

106TH CONGRESS
2D SESSION

H. R. 5062

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. McCOLLUM (for himself, Mr. FRANK of Massachusetts, Mr. FROST, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. BILBRAY, Mr. ROGAN, and Mr. OSE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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,*

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

6 (a) **TERMINATION OF PERIOD OF CONTINUOUS RESI-**
7 **DENCE.—**

1 (1) IN GENERAL.—Section 240A(d)(1) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1229b(d)(1)) is amended by adding at the end the
4 following:

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

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall take effect as if included in
12 the enactment of section 304 of the Illegal Immigra-
13 tion Reform and Immigrant Responsibility Act of
14 1996 (Public Law 104–208; 110 Stat. 3009–587).

15 (b) TREATMENT OF PARTICULAR CRIMES AS AGGRA-
16 VATED FELONIES.—

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

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

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), notwithstanding section 321 or 322 of

1 this Act, section 440 of the Antiterrorism and Effective
2 tive Death Penalty Act of 1996 (8 U.S.C. 1101
3 note), or any other provision of law (including any
4 effective date), in applying section 240A(a)(3) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1229b(a)(3)) to a criminal offense committed on or
7 before September 30, 1996, the term ‘aggravated
8 felony’ shall not be construed to include the offense
9 if the offense—

10 “(A) was not considered to be within the
11 meaning of that term (as defined in section
12 101(a) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)) on the date on which the of-
14 fense was committed; and

15 “(B) is considered to be within the mean-
16 ing of that term (as so defined) by reason of
17 the enactment of—

18 “(i) this Act, in the case of an offense
19 committed during the period beginning on
20 April 25, 1996, and ending on September
21 30, 1996; or

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

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

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

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

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

17 (a) IN GENERAL.—Notwithstanding section
18 240(c)(6) of the Immigration and Nationality Act (8
19 U.S.C. 1229a(c)(6)) or any other limitation imposed by
20 law on motions to reopen removal proceedings, the Attor-
21 ney General shall establish a process (whether through
22 permitting the reopening of a removal proceeding or other-
23 wise) under which an alien—

24 (1) who is (or was) in removal proceedings be-
25 fore the date of the enactment of this Act (whether

1 or not the alien has been removed as of such date);
2 and

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

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

○