

117TH CONGRESS  
1ST SESSION

# H. R. 2920

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Ms. ESCOBAR (for herself and Mr. VALADAO) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## 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:

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

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

9   **SEC. 3. RULE OF CONSTRUCTION.**

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

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

18          (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—  
19          Section 240(c)(4) of the Immigration and Nationality Act  
20          (8 U.S.C. 1229a(c)(4)) is amended by adding at the end  
21          the following:

22                   “(D) JUDICIAL DISCRETION.—

23                   “(i) IN GENERAL.—In the case of an  
24                   alien in removal proceedings, who is the  
25                   spouse or child of a United States citizen,

1 the Attorney General may, for reasons de-  
2 scribed in clause (ii)—

3 “(I) decline to order such alien  
4 removed from the United States;

5 “(II) terminate such removal  
6 proceedings; or

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

11 “(ii) LIMITATION ON DISCRETION.—

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

20 “(II) HARDSHIP.—For purposes  
21 of subclause (I), there is a presump-  
22 tion that family separation shall result  
23 in hardship.

24 “(iii) EXCLUSIONS.—This subpara-  
25 graph shall not apply to an alien whom the

1 Attorney General determines is inadmiss-  
2 sible or deportable under—

3 “(I) subparagraph (B), (C),  
4 (D)(ii), (E), (H), or (I) of section  
5 212(a)(2);

6 “(II) section 212(a)(3);

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

9 “(IV) paragraph (2)(A)(iii),  
10 (2)(A)(v), (2)(F), (4), or (6) of sec-  
11 tion 237(a).”.

12 (b) SECRETARY’S DISCRETION.—Section 212 of the  
13 Immigration and Nationality Act (8 U.S.C. 1182) is  
14 amended—

15 (1) by redesignating the second subsection (t)  
16 as subsection (u); and

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

18 “(v) SECRETARY’S DISCRETION.—

19 “(1) IN GENERAL.—In the case of an alien who  
20 is the spouse or child of a United States citizen, and  
21 who is inadmissible under subsection (a), deportable  
22 under section 237, or ineligible for any immigration  
23 benefit or relief under the immigration laws as a re-  
24 sult of such inadmissibility or deportability, the Sec-

1       retary of Homeland Security may, for reasons de-  
2       scribed in paragraph (2)—

3               “(A) waive one or more grounds of inad-  
4               missibility or deportability;

5               “(B) decline to issue a notice to appear re-  
6               quiring such an alien to appear for removal pro-  
7               ceedings;

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

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

13       “(2) LIMITATION ON DISCRETION.—

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

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

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

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

6                     “(B) subsection (a)(3);

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

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

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

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