

119TH CONGRESS  
1ST SESSION

# H. R. 2366

To amend the Immigration and Nationality Act to promote family unity,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2025

Ms. ESCOBAR (for herself, Ms. SALAZAR, Mr. TONKO, Mr. ESPAILLAT, Mr. CARBAJAL, Mr. CASAR, Mr. CORREA, Ms. DEAN of Pennsylvania, Ms. DELBENE, Mr. GARCÍA of Illinois, Mr. MENENDEZ, Ms. ROSS, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCANLON, Mr. SOTO, Mr. SUOZZI, Ms. MCCOLLUM, Mr. LEVIN, and Mr. GOLDMAN of New York) 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 promote  
family unity, 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. SHORT TITLE.**

4 This Act may be cited as the “American Families  
5 United Act”.

6 **SEC. 2. RULE OF CONSTRUCTION.**

7 Nothing in this Act shall be construed—

1           (1) to provide the Secretary of Homeland Secu-  
2           rity or the Attorney General with the ability to exer-  
3           cise the discretionary authority provided in this Act,  
4           or by an amendment made by this Act, except on a  
5           case-by-case basis; or

6           (2) to otherwise modify or limit the discre-  
7           tionary authority of the Secretary of Homeland Se-  
8           curity or the Attorney General under the immigra-  
9           tion laws (as defined in section 101(a)(17) of the  
10          Immigration and Nationality Act (8 U.S.C.  
11          1101(a)(17))).

12 **SEC. 3. DISCRETIONARY AUTHORITY WITH RESPECT TO**  
13                   **FAMILY MEMBERS OF UNITED STATES CITI-**  
14                   **ZENS.**

15          (a) APPLICATIONS FOR RELIEF FROM REMOVAL.—  
16 Section 240(c)(4) of the Immigration and Nationality Act  
17 (8 U.S.C. 1229a(c)(4)) is amended by adding at the end  
18 the following:

19                   “(D) JUDICIAL DISCRETION.—

20                           “(i) IN GENERAL.—In the case of an  
21                           alien who is the spouse or child of a citizen  
22                           of the United States, the Attorney General  
23                           may subject to clause (ii)—

24                                   “(I) terminate any removal pro-  
25                                   ceedings against the alien;

1 “(II) decline to order the alien  
2 removed from the United States;

3 “(III) grant the alien permission  
4 to reapply for admission to the United  
5 States; or

6 “(IV) subject to clause (iii),  
7 waive the application of one or more  
8 grounds of inadmissibility or deport-  
9 ability in connection with any request  
10 for relief from removal.

11 “(ii) LIMITATION ON DISCRETION.—

12 “(I) IN GENERAL.—The Attorney  
13 General may exercise the discretion  
14 described in clause (i) if the Attorney  
15 General determines that removal of  
16 the alien or the denial of a request for  
17 relief from removal would result in  
18 hardship to the alien’s United States  
19 citizen spouse, parent, or child. There  
20 shall be a presumption that family  
21 separation constitutes hardship.

22 “(II) WIDOW AND SURVIVING  
23 CHILD OF DECEASED UNITED STATES  
24 CITIZEN.—In the case of the death of  
25 a citizen of the United States, the At-

1           torney General may exercise discretion  
2           described in clause (i) with respect to  
3           an alien who was a child of such cit-  
4           izen, or was the spouse of such citizen  
5           and was not legally separated from  
6           such citizen on the date of the citi-  
7           zen’s death, if—

8                     “(aa) the Attorney General  
9                     determines that removal of the  
10                    child or spouse or the denial of a  
11                    requested benefit would result in  
12                    hardship to the child or spouse;  
13                    and

14                   “(bb) the child or spouse  
15                    seeks relief requiring such discre-  
16                    tion not later than two years  
17                    after the date of the citizen’s  
18                    death or demonstrates to the sat-  
19                    isfaction of the Attorney General  
20                    the existence of extraordinary cir-  
21                    cumstances that prevented the  
22                    spouse or child from seeking re-  
23                    lief within such period.

