

106TH CONGRESS
2D SESSION

H. R. 5293

To amend the Immigration and Nationality Act to improve provisions relating to inadmissibility and detention of, and cancellation of removal for, aliens who have committed crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2000

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

A BILL

To amend the Immigration and Nationality Act to improve provisions relating to inadmissibility and detention of, and cancellation of removal for, aliens who have committed crimes, 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. RENDERING ALIENS CONVICTED OF AN AGGRA-**
4 **VATED FELONY OR A FIREARM OFFENSE IN-**
5 **ADMISSIBLE.**

6 (a) IN GENERAL.—Section 212(a)(2) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1182(a)(2)) is
8 amended by adding at the end the following:

1 “(H) AGGRAVATED FELONY.—

2 “(i) IN GENERAL.—Any alien who is
3 convicted of an aggravated felony is inad-
4 missible.

5 “(ii) WAIVER AUTHORIZED.—Clause
6 (i) shall not apply in the case of an alien
7 with respect to a criminal conviction if the
8 alien subsequent to the criminal conviction
9 has been granted a full and unconditional
10 pardon by the President of the United
11 States or by the Governor of any of the
12 several States.

13 “(I) CERTAIN FIREARM OFFENSES.—Any
14 alien who is convicted under any law of pur-
15 chasing, selling, offering for sale, exchanging,
16 using, owning, possessing, or carrying, or of at-
17 tempting or conspiring to purchase, sell, offer
18 for sale, exchange, use, own, possess, or carry,
19 any weapon, part, or accessory which is a fire-
20 arm or destructive device (as defined in section
21 921(a) of title 18, United States Code) in viola-
22 tion of any law is inadmissible.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall apply to convictions entered on or
25 after the date of the enactment of this Act.

1 **SEC. 2. LIMITATION ON WAIVER OF INADMISSIBILITY FOR**
2 **CRIMINAL ALIENS UNLAWFULLY PRESENT IN**
3 **THE UNITED STATES.**

4 (a) **IN GENERAL.**—Section 212(h) of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1182(h)) is amended
6 by inserting before the final sentence the following:
7 “No waiver shall be granted under this subsection in the
8 case of any alien who is present in the United States after
9 the expiration of the period of stay authorized by the At-
10 torney General or is present in the United States without
11 being admitted or paroled if either the alien has been con-
12 victed of an aggravated felony committed in the United
13 States or the alien has not resided continuously in the
14 United States for a period of not less than 7 years imme-
15 diately preceding the date of initiation of proceedings to
16 remove the alien from the United States.”.

17 (b) **EFFECTIVE DATE.**—The amendment made by
18 subsection (a) shall apply to waivers granted on or after
19 the date of the enactment of this Act.

20 **SEC. 3. INADMISSIBILITY AND INELIGIBILITY FOR FINDING**
21 **OF GOOD MORAL CHARACTER FOR ALIENS**
22 **WHO MAKE MISREPRESENTATIONS TO PRO-**
23 **CURE BENEFITS FOR OTHERS.**

24 (a) **INADMISSIBILITY.**—Section 212(a)(6)(C)(i) of
25 the Immigration and Nationality Act (8 U.S.C.
26 1182(a)(6)(C)(i)) is amended by striking “this Act” and

1 inserting “this Act, for himself, herself, or any other
2 alien,”.

3 (b) INELIGIBILITY FOR FINDING OF GOOD MORAL
4 CHARACTER.—Section 101(f)(6) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(f)(6)) is amended to read
6 as follows:

7 “(6) one who, by fraud or willfully misrepre-
8 senting a material fact, has sought to procure or has
9 procured a visa, other documentation, or admission
10 into the United States or other benefit provided
11 under this Act, for himself, herself, or any other
12 alien;”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to misrepresentations made on or
15 after the date of the enactment of this Act.

16 **SEC. 4. TERMINATION OF CONTINUOUS PRESENCE FOR**
17 **PURPOSES OF CANCELLATION OF REMOVAL**
18 **UPON COMMISSION OF OFFENSE RENDERING**
19 **ALIEN INADMISSIBLE OR DEPORTABLE.**

20 (a) IN GENERAL.—Section 240A(d)(1) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1229b(d)(1)) is
22 amended by striking “referred to in section 212(a)(2)”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall apply to aliens who are in proceedings
25 under the Immigration and Nationality Act on or after

1 the date of the enactment of this Act if those proceedings
2 have not resulted in a final administrative order before
3 such date.

4 **SEC. 5. DETENTION AND RELEASE OF CRIMINAL ALIENS**
5 **PENDING REMOVAL DECISION.**

6 (a) **ARREST AND DETENTION.**—

7 (1) **IN GENERAL.**—Section 236(c)(1) of the Im-
8 migration and Nationality Act (8 U.S.C. 1226(c)(1))
9 is amended—

10 (1) by striking the matter preceding subpara-
11 graph (A) and inserting the following:

12 “(1) **ARREST AND DETENTION.**—On a warrant
13 issued by the Attorney General, an alien shall be ar-
14 rested and detained pending a decision on whether
15 the alien is to be removed from the United States
16 if the Attorney General alleges that the alien—”;

17 (2) in subparagraph (D), by striking the comma
18 at the end and inserting a period; and

19 (3) by striking the matter following subpara-
20 graph (D) and adding at the end the following:

21 “Nothing in this paragraph shall be construed as re-
22 quiring the Attorney General to arrest or detain an
23 alien who is sentenced to a term of imprisonment
24 until the alien is released from imprisonment, but
25 parole, supervised release, probation, or possibility of

1 arrest or further imprisonment is not a reason for
2 the Attorney General to defer arrest and detention
3 under this paragraph.”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall apply to aliens who are in
6 proceedings under the Immigration and Nationality
7 Act on or after the date of the enactment of this Act
8 if those proceedings have not resulted in a final ad-
9 ministrative order before such date.

10 (b) RELEASE.—

11 (1) IN GENERAL.—Section 236(c)(2) of the Im-
12 migration and Nationality Act (8 U.S.C. 1226(c)(2))
13 is amended by adding at the end the following:

14 “‘The Attorney General may release an alien under
15 this paragraph only on bond of at least \$2,000 with
16 security approved by, and containing conditions pre-
17 scribed by, the Attorney General.”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall apply to releases occurring on
20 or after the date of the enactment of this Act.

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