

117TH CONGRESS  
1ST SESSION

# H. R. 1435

To amend the Immigration and Nationality Act to provide Temporary Resident Status for certain parents and spouses of citizens or lawful residents of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2021

Mr. RUSH 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 provide Temporary Resident Status for certain parents and spouses of citizens or lawful residents of the United States, 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 Right to  
5 Family Act”.

1 **SEC. 2. TEMPORARY RESIDENT STATUS FOR CERTAIN**  
2 **LONG-TERM RESIDENT PARENTS.**

3 Section 101(a)(15) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1101(a)(15)) is amended by adding  
5 at the end the following:

6 “(W) TEMPORARY RESIDENT STATUS FOR  
7 CERTAIN LONG-TERM RESIDENT PARENTS.—

8 “(i) IN GENERAL.—Subject to section  
9 214(s), an alien who files a petition for  
10 status under this subparagraph, if the Sec-  
11 retary of Homeland Security determines  
12 that—

13 “(I) the alien—

14 “(aa) has been physically  
15 present in the United States for  
16 a continuous period of not less  
17 than 10 years immediately pre-  
18 ceding the date of the alien’s ap-  
19 plication;

20 “(bb) has been granted de-  
21 ferred action pursuant to the De-  
22 ferred Action for Childhood Ar-  
23 rivals Memorandum announced  
24 by the Secretary of Homeland  
25 Security on June 15, 2012, or  
26 would have otherwise qualified

1 for the Deferred Action for  
2 Childhood Arrivals announced by  
3 the Secretary of Homeland Secu-  
4 rity pursuant to the November  
5 14, 2014, Memorandum; and

6 “(cc) is a covered person;

7 “(II) the alien—

8 “(aa) was issued an order of  
9 removal from the United States  
10 under sections 235 or 240 of the  
11 Immigration and Nationality Act,  
12 and—

13 “(AA) remained in the  
14 United States;

15 “(BB) was removed,  
16 deported, or permitted to de-  
17 part voluntarily from the  
18 United States;

19 “(CC) resides outside of  
20 the United States; or

21 “(DD) unlawfully reen-  
22 tered the United States  
23 after being issued an order  
24 of removal under section

1                   235 or 240 of the Immigra-  
2                   tion and Nationality Act;

3                   “(bb) was physically present  
4                   in the United States for a contin-  
5                   uous presence of not less than 10  
6                   years immediately preceding the  
7                   date of the alien’s order of re-  
8                   moval; and

9                   “(cc) is a covered person.

10                  “(ii) DEFINITION.—For purposes of  
11                  this subparagraph, a covered person is an  
12                  alien who is—

13                  “(I) the parent of a child who—

14                          “(aa) is a citizen or national  
15                          of the United States; or

16                          “(bb) initially entered the  
17                          United States before the age of  
18                          16 and has been continuously  
19                          and physically present in the  
20                          United States since their last  
21                          entry; or

22                  “(II) the spouse of a person  
23                  who—

1                   “(aa) is a citizen or lawful  
2                   permanent resident of the United  
3                   States; or

4                   “(bb) initially entered the  
5                   United States before the age of  
6                   16 and has been continuously  
7                   and physically present in the  
8                   United States since their last  
9                   entry.”.

10 **SEC. 3. REQUIREMENTS FOR TEMPORARY RESIDENT STA-**  
11 **TUS FOR CERTAIN LONG-TERM RESIDENT**  
12 **PARENTS.**

13       Section 214 of the Immigration and Nationality Act  
14 (8 U.S.C. 1184) is amended by adding the following sub-  
15 section:

16       “(s) REQUIREMENTS APPLICABLE TO SECTION  
17 101(a)(15)(W) VISAS OR NONIMMIGRANT STATUS.—

18               “(1) IN GENERAL.—In the case of a non-  
19       immigrant described in section 101(a)(15)(W), the  
20       alien—

21               “(A) is not inadmissible under section  
22       212(a)(1), (a)(6)(E), (a)(8), or (a)(10) of the  
23       Immigration and Nationality Act;

1           “(B) is not inadmissible under section  
2           212(a)(2), unless eligible for a waiver pursuant  
3           to subsection (6) of this section; and

4           “(C) has not ordered, incited assisted or  
5           otherwise participated in the persecution of any  
6           person on account of race, religion, nationality,  
7           membership in a particular social group, or po-  
8           litical opinion.

