

110TH CONGRESS
1ST SESSION

H. R. 1176

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. SERRANO (for himself, Mr. ACKERMAN, Mr. TOWNS, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

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. DISCRETIONARY AUTHORITY WITH RESPECT**
4 **TO REMOVAL, DEPORTATION, OR EXCLUSION**
5 **OF PARENTS OF CITIZEN CHILDREN.**

6 Section 240(c)(4) of the Immigration and Nationality
7 Act (8 U.S.C. 1229a(c)(4)) is amended by adding at the
8 end the following:

1 “(D) DISCRETION OF JUDGE IN CASE OF
2 CITIZEN CHILD.—In the case of an alien subject
3 to removal, deportation, or exclusion who is the
4 parent of a child who is a citizen of the United
5 States, the immigration judge may exercise dis-
6 cretion to decline to order the alien removed,
7 deported or excluded from the United States if
8 the judge determines that such removal, depor-
9 tation, or exclusion is clearly against the best
10 interests of the child, except that this subpara-
11 graph shall not apply to any alien who the
12 judge determines—

13 “(i) is described in section 212(a)(3)
14 or 237(a)(4); or

15 “(ii) has engaged in conduct described
16 in paragraph (8) or (9) of section 103 of
17 the Trafficking Victims Protection Act of
18 2000 (22 U.S.C. 7102).”.

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