

108TH CONGRESS  
1ST SESSION

# S. 1609

To make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2003

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support.

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 “Parental Responsibility  
5 Obligations Met through Immigration System Enforce-  
6 ment Act” or “PROMISE Act”.

1 **SEC. 2. ALIENS INELIGIBLE TO RECEIVE VISAS AND EX-**  
 2 **CLUDED FROM ADMISSION FOR NON-**  
 3 **PAYMENT OF CHILD SUPPORT.**

4 Section 212(a)(10) of the Immigration and Nation-  
 5 ality Act (8 U.S.C. 1182(a)(10)) is amended by adding  
 6 at the end the following:

7 “(F) NONPAYMENT OF CHILD SUPPORT.—

8 “(i) IN GENERAL.—Except as pro-  
 9 vided in clause (ii), an alien who is legally  
 10 obligated under a judgment, decree, or  
 11 order to pay child support and whose fail-  
 12 ure to pay such child support has resulted  
 13 in an arrearage is inadmissible.

14 “(ii) EXCEPTION.—An alien described  
 15 in clause (i) may be admissible when child  
 16 support payments under the judgment, de-  
 17 cree, or order are satisfied or the alien is  
 18 in compliance with an approved payment  
 19 agreement.”.

20 **SEC. 3. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON**  
 21 **ESTABLISHMENT OF GOOD MORAL CHAR-**  
 22 **ACTER.**

23 Section 101(f) of the Immigration and Nationality  
 24 Act (8 U.S.C. 1101(f)) is amended—

25 (1) in paragraph (8), by striking the period at  
 26 the end and inserting “; or”; and

1           (2) by inserting after paragraph (8) the fol-  
2           lowing:

3           “(9) one who is legally obligated under a judg-  
4           ment, decree, or order to pay child support (as de-  
5           fined in section 212(a)(10)), and whose failure to  
6           pay such child support has resulted in any arrear-  
7           age, unless support payments under the judgment,  
8           decree, or order are satisfied or the alien is in com-  
9           pliance with an approved payment agreement.”.

10 **SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN**  
11                           **CHILD SUPPORT CASES ON CERTAIN ARRIV-**  
12                           **ING ALIENS.**

13           Section 235(d) of the Immigration and Nationality  
14 Act (8 U.S.C. 1225(d)) is amended by adding at the end  
15 the following:

16           “(5) **AUTHORITY TO SERVE PROCESS IN CHILD**  
17           **SUPPORT CASES.—**

18           “(A) **IN GENERAL.—**To the extent con-  
19           sistent with State law, immigration officers are  
20           authorized to serve on any alien who is an ap-  
21           plicant for admission to the United States, legal  
22           process with respect to any action to enforce a  
23           legal obligation of an individual to pay child  
24           support (as defined in section 459(i) of the So-  
25           cial Security Act).

1           “(B) DEFINITION.—For purposes of sub-  
 2           paragraph (A), the term ‘legal process’ means  
 3           any writ, order, summons, or other similar  
 4           process that is issued by—

5                   “(i) a court or an administrative  
 6                   agency of competent jurisdiction in any  
 7                   State, territory, or possession of the  
 8                   United States; or

9                   “(ii) an authorized official pursuant to  
 10                  an order of such a court or agency or pur-  
 11                  suant to State or local law.”.

12 **SEC. 5. AUTHORIZATION TO OBTAIN INFORMATION ON**  
 13 **CHILD SUPPORT PAYMENTS BY ALIENS.**

14           Section 453(h) of the Social Security Act (42 U.S.C.  
 15 653(h)) is amended by adding at the end the following:

16                   “(4) PROVISION TO ATTORNEY GENERAL AND  
 17                   SECRETARY OF STATE OF INFORMATION ON PER-  
 18                   SONS DELINQUENT IN CHILD SUPPORT PAY-  
 19                   MENTS.—On request by the Attorney General, Sec-  
 20                   retary of Homeland Security, or the Secretary of  
 21                   State, the Secretary of Health and Human Services  
 22                   shall provide the requestor with such information as  
 23                   the Secretary of Health and Human Services deter-  
 24                   mines may aid them in determining whether an alien  
 25                   is delinquent in the payment of child support.”.

1 **SEC. 6. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 take effect on the date that is 90 days after the date of  
4 enactment of this Act and shall apply to aliens who apply  
5 for benefits under the Immigration and Nationality Act  
6 (8 U.S.C. 1101 et seq.) on or after such effective date.

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