

116TH CONGRESS
1ST SESSION

H. R. 168

To authorize the Secretary of Homeland Security to provide lawful permanent resident status to previously removed alien parents and spouses of citizens of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Secretary of Homeland Security to provide lawful permanent resident status to previously removed alien parents and spouses of citizens of the United States, 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 “Reentry and Reunifica-
5 tion Act”.

1 **SEC. 2. LAWFUL PERMANENT RESIDENT STATUS FOR PRE-**
2 **VIOUSLY REMOVED SPOUSES AND PARENTS**
3 **OF CITIZENS OF THE UNITED STATES.**

4 (a) **ELIGIBILITY REQUIREMENTS.—**

5 (1) **IN GENERAL.**—Notwithstanding any other
6 provision of law, the Secretary of Homeland Security
7 shall admit to the United States as an alien admit-
8 ted for lawful permanent residence an alien who is
9 inadmissible to or deportable from the United States
10 if the alien demonstrates that—

11 (A) the alien is the spouse, parent, or
12 guardian of a citizen of the United States;

13 (B)(i) prior to the date of the enactment
14 of this Act, the alien departed the United
15 States pursuant to an order of removal; or

16 (ii) as of the date of the enactment of this
17 Act, is subject to an order of removal, or is in
18 removal proceedings;

19 (C) the alien has been a person of good
20 moral character (as defined in section 101(f) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(f))) since the date the alien initially en-
23 tered the United States;

24 (D) subject to paragraph (2), the alien—

25 (i) is not inadmissible under para-
26 graph (1), (2), (3), (4), (6)(E), (8),

1 (10)(A), (10)(C), or (10)(D) of section
2 212(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1182(a));

4 (ii) is not deportable under paragraph
5 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-
6 tion 237(a) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1227(a));

8 (iii) has not ordered, incited, assisted,
9 or otherwise participated in the persecution
10 of any person on account of race, religion,
11 nationality, membership in a particular so-
12 cial group, or political opinion; and

13 (iv) other than an offense under State
14 or local law for which an essential element
15 was the alien's immigration status, a
16 minor traffic offense, or a violation of the
17 immigration laws, has not been convicted
18 of—

19 (I) any offense under Federal or
20 State law punishable by a maximum
21 term of imprisonment of more than 1
22 year; or

23 (II) any combination of offenses
24 under Federal or State law, for which
25 the alien was imprisoned for a total of

1 more than 1 year in the aggregate;
2 and

3 (E) in the case of an alien described in
4 subparagraph (B)(ii), the alien has been con-
5 tinuously physically present in the United
6 States since the date that is 4 years before the
7 date of the enactment of this Act.

8 (2) WAIVER.—With respect to any benefit
9 under this Act, the Secretary of Homeland Security
10 may waive subclauses (I) and (II) of paragraph
11 (1)(D)(iv), the ground of inadmissibility under para-
12 graph (1),(4), or (6)(E) of section 212(a) of the Im-
13 migration and Nationality Act (8 U.S.C. 1182(a)),
14 and the ground of deportability under paragraph (1)
15 of section 237(a) of that Act (8 U.S.C. 1227(a)), for
16 humanitarian purposes or family unity or when it is
17 otherwise in the public interest.

18 (b) APPLICATION PERIOD.—An alien seeking status
19 under this Act may file an application during the period
20 beginning on the date of the enactment of this Act and
21 ending on the date that is 3 years after such date.

22 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

23 (1) TERMINATION OF CONTINUOUS PERIOD.—

24 Any period of continuous physical presence in the
25 United States of an alien described in subsection

(a)(1)(B)(ii) who applies for status under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a)(1)(E) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the

1 United States by an alien that was authorized
2 by the Secretary may not be counted toward
3 any period of departure from the United States
4 under subparagraph (A).

5 (d) NUMERICAL LIMITATIONS.—An alien admitted to
6 the United States under this section shall not be subject
7 to any numerical limitation under the immigration laws.
8 (e) DEFINITIONS.—Except as specifically provided,
9 the terms in this Act have the meanings given those terms
10 in the Immigration and Nationality Act (8 U.S.C. 1101
11 et seq.).

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