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(Original Signature of Member)

119TH 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. RULE OF CONSTRUCTION.**

7 Nothing in this Act shall be construed—

8 (1) to provide the Secretary of Homeland Secu-  
9 rity or the Attorney General with the ability to exer-

1       eise the discretionary authority provided in this Act,  
2       or by an amendment made by this Act, except on a  
3       case-by-case basis; or

4               (2) to otherwise modify or limit the discre-  
5       tionary authority of the Secretary of Homeland Se-  
6       curity or the Attorney General under the immigra-  
7       tion laws (as defined in section 101(a)(17) of the  
8       Immigration and Nationality Act (8 U.S.C.  
9       1101(a)(17))).

10 **SEC. 3. DISCRETIONARY AUTHORITY WITH RESPECT TO**  
11                       **FAMILY MEMBERS OF UNITED STATES CITI-**  
12                       **ZENS.**

13       (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—  
14 Section 240(c)(4) of the Immigration and Nationality Act  
15 (8 U.S.C. 1229a(c)(4)) is amended by adding at the end  
16 the following:

17                       “(D) JUDICIAL DISCRETION.—

18                               “(i) IN GENERAL.—In the case of an  
19                               alien who is the spouse or child of a citizen  
20                               of the United States, the Attorney General  
21                               may subject to clause (ii)—

22                                       “(I) terminate any removal pro-  
23                                       ceedings against the alien;

24                                       “(II) decline to order the alien  
25                                       removed from the United States;

1           “(III) grant the alien permission  
2           to reapply for admission to the United  
3           States; or

4           “(IV) subject to clause (iii),  
5           waive the application of one or more  
6           grounds of inadmissibility or deport-  
7           ability in connection with any request  
8           for relief from removal.

9           “(ii) LIMITATION ON DISCRETION.—

10           “(I) IN GENERAL.—The Attorney  
11           General may exercise the discretion  
12           described in clause (i) if the Attorney  
13           General determines that removal of  
14           the alien or the denial of a request for  
15           relief from removal would result in  
16           hardship to the alien’s United States  
17           citizen spouse, parent, or child. There  
18           shall be a presumption that family  
19           separation constitutes hardship.

20           “(II) WIDOW AND SURVIVING  
21           CHILD OF DECEASED UNITED STATES  
22           CITIZEN.—In the case of the death of  
23           a citizen of the United States, the At-  
24           torney General may exercise discretion  
25           described in clause (i) with respect to

1 an alien who was a child of such cit-  
2 izen, or was the spouse of such citizen  
3 and was not legally separated from  
4 such citizen on the date of the citi-  
5 zen's death, if—

6 “(aa) the Attorney General  
7 determines that removal of the  
8 child or spouse or the denial of a  
9 requested benefit would result in  
10 hardship to the child or spouse;  
11 and

12 “(bb) the child or spouse  
13 seeks relief requiring such discre-  
14 tion not later than two years  
15 after the date of the citizen's  
16 death or demonstrates to the sat-  
17 isfaction of the Attorney General  
18 the existence of extraordinary cir-  
19 cumstances that prevented the  
20 spouse or child from seeking re-  
21 lief within such period.

22 “(iii) EXCLUSIONS.—This subpara-  
23 graph shall not apply to an alien whom the  
24 Attorney General determines—

25 “(I) is inadmissible under—

1 “(aa) paragraph (2) or (3)  
2 of section 212(a); or

3 “(bb) subparagraph (A),  
4 (C), or (D) of section 212(a)(10);

5 or

6 “(II) is deportable under para-  
7 graph (2), (4), or (6) of section  
8 237(a).”.

9 (b) SECRETARY’S DISCRETION.—Section 212 of the  
10 Immigration and Nationality Act (8 U.S.C. 1182) is  
11 amended—

12 (1) by redesignating the second subsection (t)  
13 as subsection (u); and

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

15 “(v) SECRETARY’S DISCRETION.—

16 “(1) IN GENERAL.—In the case of an alien who  
17 is the spouse or child of a citizen of the United  
18 States, the Secretary of Homeland Security may,  
19 subject to paragraph (2)—

20 “(A) waive the application of one or more  
21 grounds of inadmissibility or deportability in  
22 connection with an application for an immigra-  
23 tion benefit or request for relief from removal;

1           “(B) decline to issue a notice to appear or  
2 other charging document requiring such an  
3 alien to appear for removal proceedings;

4           “(C) decline to reinstate an order of re-  
5 moval under section 241(a)(5); or

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

9           “(2) LIMITATION ON DISCRETION.—

10           “(A) IN GENERAL.—The Secretary of  
11 Homeland Security may exercise discretion de-  
12 scribed in paragraph (1) if the Secretary deter-  
13 mines that removal of the alien or the denial of  
14 a requested benefit would result in hardship to  
15 the alien’s United States citizen spouse, parent,  
16 or child. There shall be a presumption that  
17 family separation constitutes hardship.

18           “(B) WIDOW AND ORPHAN OF DECEASED  
19 UNITED STATES CITIZEN.—In the case of the  
20 death of a citizen of the United States, the Sec-  
21 retary of Homeland Security may exercise dis-  
22 cretion described in paragraph (1) with respect  
23 to an alien who was a child of such citizen, or  
24 was the spouse of such citizen and was not le-

1 gally separated from such citizen on the date of  
2 the citizen's death, if—

3 “(i) the Secretary determines that the  
4 denial of a requested benefit would result  
5 in hardship to the child or spouse; and

6 “(ii) the child or spouse seeks relief  
7 requiring such discretion not later than  
8 two years after the date of the citizen's  
9 death or demonstrates to the satisfaction  
10 of the Secretary the existence of extraor-  
11 dinary circumstances that prevented the  
12 spouse or child from seeking relief within  
13 such period.

14 “(3) EXCLUSIONS.—This subsection shall not  
15 apply to an alien whom the Secretary determines—

16 “(A) is inadmissible under—

17 “(i) paragraph (2) or (3) of sub-  
18 sections (a); or

19 “(ii) subparagraphs (A), (C), or (D)  
20 of subsection (a)(10); or

21 “(B) is deportable under paragraphs (2),  
22 (4), or (6) of section 237(a).”.

23 **SEC. 4. MOTIONS TO REOPEN OR RECONSIDER.**

24 (a) IN GENERAL.—A motion to reopen or reconsider  
25 the denial of a petition or application or an order of re-

1 moval for an alien may be granted if such petition, appli-  
2 cation, or order would have been adjudicated in favor of  
3 the alien had this Act, or an amendment made by this  
4 Act, been in effect at the time of such denial or order.

5 (b) FILING REQUIREMENT.—A motion under sub-  
6 section (a) shall be filed no later than the date that is  
7 2 years after the date of the enactment of this Act, unless  
8 the alien demonstrates to the satisfaction of the Secretary  
9 of Homeland Security or Attorney General, as appro-  
10 priate, the existence of extraordinary circumstances that  
11 prevented the alien from filing within such period.