9           “(2) CREDIBLE EVIDENCE CONSIDERED.—In  
10          acting on any petition filed under this subsection,  
11          the consular officer, Secretary of Homeland Secu-  
12          rity, or the Attorney General, as appropriate, shall  
13          consider any credible evidence relevant to the peti-  
14          tion.

15          “(3) WORK AUTHORIZATION.—In the case of a  
16          nonimmigrant described in section 101(a)(15)(W),  
17          the Secretary of Homeland Security shall authorize  
18          the alien to engage in employment in the United  
19          States during the period of authorized admission  
20          and shall provide the alien with an ‘employment au-  
21          thorized’ endorsement or other appropriate docu-  
22          ment signifying authorization of employment. Work  
23          authorization provided under this paragraph shall be  
24          effective throughout the period the alien is in tem-  
25          porary resident status.

1           “(4) NO NUMERICAL LIMITATIONS.—The num-  
2       ber of aliens who may be issued visas or otherwise  
3       provided status as nonimmigrants under section  
4       101(a)(15)(W) shall have no numerical limitations.

5           “(5) DURATION OF STATUS.—The authorized  
6       period of status of an alien as a nonimmigrant  
7       under section 101(a)(15)(W) shall be valid for a pe-  
8       riod of 3 years, but the Secretary of Homeland Se-  
9       curity shall extend or renew such period, with no  
10      limit on the number of such renewals, if—

11           “(A) the alien files a nonfrivolous applica-  
12      tion for renewal before the date of expiration of  
13      authorized stay determined by the Secretary;  
14      and

15           “(B) the Secretary determines that the  
16      alien continues to meet the conditions as de-  
17      fined by section 101(a)(15)(W) and subject to  
18      the requirements provided under this sub-  
19      section.

20      Further, in the case of an alien who files a nonfrivo-  
21      lous application for renewal before the date of expi-  
22      ration of the period of authorized stay by the Sec-  
23      retary, the alien’s period of temporary resident sta-  
24      tus and work authorization shall be deemed auto-

1 matically extended during the pendency of the appli-  
 2 cation.

3 “(6) WAIVERS FOR CERTAIN MISDEMEANORS.—

4 Include the same or similar language in section  
 5 240A(f)(3)(C), and explain that certain crimes re-  
 6 lated to section 212(a)(2) are also to be expressly  
 7 excluded (and the applicant remains eligible for re-  
 8 lief under this section) if described in section  
 9 240A(f)(D)(i)(ii)(I) (i.e. except simple possession of  
 10 cannabis/paraphernalia, etc.) and include the lan-  
 11 guage in treatment of certain crimes.

12 “(7) NONEXCLUSIVE RELIEF.—Nothing in this  
 13 subsection limits the ability of aliens who qualify for  
 14 status under section 101(a)(15)(W) to seek any  
 15 other immigration benefit or status for which the  
 16 alien may be eligible.”.

17 **SEC. 4. CANCELLATION OF REMOVAL AND TEMPORARY**  
 18 **RESIDENT STATUS FOR CERTAIN LONG-TERM**  
 19 **RESIDENT PARENTS.**

20 Section 240A of the Immigration and Nationality Act  
 21 (8 U.S.C. 1229b) is amended by adding at the end the  
 22 following:

23 “(f) CANCELLATION OF REMOVAL AND TEMPORARY  
 24 RESIDENT STATUS FOR CERTAIN LONG-TERM RESIDENT  
 25 PARENTS.—



1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law, the Secretary of Homeland Security  
3           or the Attorney General shall cancel the removal of,  
4           and adjust to the status of an alien having lawful  
5           temporary residence, an alien who is inadmissible or  
6           deportable from the United States if—

7                   “(A) the alien—

8                           “(i) has been physically present in the  
9                           United States for a continuous period of  
10                          not less than 10 years immediately pre-  
11                          ceding the date of the alien’s application;

12                          “(ii) subject to paragraph (7), was re-  
13                          moved, deported, or permitted to depart  
14                          voluntarily from the United States after  
15                          having been physically present in the  
16                          United States for a continuous period of  
17                          not less than 10 years;

18                          “(iii) has been granted deferred action  
19                          pursuant to the Deferred Action for Child-  
20                          hood Arrivals Memorandum announced by  
21                          the Secretary of Homeland Security on  
22                          June 15, 2012, or would have otherwise  
23                          qualified for the Deferred Action for Child-  
24                          hood Arrivals announced by the Secretary

