

117TH CONGRESS
1ST SESSION

S. 1375

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 SENATE OF THE UNITED STATES

APRIL 27, 2021

Mr. BLUMENTHAL (for himself, Mr. MERKLEY, Mr. MARKEY, Ms. WARREN, Mr. BOOKER, Mrs. GILLIBRAND, Ms. HIRONO, Mr. SANDERS, Mr. CARDIN, Mr. WYDEN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Families Belong To-
5 gether Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (A) entered the United States before at-
5 taining 18 years of age at a port of entry or be-
6 tween ports of entry;

7 (B) was separated from his or her parent
8 or legal guardian by the Department of Home-
9 land Security between January 20, 2017, and
10 January 20, 2021; and

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

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

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

20 (B) entered the United States at a port of
21 entry, or between ports of entry, with an eligi-
22 ble child to whom he or she is a parent or legal
23 guardian;

24 (C) was separated from his or her eligible
25 child by the Department of Homeland Security

1 between January 20, 2017, and January 20,
2 2021; and

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

7 **SEC. 3. HUMANITARIAN PAROLE.**

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

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

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

18 (2) require the applicant to secure a fiscal spon-
19 sor.

20 (c) CONSULTATION REQUIREMENT.—The Secretary
21 of Homeland Security shall consult with the Secretary of
22 State to ensure coordination with local consular officials
23 abroad.

24 **SEC. 4. ADJUSTMENT OF STATUS.**

25 (a) ELIGIBLE PARENTS.—

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

6 (2) ADJUSTMENT OF STATUS.—Not later than
7 30 days after receiving an application from an eligi-
8 ble parent pursuant to paragraph (1), the Director
9 shall adjust the status of such eligible parent to that
10 of an alien lawfully admitted for permanent resi-
11 dence.

12 (b) ELIGIBLE CHILDREN.—

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

18 (2) ADJUSTMENT.—Not later than 30 days
19 after receiving an application from an eligible child
20 pursuant to paragraph (1), the Director shall adjust
21 the status of such child to that of an alien lawfully
22 admitted for permanent residence.

23 (c) EXEMPTION FROM NUMERICAL LIMITATIONS.—
24 The numerical limitations set forth in sections 201 and
25 202 of the Immigration and Nationality Act (8 U.S.C.

1 1151 and 1152) shall not apply to aliens whose status is
2 adjusted pursuant to subsection (a) or (b).

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

6 (1) any application submitted under this sec-
7 tion; or

8 (2) any filing related to such application, in-
9 cluding the submission of biometric information or
10 an application for waiver of grounds of inadmis-
11 sibility.

12 (e) ELIGIBILITY FOR BENEFITS AND SERVICES.—
13 Notwithstanding title IV of the Personal Responsibility
14 and Work Opportunity Reconciliation Act of 1996 (8
15 U.S.C. 1601 et seq.), an eligible parent or eligible child
16 whose status is adjusted to that of an alien lawfully admit-
17 ted for permanent residence shall be eligible for benefits
18 and services under any Federal or State program or activ-
19 ity to the same extent as an alien who is admitted to the
20 United States as a refugee under section 207 of the Immi-
21 gration and Nationality Act (8 U.S.C. 1157).

22 **SEC. 5. DISCRETION OF THE SECRETARY OF HOMELAND**
23 **SECURITY.**

24 (a) WAIVER OF GROUNDS OF INADMISSIBILITY.—
25 Notwithstanding any other provision of law, the Secretary

1 of Homeland Security may waive the operation of one or
2 more grounds of inadmissibility set forth in section 212(a)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1182(a)) (other than paragraph (3)(E) of such section)
5 with respect to an eligible child or an eligible parent, for
6 humanitarian purposes, to ensure family unity, or when
7 such waiver is otherwise in the public interest.

8 (b) SAVINGS PROVISION.—Nothing in this Act may
9 be construed to reduce or diminish the discretion provided
10 to the Secretary of Homeland Security under section
11 212(a) of the Immigration and Nationality Act (8 U.S.C.
12 1182(a)).

13 **SEC. 6. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL**
14 **REVIEW.**

15 (a) ADMINISTRATIVE REVIEW.—Not later than 30
16 days after the date of the enactment of this Act, the Sec-
17 retary of Homeland Security shall provide a process for
18 aliens who have applied for adjustment of status under
19 this Act to seek administrative appellate review of a denial
20 of an application for adjustment of status, or a revocation
21 of such status.

22 (b) JUDICIAL REVIEW.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, an alien may seek judicial review of
25 a denial of an application for adjustment of status,

1 or a revocation of such status, under this Act in an
2 appropriate United States district court.

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

15 (c) APPOINTED COUNSEL.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, an applicant seeking judicial review
18 under this section shall be represented by counsel,
19 who shall be appointed, upon the request of the ap-
20 plicant, in accordance with procedures established by
21 the Attorney General.

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

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

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

9 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—In addition to any other amounts
11 otherwise authorized to be appropriated for such purpose,
12 there is authorized to be appropriated—

13 (1) \$5,000,000 to the Department of State in
14 fiscal year 2021 to locate and educate eligible par-
15 ents and children abroad about opportunities for hu-
16 manitarian parole; and

17 (2) \$5,000,000 to the Executive Office for Im-
18 migration Review of the Department of Justice in
19 fiscal year 2021 for the provision of legal services,
20 including educating eligible parents and eligible chil-
21 dren of their rights under this Act.

22 (b) AVAILABILITY OF FUNDS.—Amounts appro-
23 priated pursuant to subsection (a) shall remain available
24 until expended.

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