

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require reciprocity from foreign countries for periods of visa validity.

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 _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1 At the end of subtitle C of title II, add the following:

2 **SEC. 2320. VISA RECIPROCITY.**

3 Section 221(c) (8 U.S.C. 1201(c)) is amended to read

4 as follows:

5 “(c) PERIOD OF VALIDITY; REPLACEMENT OF
6 VISA.—

7 “(1) PERIOD OF VALIDITY FOR AN IMMIGRANT

8 VISA.—An immigrant visa shall be valid for such pe-

9 riod, not exceeding 6 months, as shall be by regula-

10 tions prescribed, except that any visa issued to a

11 child lawfully adopted by a United States citizen and

12 spouse while such citizen is serving abroad in the

1 United States Armed Forces, or is employed abroad
2 by the United States Government, or is temporarily
3 abroad on business, shall be valid until such time,
4 for a period not to exceed three years, as the adop-
5 tive citizen parent returns to the United States in
6 due course of his service, employment, or business.

7 “(2) PERIOD OF VALIDITY FOR A NON-
8 IMMIGRANT VISA.—

9 “(A) IN GENERAL.—A nonimmigrant visa
10 shall be valid for such periods as shall be by
11 regulations prescribed. In prescribing the period
12 of validity of a nonimmigrant visa in the case
13 of nationals of any foreign country who are eli-
14 gible for such visas, the Secretary of State
15 shall, insofar as practicable, accord to such na-
16 tionals the same treatment upon a reciprocal
17 basis as such foreign country accords to nation-
18 als of the United States who are within a simi-
19 lar class, provided the Secretary of Homeland
20 Security has determined that the national secu-
21 rity, visa policy, and immigration enforcement
22 interests of the United States (including the in-
23 terest in repatriation of aliens with final execut-
24 able orders of removal) would not be adversely
25 affected, except that in the case of aliens who

1 are nationals of a foreign country and who ei-
2 ther are granted refugee status and firmly re-
3 settled in another foreign country or are grant-
4 ed permanent residence and residing in another
5 foreign country, the Secretary of State may
6 prescribe the period of validity of such a visa
7 based upon the period of visa validity granted
8 by that other foreign country to alien refugees
9 and permanent residents, respectively, in the
10 United States.

11 “(B) ASSESSMENT.—The Secretary of
12 State shall assess, no less frequently than quar-
13 terly, whether a country accords the same pe-
14 riod of visa validity upon a reciprocal basis as
15 nationals of the United States within a similar
16 visa class and if the Secretary determines that
17 reciprocal treatment is not accorded, the Sec-
18 retary shall immediately adjust the period of
19 visa validity accorded nationals of such country
20 to match the treatment accorded nationals of
21 the United States.

22 “(3) REPLACEMENT OF VISA.—An immigrant
23 visa may be replaced under the original number dur-
24 ing the fiscal year in which the original visa was
25 issued for an immigrant who establishes to the satis-

1 faction of the consular officer that he was unable to
2 use the original immigrant visa during the period of
3 its validity because of reasons beyond his control
4 and for which he was not responsible: *Provided*,
5 That the immigrant is found by the consular officer
6 to be eligible for an immigrant visa and the immi-
7 grant pays again the statutory fees for an applica-
8 tion and an immigrant visa.”.