1                   “(iii) EXCLUSIONS.—This subpara-  
2                   graph shall not apply to an alien whom the  
3                   Attorney General determines—

4                                 “(I) is inadmissible under—

5   “(aa) paragraph (2) or (3)  
6   of section 212(a); or

7   “(bb) subparagraph (A),  
8   (C), or (D) of section 212(a)(10);  
9   or

10                                        “(II) is deportable under para-  
11                                       graph (2), (4), or (6) of section  
12                                        237(a).”.

13           (b) SECRETARY’S DISCRETION.—Section 212 of the  
14 Immigration and Nationality Act (8 U.S.C. 1182) is  
15 amended—

16                   (1) by redesignating the second subsection (t)  
17                   as subsection (u); and

18                   (2) by adding at the end the following:

19                                 “(v) SECRETARY’S DISCRETION.—

20                                        “(1) IN GENERAL.—In the case of an alien who  
21                                        is the spouse or child of a citizen of the United  
22                                        States, the Secretary of Homeland Security may,  
23                                        subject to paragraph (2)—

24   “(A) waive the application of one or more  
25   grounds of inadmissibility or deportability in

1 connection with an application for an immigra-  
2 tion benefit or request for relief from removal;

3 “(B) decline to issue a notice to appear or  
4 other charging document requiring such an  
5 alien to appear for removal proceedings;

6 “(C) decline to reinstate an order of re-  
7 moval under section 241(a)(5); or

8 “(D) grant such alien permission to re-  
9 apply for admission to the United States or any  
10 other application for an immigration benefit.

11 “(2) LIMITATION ON DISCRETION.—

12 “(A) IN GENERAL.—The Secretary of  
13 Homeland Security may exercise discretion de-  
14 scribed in paragraph (1) if the Secretary deter-  
15 mines that removal of the alien or the denial of  
16 a requested benefit would result in hardship to  
17 the alien’s United States citizen spouse, parent,  
18 or child. There shall be a presumption that  
19 family separation constitutes hardship.

20 “(B) WIDOW AND ORPHAN OF DECEASED  
21 UNITED STATES CITIZEN.—In the case of the  
22 death of a citizen of the United States, the Sec-  
23 retary of Homeland Security may exercise dis-  
24 cretion described in paragraph (1) with respect  
25 to an alien who was a child of such citizen, or

1 was the spouse of such citizen and was not le-  
2 gally separated from such citizen on the date of  
3 the citizen's death, if—

4 “(i) the Secretary determines that the  
5 denial of a requested benefit would result  
6 in hardship to the child or spouse; and

7 “(ii) the child or spouse seeks relief  
8 requiring such discretion not later than  
9 two years after the date of the citizen's  
10 death or demonstrates to the satisfaction  
11 of the Secretary the existence of extraor-  
12 dinary circumstances that prevented the  
13 spouse or child from seeking relief within  
14 such period.

15 “(3) EXCLUSIONS.—This subsection shall not  
16 apply to an alien whom the Secretary determines—

17 “(A) is inadmissible under—

18 “(i) paragraph (2) or (3) of sub-  
19 sections (a); or

20 “(ii) subparagraphs (A), (C), or (D)  
21 of subsection (a)(10); or

22 “(B) is deportable under paragraphs (2),  
23 (4), or (6) of section 237(a).”.

1 **SEC. 4. MOTIONS TO REOPEN OR RECONSIDER.**

2 (a) **IN GENERAL.**—A motion to reopen or reconsider  
3 the denial of a petition or application or an order of re-  
4 moval for an alien may be granted if such petition, appli-  
5 cation, or order would have been adjudicated in favor of  
6 the alien had this Act, or an amendment made by this  
7 Act, been in effect at the time of such denial or order.

8 (b) **FILING REQUIREMENT.**—A motion under sub-  
9 section (a) shall be filed no later than the date that is  
10 2 years after the date of the enactment of this Act, unless  
11 the alien demonstrates to the satisfaction of the Secretary  
12 of Homeland Security or Attorney General, as appro-  
13 priate, the existence of extraordinary circumstances that  
14 prevented the alien from filing within such period.

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