1 of Homeland Security pursuant to the No-  
2 vember 14, 2014, Memorandum; or

3 “(iv) would have been eligible for a  
4 grant of deferred action pursuant to such  
5 policy, if the memorandum announcing the  
6 policy were fully in effect since the date  
7 issued;

8 “(B) the alien is the parent of a son or  
9 daughter who—

10 “(i) is a citizen or national of the  
11 United States; or

12 “(ii) initially entered the United  
13 States while under 16 years of age and has  
14 been continuously physically present in the  
15 United States since such entry; and

16 “(C) the alien—

17 “(i) is not inadmissible under para-  
18 graph (1), (6)(E), (6)(G), (8), or (10) of  
19 section 212(a);

20 “(ii) has not ordered, incited, assisted,  
21 or otherwise participated in the persecution  
22 of any person on account of race, religion,  
23 nationality, membership in a particular so-  
24 cial group, or political opinion; and

1 “(iii) is not barred from adjustment of  
2 status under this subsection based on the  
3 criminal and national security grounds de-  
4 scribed under paragraph (3), subject to the  
5 provisions of such paragraph.

6 “(2) DETERMINATION OF CONTINUOUS PRES-  
7 ENCE.—

8 “(A) EFFECT OF NOTICE TO APPEAR.—  
9 Any period of continuous physical presence in  
10 the United States of an alien who applies for  
11 temporary resident status under this subsection  
12 shall not terminate when the alien is served a  
13 notice to appear under section 239(a).

14 “(B) TREATMENT OF CERTAIN BREAKS IN  
15 PRESENCE OR RESIDENCE.—

16 “(i) IN GENERAL.—Except as pro-  
17 vided in clauses (ii) and (iii), an alien shall  
18 be considered to have failed to maintain  
19 continuous physical presence in the United  
20 States under this subsection if the alien  
21 has departed from the United States for  
22 any period exceeding 90 days or for any  
23 periods, in the aggregate, exceeding 180  
24 days.

1                   “(ii) EXTENSIONS FOR EXTENUATING  
2                   CIRCUMSTANCES.—The Secretary may ex-  
3                   tend the time period described in clause (i)  
4                   for an alien who demonstrates that the  
5                   failure to timely return to the United  
6                   States was due to extenuating cir-  
7                   cumstances beyond the alien’s control, in-  
8                   cluding the serious illness of the alien, or  
9                   death or serious illness of a parent, grand-  
10                  parent, sibling, or child of the alien.

11                  “(iii) TRAVEL AUTHORIZED BY THE  
12                  SECRETARY.—Any period of travel outside  
13                  of the United States by an alien that was  
14                  authorized by the Secretary of Homeland  
15                  Secretary may not be counted toward any  
16                  period of departure from the United States  
17                  under clause (i).

18                  “(3) CRIMINAL AND NATIONAL SECURITY  
19                  BARS.—

20                  “(A) GROUNDS OF INELIGIBILITY.—Ex-  
21                  cept as provided in subparagraphs (B) and (C),  
22                  an alien is ineligible for cancellation of removal  
23                  and adjustment of status under this subsection  
24                  if any of the following apply:

1           “(i) The alien is inadmissible under  
2 paragraph (2) or (3) of section 212(a) of  
3 the Immigration and Nationality Act.

4           “(ii) Excluding any offense under  
5 State law for which an essential element is  
6 the alien’s immigration status, and any  
7 minor traffic offense, the alien has been  
8 convicted of—

9                   “(I) any felony offense;

10                   “(II) three or more misdemeanor  
11 offenses (excluding simple possession  
12 of cannabis or cannabis-related para-  
13 phernalia, any offense involving can-  
14 nabis or cannabis-related para-  
15 phernalia which is no longer prosecut-  
16 able in the State in which the convic-  
17 tion was entered, and any offense in-  
18 volving civil disobedience without vio-  
19 lence) not occurring on the same date,  
20 and not arising out of the same act,  
21 omission, or scheme of misconduct; or

22                   “(III) a misdemeanor offense of  
23 domestic violence, unless the alien  
24 demonstrates that such crime is re-  
25 lated to the alien having been—

1                   “(aa) a victim of domestic  
2                   violence, sexual assault, stalking,  
3                   child abuse or neglect, abuse or  
4                   neglect in later life, or human  
5                   trafficking;

6                   “(bb) battered or subjected  
7                   to extreme cruelty; or

8                   “(cc) a victim of criminal ac-  
9                   tivity described in section  
10                  101(a)(15)(U)(iii).

