

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

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, 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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