

117TH CONGRESS
1ST SESSION

H. R. 2766

To grant lawful permanent resident status to certain eligible persons who were separated from immediate family members by the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2021

Mr. CASTRO of Texas (for himself, Ms. SCHAKOWSKY, Mr. CÁRDENAS, Mr. MCGOVERN, Ms. BASS, Ms. NORTON, Mr. ESPAILLAT, Ms. LEE of California, Mr. HUFFMAN, Mr. JONES, Mr. THOMPSON of California, Mr. GALLEGO, Mr. BLUMENAUER, Ms. BARRAGÁN, Ms. JAYAPAL, Ms. OMAR, Mrs. NAPOLITANO, Mr. VARGAS, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE, Ms. SCANLON, Mr. CASTEN, Mr. CARSON, Mr. SMITH of Washington, Mrs. TORRES of California, Mr. TAKANO, Ms. OCASIO-CORTEZ, Mr. GOMEZ, Mr. JOHNSON of Georgia, Mrs. KIRKPATRICK, Ms. PRESSLEY, Ms. DEGETTE, Mr. CONNOLLY, Ms. BONAMICI, Mr. SOTO, Mr. POCAN, Mr. GARCÍA of Illinois, Ms. MCCOLLUM, Mr. TORRES of New York, Mrs. WATSON COLEMAN, Ms. TLAIB, Ms. GARCIA of Texas, Mr. GREEN of Texas, Mr. BOWMAN, Ms. CHU, Mr. GRIJALVA, Ms. BUSH, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To grant lawful permanent resident status to certain eligible persons who were separated from immediate family members by the Department of Homeland Security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Families Belong To-
3 gether Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ELIGIBLE CHILD.**—The term “eligible
7 child” means a person who, regardless of whether
8 the person is in the United States or abroad—

9 (A) entered the United States before at-
10 taining 18 years of age at a port of entry or be-
11 tween ports of entry;

12 (B) was separated from his or her parent
13 or legal guardian by the Department of Home-
14 land Security between January 20, 2017, and
15 January 20, 2021; and

16 (C) is not inadmissible under paragraph
17 (2)(C)(i), (2)(E), (2)(G), (2)(I), or (3) of sec-
18 tion 212(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)).

20 (2) **ELIGIBLE PARENT.**—The term “eligible
21 parent” means a person who, regardless of whether
22 the person is in the United States or abroad—

23 (A) is a parent or legal guardian of an eli-
24 gible child;

25 (B) entered the United States at a port of
26 entry, or between ports of entry, with an eligi-

1 ble child to whom he or she is a parent or legal
2 guardian;

3 (C) was separated from his or her eligible
4 child by the Department of Homeland Security
5 between January 20, 2017, and January 20,
6 2021; and

7 (D) is not inadmissible under paragraph
8 (2)(C)(i), (2)(E), (2)(G), (2)(I), or (3) of sec-
9 tion 212(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a)).

11 **SEC. 3. HUMANITARIAN PAROLE.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-
13 rity shall grant humanitarian parole into the United
14 States to any eligible parent or eligible child who expressly
15 requests and applies for such parole, whether or not such
16 eligible parent or eligible child is physically present in the
17 United States.

18 (b) FEE AND SPONSOR PROHIBITED.—The Secretary
19 of Homeland Security may not—

20 (1) impose a fee in conjunction with a request
21 or application for parole under subsection (a); or

22 (2) require the applicant to secure a fiscal spon-
23 sor.

24 (c) CONSULTATION REQUIREMENT.—The Secretary
25 of Homeland Security shall consult with the Secretary of

1 State to ensure coordination with local consular officials
2 abroad.

3 **SEC. 4. ADJUSTMENT OF STATUS.**

4 (a) **ELIGIBLE PARENTS.—**

5 (1) **APPLICATION.—**Eligible parents in the
6 United States may submit an application to the Di-
7 rector of U.S. Citizenship and Immigration Services
8 to have their status adjusted to that of an alien law-
9 fully admitted for permanent residence.

10 (2) **ADJUSTMENT OF STATUS.—**Not later than
11 30 days after receiving an application from an eligi-
12 ble parent pursuant to paragraph (1), the Director
13 shall adjust the status of such eligible parent to that
14 of an alien lawfully admitted for permanent resi-
15 dence.

16 (b) **ELIGIBLE CHILDREN.—**

17 (1) **APPLICATION.—**Eligible children in the
18 United States may submit an application to the Di-
19 rector of U.S. Citizenship and Immigration Services
20 to have their status adjusted to that of an alien law-
21 fully admitted for permanent residence.

22 (2) **ADJUSTMENT.—**Not later than 30 days
23 after receiving an application from an eligible child
24 pursuant to paragraph (1), the Director shall adjust

1 the status of such child to that of an alien lawfully
2 admitted for permanent residence.

