

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking “201(b)(2)(A)” and inserting “201(b)(2)”;

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking “201(b)(2)(A)(i)” and inserting “201(b)(2)”;

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking “201(b)(2)(A)(i)” each place it appears and inserting “201(b)(2)”;

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking “201(b)(2)(A)(i)” and inserting “201(b)(2)”;

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

“SEC. 203A—IMMIGRANT VISAS FOR HARDSHIP CASES.

“(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

“(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

“(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

“(A) the unmarried sons or daughters of citizens of the United States;

“(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

“(C) the married sons or married daughters of citizens of the United States; or

“(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age.

“(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a non-immigrant.

“(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203 (a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

“(c) PROCESSING OF APPLICATIONS.—

(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or

an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

“(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

“(3) The secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of fiscal year.

“(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary”.

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking “(a), (b), or (c),” and inserting “(a) or (b),”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”.

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105-100; U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based on the diversity visa program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153 (a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

“(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of aban-

doning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;”.

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

“(s) Parent Visitor Visas

“(1) IN GENERAL.—The parent of United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted nonimmigrant visa under section 101(a)(15)(B) as temporary visitor for pleasure.

“(2) REQUIREMENTS.—An alien seeking non-immigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

“(A) the alien’s United States citizen son or daughter who is at least 21 years of age or the alien’s spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien’s visit to the United States;

“(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of \$1,000, which shall be forfeit if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her non-immigrant status; and

“(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

“(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

“(A) may not stay in the United States for an aggregate period in excess of 30 days within any calendar year.

“(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

“(C) may not be issued employment authorization by the Secretary or be employed.

“(4) CERTIFICATION.—

“(A) REPORT.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (S)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

“(B) TERMINATION OF ELIGIBILITY OF NATIONALS OF CERTAIN COUNTRIES.—Except as provided in subparagraph (C), if the Secretary reports under subparagraph (A) for two consecutive fiscal years that the percentage of aliens overstaying their period of authorized admission exceeds 7 percent, the Secretary may, in his discretion, determine that no more visas under this section may be issued for those countries whose nationals have a disproportionately high rate of aliens overstaying their period of authorized admission under this subsection.

“(C) TERMINATION OF THE PROGRAM.—Notwithstanding subparagraph (B), if the Secretary reports under subparagraph (A) for two consecutive fiscal years that the percentage of aliens overstaying their period of