

106TH CONGRESS
2D SESSION

H. R. 5232

To amend the Immigration and Nationality Act to provide for cancellation of removal and adjustment of status for certain nonpermanent resident aliens whose removal would result in extreme medical hardship.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2000

Mr. NADLER (for himself, Mrs. MORELLA, Mr. McDERMOTT, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for cancellation of removal and adjustment of status for certain nonpermanent resident aliens whose removal would result in extreme medical hardship.

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 “Immigrant Health and
5 Safety Act of 2000”.

1 **SEC. 2. CANCELLATION OF REMOVAL AND ADJUSTMENT OF**
2 **STATUS FOR CERTAIN NONPERMANENT RESI-**
3 **DENT ALIENS WHOSE REMOVAL WOULD RE-**
4 **SULT IN EXTREME MEDICAL HARDSHIP.**

5 (a) AMENDMENT TO IMMIGRATION AND NATION-
6 ALITY ACT.—Section 240A(b) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1229b(b)) is amended—

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by adding after paragraph (2) the following
11 new paragraph (3):

12 “(3) SPECIAL RULE FOR ALIENS WITH MEDICAL
13 HARDSHIP.—The Attorney General may cancel re-
14 moval of, and adjust to the status of an alien law-
15 fully admitted for permanent residence, an alien who
16 is inadmissible or deportable from the United States
17 if the alien—

18 “(A) has been physically present in the
19 United States for a continuous period of not
20 less than 7 years immediately preceding the
21 date of such application;

22 “(B) has been a person of good moral
23 character during such period;

24 “(C) has not been convicted of an offense
25 under section 212(a)(2), 237(a)(2), or
26 237(a)(3); and

1 “(D) establishes that removal would result
2 in extreme medical hardship to the alien, or the
3 alien’s spouse, parent, or child, who is a citizen
4 of the United States or an alien lawfully admit-
5 ted for permanent residence.”.

6 (b) CONFORMING AMENDMENTS.—Section 240A is
7 amended—

8 (1) in subsection (c) by striking “subsections
9 (a) and (b)(1)” and inserting “subsections (a),
10 (b)(1), and (b)(3)”; and

11 (2) in subsection (b)(4) by striking “paragraph
12 (1) or (2)” and inserting “paragraph (1), (2), or
13 (3)”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act and shall apply to aliens in removal proceedings
17 on or after such date and to aliens whose removal pro-
18 ceedings have concluded before such date and who are sub-
19 ject to removal on or after such date.

1 **SEC. 3. SUSPENSION OF DEPORTATION AND ADJUSTMENT**
2 **OF STATUS FOR CERTAIN NONPERMANENT**
3 **RESIDENT ALIENS WHOSE DEPORTATION**
4 **WOULD RESULT IN EXTREME MEDICAL**
5 **HARDSHIP.**

6 (a) **IN GENERAL.**—The Attorney General shall estab-
7 lish a process (whether through permitting the reopening
8 of a proceeding described in subsection (b) or otherwise)
9 under which an alien described in subsection (b) may re-
10 quest the Attorney General to exercise the discretion
11 granted under section 244(a)(1) of the Immigration and
12 Nationality Act (as in effect on March 31, 1997) as if
13 the standard were the standard under section 240A(b)(3)
14 (as amended by section 2).

15 (b) **ALIEN DESCRIBED.**—An alien referred to in sub-
16 section (a) is an alien who is in deportation proceedings
17 under the Immigration and Nationality Act (as in effect
18 on March 31, 1997) on or after the date of the enactment
19 of this Act or an alien whose deportation proceedings have
20 concluded before such date and who is subject to deporta-
21 tion on or after such date.

22 (c) **JUDICIAL REVIEW.**—A judgment regarding the
23 granting or denial of relief under this section shall be sub-
24 ject to judicial review in accordance with section 106 of
25 the Immigration and Nationality Act (as in effect on April
26 23, 1996), notwithstanding section 242 of the Immigra-

1 tion and Nationality Act, section 440(a) of the
2 Antiterrorism and Effective Death Penalty Act of 1996
3 (Public Law 104–132; 110 Stat. 1277), sections 306 and
4 309(c)(4) of the Illegal Immigration Reform and Immi-
5 grant Responsibility Act of 1996 (Public Law 104–208;
6 110 Stat. 3009–607 et seq.), or any other provision of
7 law limiting judicial review of a discretionary decision
8 under section 244 of the Immigration and Nationality Act
9 (as in effect on March 31, 1997).

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