

108TH CONGRESS  
1ST SESSION

# H. R. 836

To amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. PASTOR introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

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. RESTORATION OF SECTION 212(C).**

4 (a) IN GENERAL.—Section 212 of the Immigration  
5 and Nationality Act (8 U.S.C. 1182) is amended by insert-  
6 ing after subsection (b) the following new subsection:

1           “(c) Aliens lawfully admitted for permanent residence  
2 who temporarily proceeded abroad voluntarily and not  
3 under an order of deportation or removal, and who are  
4 returning to a lawful unrelinquished domicile of seven con-  
5 secutive years, may be admitted in the discretion of the  
6 Secretary of Homeland Security without regard to the pro-  
7 visions of subsection (a) (other than paragraphs (3) and  
8 (10)(C)). Nothing contained in this subsection shall limit  
9 the authority of the Secretary to exercise the discretion  
10 vested in him under section 211(b). The first sentence of  
11 this subsection shall not apply to an alien who has been  
12 convicted of one or more aggravated felonies and has  
13 served for such felony or felonies a term of imprisonment  
14 of at least 5 years.”.

15           (b) CANCELLATION OF REMOVAL.—Section 240A(a)  
16 of the Immigration and Nationality Act (8 U.S.C.  
17 1229b(a)) is amended to read as follows:

18           “(a) CANCELLATION OF REMOVAL FOR CERTAIN  
19 PERMANENT RESIDENTS.—The Secretary of Homeland  
20 Security may cancel removal in the case of an alien who  
21 is inadmissible or deportable from the United States if—

22                   “(1) the alien—

23                           “(A) has been an alien lawfully admitted  
24                   for permanent residence for not less than 5  
25                   years;

1           “(B) has resided in the United States con-  
2           tinuously for 7 years after having been admit-  
3           ted in any status; and

4           “(C) has not been convicted of any aggra-  
5           vated felony; or

6           “(2) the alien would be admissible to the  
7           United States under section 212(c) if the alien had  
8           temporarily proceeded abroad voluntarily.”.

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

10       (a)   IN   GENERAL.—Notwithstanding   section  
11   240(c)(6) of the Immigration and Nationality Act (8  
12   U.S.C. 1229a(c)(6)) or any other limitation imposed by  
13   law on motions to reopen removal proceedings, the Sec-  
14   retary of Homeland Security shall establish a process  
15   (whether through permitting the reopening of a removal  
16   proceeding or otherwise) under which an alien—

17           (1) who is (or was) in removal proceedings be-  
18           fore the date of the enactment of this Act (whether  
19           or not the alien has been removed as of such date);  
20           and

21           (2) whose eligibility for cancellation of removal  
22           has been established by this Act;  
23   may apply (or reapply) for cancellation of removal under  
24   section 240A(a) of the Immigration and Nationality Act

1 (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided  
2 under this Act.

3 (b) PAROLE.—The Secretary of Homeland Security  
4 should exercise the parole authority under section  
5 212(d)(5)(A) of the Immigration and Nationality Act (8  
6 U.S.C. 1182(d)(5)(A)) for the purpose of permitting  
7 aliens removed from the United States to participate in  
8 the process established under subsection (a).

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