

113TH CONGRESS  
1ST SESSION

# H. R. 406

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. SERRANO introduced the following bill; which was referred to the  
Committee on the Judiciary

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## 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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