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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To amend the Immigration and Nationality Act to promote family unity,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. ESCOBAR introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Immigration and Nationality Act to promote
family unity, and for other purposes.

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 “American Families
5 United Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The rights and interests of United States
2 citizens should be protected by our Nation’s immi-
3 gration laws.

4 (2) It is the intent of Congress to provide the
5 Attorney General and Secretary of Homeland Secu-
6 rity with the ability to exercise their discretion in
7 favor of preventing hardship to the spouses, chil-
8 dren, and parents of United States citizens in immi-
9 gration proceedings, on a case-by-case basis, to en-
10 sure fairness and prevent hardships associated with
11 family separation.

12 **SEC. 3. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed to provide the
14 Attorney General or the Secretary of Homeland Security
15 with the ability to exercise the discretionary authority pro-
16 vided in this Act, except on a case-by-case basis.

17 **SEC. 4. DISCRETIONARY AUTHORITY WITH RESPECT TO RE-**
18 **MOVAL, DEPORTATION, INELIGIBILITY OR IN-**
19 **ADMISSIBILITY OF CITIZEN FAMILY MEM-**
20 **BERS.**

21 (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—
22 Section 240(c)(4) of the Immigration and Nationality Act
23 (8 U.S.C. 1229a(c)(4)) is amended by adding at the end
24 the following:

25 “(D) JUDICIAL DISCRETION.—

1 “(i) IN GENERAL.—In the case of an
2 alien in removal proceedings, who is the
3 spouse or child of a United States citizen,
4 the Attorney General may, for reasons de-
5 scribed in clause (ii)—

6 “(I) decline to order such alien
7 removed from the United States;

8 “(II) terminate such removal
9 proceedings; or

10 “(III) grant such alien permis-
11 sion to reapply for admission to the
12 United States or any other application
13 for relief from removal.

14 “(ii) LIMITATION ON DISCRETION.—

15 “(I) IN GENERAL.—The Attorney
16 General may exercise discretion de-
17 scribed in clause (i) if the Attorney
18 General determines that removal of
19 the alien or the denial of a requested
20 benefit would result in hardship to the
21 alien’s United States citizen spouse,
22 parent, or child.

23 “(II) HARDSHIP.—For purposes
24 of subclause (I), there is a presump-

1 tion that family separation shall result
2 in hardship.

3 “(iii) EXCLUSIONS.—This subpara-
4 graph shall not apply to an alien whom the
5 Attorney General determines is inadmis-
6 sible or deportable under—

7 “(I) subparagraph (B), (C),
8 (D)(ii), (E), (H), or (I) of section
9 212(a)(2);

10 “(II) section 212(a)(3);

11 “(III) subparagraph (A), (C), or
12 (D) of section 212(a)(10); or

13 “(IV) paragraph (2)(A)(iii),
14 (2)(A)(v), (2)(F), (4), or (6) of sec-
15 tion 237(a).”.

16 (b) SECRETARY’S DISCRETION.—Section 212 of the
17 Immigration and Nationality Act (8 U.S.C. 1182) is
18 amended—

19 (1) by redesignating the second subsection (t)
20 as subsection (u); and

21 (2) by adding at the end the following:

22 “(v) SECRETARY’S DISCRETION.—

23 “(1) IN GENERAL.—In the case of an alien who
24 is the spouse or child of a United States citizen, and
25 who is inadmissible under subsection (a), deportable

1 under section 237, or ineligible for any immigration
2 benefit or relief under the immigration laws as a re-
3 sult of such inadmissibility or deportability, the Sec-
4 retary of Homeland Security may, for reasons de-
5 scribed in paragraph (2)—

6 “(A) waive one or more grounds of inad-
7 missibility or deportability;

8 “(B) decline to issue a notice to appear re-
9 quiring such an alien to appear for removal pro-
10 ceedings;

11 “(C) decline to reinstate an order of re-
12 moval under section 241(a)(5); and

13 “(D) grant such alien permission to re-
14 apply for admission to the United States or any
15 other application for an immigration benefit.

16 “(2) LIMITATION ON DISCRETION.—

17 “(A) IN GENERAL.—The Secretary of
18 Homeland Security may exercise discretion de-
19 scribed in paragraph (1) if the Secretary deter-
20 mines that removal of the alien or the denial of
21 a requested benefit would result in hardship to
22 the alien’s United States citizen spouse, parent,
23 or child.

1 “(B) HARDSHIP.—For purposes of sub-
2 paragraph (A), there is a presumption that
3 family separation shall result in hardship.

4 “(3) EXCLUSIONS.—This subsection shall not
5 apply to an alien whom the Secretary determines is
6 inadmissible or deportable under—

7 “(A) subparagraph (B), (C), (D)(ii), (E),
8 (H), or (I) of subsection (a)(2);

9 “(B) subsection (a)(3);

10 “(C) subparagraph (A), (C), or (D) of sub-
11 section (a)(10); or

12 “(D) paragraph (2)(A)(iii), (2)(A)(v),
13 (2)(F), or (6) of section 237(a).”.

14 (c) NATIONALITY AT BIRTH AND COLLECTIVE NATU-
15 RALIZATION.—Section 301(g) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1401(g)) is amended by striking
17 “for a period or periods totaling not less than five years,
18 at least two of which were after attaining the age of four-
19 teen years”.