3 (c) EXEMPTION FROM NUMERICAL LIMITATIONS.—

4 The numerical limitations set forth in sections 201 and
5 202 of the Immigration and Nationality Act (8 U.S.C.
6 1151 and 1152) shall not apply to aliens whose status is
7 adjusted pursuant to subsection (a) or (b).

8 (d) APPLICATION FEES PROHIBITED.—The Director
9 of U.S. Citizenship and Immigration Services may not im-
10 pose a fee for—

11 (1) any application submitted under this sec-
12 tion; or

13 (2) any filing related to such application, in-
14 cluding the submission of biometric information or
15 an application for waiver of grounds of inadmis-
16 sibility.

17 (e) ELIGIBILITY FOR BENEFITS AND SERVICES.—

18 Notwithstanding title IV of the Personal Responsibility
19 and Work Opportunity Reconciliation Act of 1996 (8
20 U.S.C. 1601 et seq.), an eligible parent or eligible child
21 whose status is adjusted to that of an alien lawfully admit-
22 ted for permanent residence shall be eligible for benefits
23 and services under any Federal or State program or activ-
24 ity to the same extent as an alien who is admitted to the

1 United States as a refugee under section 207 of the Immi-
2 gration and Nationality Act (8 U.S.C. 1157).

3 **SEC. 5. DISCRETION OF THE SECRETARY OF HOMELAND**
4 **SECURITY.**

5 (a) WAIVER OF GROUNDS OF INADMISSIBILITY.—
6 Notwithstanding any other provision of law, the Secretary
7 of Homeland Security may waive the operation of one or
8 more grounds of inadmissibility set forth in section 212(a)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1182(a)) (other than paragraph (3)(E) of such section)
11 with respect to an eligible child or an eligible parent, for
12 humanitarian purposes, to ensure family unity, or when
13 such waiver is otherwise in the public interest.

14 (b) SAVINGS PROVISION.—Nothing in this Act may
15 be construed to reduce or diminish the discretion provided
16 to the Secretary of Homeland Security under section
17 212(a) of the Immigration and Nationality Act (8 U.S.C.
18 1182(a)).

19 **SEC. 6. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL**
20 **REVIEW.**

21 (a) ADMINISTRATIVE REVIEW.—Not later than 30
22 days after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall provide a process for
24 aliens who have applied for adjustment of status under
25 this Act to seek administrative appellate review of a denial

1 of an application for adjustment of status, or a revocation
2 of such status.

3 (b) JUDICIAL REVIEW.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, an alien may seek judicial review of
6 a denial of an application for adjustment of status,
7 or a revocation of such status, under this Act in an
8 appropriate United States district court.

9 (2) SCOPE OF REVIEW AND DECISION.—Not-
10 withstanding any other provision of law, the review
11 authorized under paragraph (1) shall be de novo and
12 shall be based solely on the administrative record,
13 except that the applicant shall be given the oppor-
14 tunity to supplement the administrative record and
15 the Secretary of Homeland Security shall be given
16 the opportunity to rebut the evidence and arguments
17 raised in such submission. Upon issuing its decision,
18 the court shall remand the matter, with appropriate
19 instructions, to the Department of Homeland Secu-
20 rity to render a final decision on the application.

21 (c) APPOINTED COUNSEL.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, an applicant seeking judicial review
24 under this section shall be represented by counsel,
25 who shall be appointed, upon the request of the ap-

1 plicant, in accordance with procedures established by
2 the Attorney General.

3 (2) RULEMAKING.—Not later than 90 days
4 after the date of the enactment of this Act, the At-
5 torney General shall establish procedures for the ap-
6 pointment of counsel under paragraph (1).

7 (3) FUNDING.—Counsel appointed pursuant to
8 paragraph (1) shall be paid from amounts appro-
9 priated pursuant to section 7(2).

10 (d) STAY OF REMOVAL.—An alien seeking adminis-
11 trative or judicial review under this section may not be
12 removed from the United States until a final decision is
13 rendered establishing that the alien is ineligible for adjust-
14 ment of status under section 4.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—In addition to any other amounts
17 otherwise authorized to be appropriated for such purpose,
18 there is authorized to be appropriated—

19 (1) \$5,000,000 to the Department of State in
20 fiscal year 2021 to locate and educate eligible par-
21 ents and children abroad about opportunities for hu-
22 manitarian parole; and

23 (2) \$5,000,000 to the Executive Office for Im-
24 migration Review of the Department of Justice in
25 fiscal year 2021 for the provision of legal services,

1 including educating eligible parents and eligible chil-
2 dren of their rights under this Act.

3 (b) AVAILABILITY OF FUNDS.—Amounts appro-
4 priated pursuant to subsection (a) shall remain available
5 until expended.

○