be a child pursuant to section 101(b)(6)(D) may change
6 status to or extend status as a dependent child of a non-
7 immigrant with an approved employment based petition
8 under this section or an approved application under sec-
9 tion 101(a)(15)(E), notwithstanding such alien’s marital
10 status.

11 “(3) An alien who is admitted to the United States
12 as a dependent child of a nonimmigrant who is described
13 in this section is authorized to engage in employment in
14 the United States incident to status.”.

15 (c) PRIORITY DATE RETENTION.—Section 203(h) of
16 the Immigration and Nationality Act (8 U.S.C. 1153(h))
17 is amended to read as follows:

18 “(h) RETENTION OF PRIORITY DATES.—

19 “(1) PRIORITY DATE.—The priority date for an
20 alien shall be the date that is the earliest of—

21 “(A) the date that a petition under section
22 204 is filed with the Secretary of Homeland Se-
23 curity (or the Secretary of State, if applicable);
24 or

1 “(B) the date on which a labor certifi-
2 cation is filed with the Secretary of Labor.

3 “(2) RETENTION.—The principal beneficiary
4 and all derivative beneficiaries shall retain the pri-
5 ority date associated with the earliest of any ap-
6 proved petition or labor certification and such pri-
7 ority date shall be applicable to any subsequently ap-
8 proved petition.”.

9 **SEC. 28 ____ . MEDICARE IMPROVEMENT FUND.**

10 Section 1898(b)(1) of the Social Security Act (42
11 U.S.C. 1395iii(b)(1)) is amended by striking
12 “\$7,500,000,000” and inserting “\$7,279,000,000”.

