

109TH CONGRESS
2^D SESSION

H. R. 5035

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed from the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

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

A BILL

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed from the United States.

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. DISCRETIONARY AUTHORITY WITH RESPECT**
4 **TO REMOVAL OF PARENTS OF CITIZEN CHIL-**
5 **DREN.**

6 Section 240(c)(4) of the Immigration and Nationality
7 Act (8 U.S.C. 1229a(c)(4)) is amended by adding at the
8 end the following:

1 “(D) DISCRETION OF JUDGE IN CASE OF
2 CITIZEN CHILD.—In the case of an alien de-
3 portable under section 237 who is the parent of
4 a child who is a citizen of the United States,
5 the immigration judge may exercise discretion
6 to decline to order the alien removed from the
7 United States if the judge determines that such
8 removal is clearly against the best interests of
9 the child, except that this subparagraph shall
10 not apply to any alien who the judge deter-
11 mines—

12 “(i) is described in section 237(a)(4);

13 or

14 “(ii) has engaged in conduct described
15 in paragraph (8) or (9) of section 103 of
16 the Trafficking Victims Protection Act of
17 2000 (22 U.S.C. 7102).”.

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