

106TH CONGRESS  
2D SESSION

# H. R. 5062

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## AN ACT

To establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.



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## AN ACT

To establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LIMITING DISQUALIFICATION FROM CAN-**  
2 **CELLATION OF REMOVAL FOR CERTAIN PER-**  
3 **MANENT RESIDENT ALIENS.**

4 (a) **TERMINATION OF PERIOD OF CONTINUOUS RESI-**  
5 **DENCE.—**

6 (1) **IN GENERAL.**—Section 240A(d)(1) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1229b(d)(1)) is amended by adding at the end the  
9 following:

10 “Notwithstanding the preceding sentence, in deter-  
11 mining under such sentence whether a period of con-  
12 tinuous residence described in subsection (a)(2) has  
13 ended, any offense committed on or before Sep-  
14 tember 30, 1996, shall be disregarded.”.

15 (2) **EFFECTIVE DATE.**—The amendment made  
16 by paragraph (1) shall take effect as if included in  
17 the enactment of section 304 of the Illegal Immigra-  
18 tion Reform and Immigrant Responsibility Act of  
19 1996 (Public Law 104–208; 110 Stat. 3009–587).

20 (b) **TREATMENT OF PARTICULAR CRIMES AS AGGRA-**  
21 **VATED FELONIES.—**

22 (1) **IN GENERAL.**—Section 304 of the Illegal  
23 Immigration Reform and Immigrant Responsibility  
24 Act of 1996 (as contained in title III of division C  
25 of Public Law 104–208; 110 Stat. 3009–587) is  
26 amended by adding at the end the following:

1       “(d) TRANSITION RULE FOR CANCELLATION OF RE-  
2 MOVAL FOR CERTAIN PERMANENT RESIDENTS.—

3               “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), notwithstanding section 321 or 322 of  
5 this Act, section 440 of the Antiterrorism and Effec-  
6 tive Death Penalty Act of 1996 (8 U.S.C. 1101  
7 note), or any other provision of law (including any  
8 effective date), in applying section 240A(a)(3) of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1229b(a)(3)) to a criminal offense committed on or  
11 before September 30, 1996, the term ‘aggravated  
12 felony’ shall not be construed to include the offense  
13 if the offense—

14               “(A) was not considered to be within the  
15 meaning of that term (as defined in section  
16 101(a) of the Immigration and Nationality Act  
17 (8 U.S.C. 1101(a)) on the date on which the of-  
18 fense was committed; and

19               “(B) is considered to be within the mean-  
20 ing of that term (as so defined) by reason of  
21 the enactment of—

22               “(i) this Act, in the case of an offense  
23 committed during the period beginning on  
24 April 25, 1996, and ending on September  
25 30, 1996; or

1 “(ii) this Act or the Antiterrorism and  
2 Effective Death Penalty Act of 1996, in  
3 the case of an offense committed on or be-  
4 fore April 24, 1996.

5 “(2) EXCEPTION.—Paragraph (1) shall not  
6 apply to an offense of rape or sexual abuse of a  
7 minor. The amendment made by section 321(a)(1)  
8 of this Act shall not be affected by such paragraph.

9 “(3) COURSE OF CONDUCT.—In the case in  
10 which a course of conduct is an element of a crimi-  
11 nal offense, for purposes of paragraph (1), the date  
12 on which the last act or omission of that course of  
13 conduct occurs shall be considered to be the date on  
14 which the offense is committed.”.

15 (2) EFFECTIVE DATE.—The amendment made  
16 by paragraph (1) shall take effect as if included in  
17 the enactment of section 304 of the Illegal Immigra-  
18 tion Reform and Immigrant Responsibility Act of  
19 1996 (Public Law 104–208; 110 Stat. 3009–587).

20 **SEC. 2. POST-PROCEEDING RELIEF FOR AFFECTED ALIENS.**

21 (a) IN GENERAL.—Notwithstanding section  
22 240(c)(6) of the Immigration and Nationality Act (8  
23 U.S.C. 1229a(c)(6)) or any other limitation imposed by  
24 law on motions to reopen removal proceedings, the Attor-  
25 ney General shall establish a process (whether through

1 permitting the reopening of a removal proceeding or other-  
2 wise) under which an alien—

3 (1) who is (or was) in removal proceedings be-  
4 fore the date of the enactment of this Act (whether  
5 or not the alien has been removed as of such date);  
6 and

7 (2) whose eligibility for cancellation of removal  
8 has been established by section 1 of this Act,  
9 may apply (or reapply) for cancellation of removal under  
10 section 240A(a) of the Immigration and Nationality Act  
11 (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided  
12 under section 1 of this Act.

13 (b) PAROLE.—The Attorney General should exercise  
14 the parole authority under section 212(d)(5)(A) of the Im-  
15 migration and Nationality Act (8 U.S.C. 1182(d)(5)(A))  
16 for the purpose of permitting aliens removed from the  
17 United States to participate in the process established  
18 under subsection (a).

Passed the House of Representatives September 19,  
2000.

Attest:

*Clerk.*