

116TH CONGRESS
2D SESSION

S. 4243

To protect children of certain immigrant workers from detention and removal and aging out of lawful status, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect children of certain immigrant workers from detention and removal and aging out of lawful status, 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 “Protect Children of
5 Immigrant Workers Act”.

6 **SEC. 2. PROTECTING CHILDREN OF CERTAIN IMMIGRANT**
7 **WORKERS FROM DETENTION AND REMOVAL**
8 **AND AGING OUT OF LAWFUL STATUS.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, subject to subsection (b), with respect to an

1 individual whose parent is the principal beneficiary of an
2 approved employment-based immigrant worker petition
3 filed on a date on which the individual was a child (as
4 defined in section 101(b) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1101(b))—

6 (1) the Secretary of Homeland Security shall
7 not detain, refer for removal, initiate removal pro-
8 ceedings against, or remove the individual; and

9 (2) the individual shall—

10 (A) without regard to immigrant intent
11 and on application by the individual, be eligi-
12 ble—

13 (i) to extend nonimmigrant dependent
14 status connected to the nonimmigrant sta-
15 tus of such parent until the date on which
16 an application for lawful permanent resi-
17 dent status filed by the individual pursuant
18 to subparagraph (B) is adjudicated; or

19 (ii) to extend or change status to an
20 alternative nonimmigrant status inde-
21 pendent of such parent's visa status until
22 the date on which an application for lawful
23 permanent resident status filed by the indi-
24 vidual pursuant to that subparagraph is
25 adjudicated; and

1 (B) qualify as a derivative beneficiary child
2 for immigrant visa purposes beginning on the
3 date on which such parent's employment-based
4 immigrant worker petition is approved and end-
5 ing on the date on which the individual's appli-
6 cation for lawful permanent resident status is
7 adjudicated, regardless of whether such parent
8 is living or deceased.

9 (b) APPLICABILITY.—Subsection (a) shall not apply
10 to any individual who the Secretary determines, on an in-
11 dividualized basis, poses a threat to public safety or na-
12 tional security.

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