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113TH CONGRESS
1ST SESSION

H. R. 406

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, deported, or excluded from the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

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

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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, deported, or excluded from the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCRETIONARY AUTHORITY WITH RESPECT TO REMOVAL, DEPORTATION, OR EXCLUSION OF PARENTS OF CITIZEN CHILDREN.

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

"(D) DISCRETION OF JUDGE IN CASE OF CITIZEN CHILD.—In the case of an alien subject to removal, deportation, or exclusion who is the parent of a child who is a citizen of the United States, the immigration judge may exercise discretion to decline to order the alien removed, deported or excluded from the United States if the judge determines that such removal, deportation, or exclusion is clearly against the best interests of the child, except that this subparagraph shall not apply to any alien who the judge determines—

"(i) is described in section 212(a)(3) or 237(a)(4); or

"(ii) has engaged in conduct described in paragraph (8) or (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).".

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