110TH CONGRESS 1ST SESSION

H. R. 213

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 from the United States.

IN THE HOUSE OF REPRESENTATIVES

January 4, 2007

Mr. Serrano 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 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 OF PARENTS OF CITIZEN CHIL-
- 5 DREN.
- 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 de-
3	portable under section 237 who is the parent of
4	a child who is a citizen of the United States,
5	the immigration judge may exercise discretion
6	to decline to order the alien removed from the
7	United States if the judge determines that such
8	removal is clearly against the best interests of
9	the child, except that this subparagraph shall
10	not apply to any alien who the judge deter-
11	mines—
12	"(i) is described in section 237(a)(4);
13	or
14	"(ii) has engaged in conduct described
15	in paragraph (8) or (9) of section 103 of
16	the Trafficking Victims Protection Act of
17	2000 (22 U.S.C. 7102).".

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