11                  “(B) TREATMENT OF CERTAIN OF-  
12                  FENSES.—

13                  “(i) IN GENERAL.—Notwithstanding  
14                  section 101(h), a crime described in clause  
15                  (ii) shall only be considered for purposes of  
16                  this subsection if—

17                  “(I) such crime involves personal  
18                  injury or death to another; or

19                  “(II) the alien has been convicted  
20                  of such a crime more than once dur-  
21                  ing the 10 years immediately pre-  
22                  ceding the date of the alien’s applica-  
23                  tion.

24                  “(ii) CRIME DESCRIBED.—A crime de-  
25                  scribed in this clause is—

1                   “(I) a crime of reckless driving  
2                   or of driving while intoxicated or  
3                   under the influence of alcohol or of  
4                   controlled substances; or

5                   “(II) a crime involving controlled  
6                   substances.

7                   “(C)   WAIVERS   FOR   CERTAIN   MIS-  
8                   DEMEANORS.—For humanitarian purposes,  
9                   family unity, or if otherwise in the public inter-  
10                  est, the Secretary may—

11                  “(i) waive the grounds of inadmis-  
12                  sibility under subparagraphs (A), (C), and  
13                  (D) of section 212(a)(2), unless the convic-  
14                  tion forming the basis for inadmissibility  
15                  would otherwise render the alien ineligible  
16                  under subparagraph (A)(ii) (subject to  
17                  clause (ii)); and

18                  “(ii) for purposes of subclauses (II)  
19                  and (III) of subparagraph (A)(ii), waive  
20                  consideration of—

21                  “(I) one misdemeanor offense if  
22                  the alien has not been convicted of  
23                  any offense in the 5-year period pre-  
24                  ceding the date on which the alien ap-

1           plies for adjustment of status under  
2           this subsection; or

3                   “(II) up to two misdemeanor of-  
4           fenses if the alien has not been con-  
5           victed of any offense in the 10-year  
6           period preceding the date on which  
7           the alien applies for adjustment of  
8           status under this subsection.

9                   “(D)   AUTHORITY   TO   CONDUCT   SEC-  
10           ONDARY REVIEW.—

11                   “(i)   IN   GENERAL.—Notwithstanding  
12           an alien’s eligibility for adjustment of sta-  
13           tus under this subsection, and subject to  
14           the procedures described in this subpara-  
15           graph, the Secretary of Homeland Security  
16           or the Attorney General may, as a matter  
17           of non-delegable discretion, provisionally  
18           deny an application for adjustment of sta-  
19           tus if the Secretary or the Attorney Gen-  
20           eral, based on clear and convincing evi-  
21           dence, which shall include credible law en-  
22           forcement information, determines that the  
23           alien is described in clause (ii) or (iv).

24                   “(ii) PUBLIC SAFETY.—An alien is de-  
25           scribed in this clause if—



1 “(I) excluding simple possession  
2 of cannabis or cannabis-related para-  
3 phernalia, any offense involving can-  
4 nabis or cannabis-related para-  
5 phernalia which is no longer prosecut-  
6 able in the State in which the convic-  
7 tion was entered, any offense under  
8 State law for which an essential ele-  
9 ment is the alien’s immigration sta-  
10 tus, any offense involving civil disobe-  
11 dience without violence, and any  
12 minor traffic offense, the alien—

13 “(aa) has been convicted of  
14 a misdemeanor offense punish-  
15 able by a term of imprisonment  
16 of more than 30 days; or

17 “(bb) has been adjudicated  
18 delinquent in a State or local ju-  
19 venile court proceeding that re-  
20 sulted in a disposition ordering  
21 placement in a secure facility;  
22 and

23 “(II) the alien poses a significant  
24 and continuing threat to public safety

1 related to such conviction or adjudica-  
2 tion.

3 “(iii) PUBLIC SAFETY DETERMINA-  
4 TION.—For purposes of clause (ii)(II), the  
5 Secretary shall consider the recency of the  
6 conviction or adjudication; the length of  
7 any imposed sentence or placement; the  
8 nature and seriousness of the conviction or  
9 adjudication, including whether the ele-  
10 ments of the offense include the unlawful  
11 possession or use of a deadly weapon to  
12 commit an offense or other conduct in-  
13 tended to cause serious bodily injury; and  
14 any mitigating factors pertaining to the  
15 alien’s role in the commission of the of-  
16 fense.

17 “(iv) GANG PARTICIPATION.—An alien  
18 is described in this clause if the alien has,  
19 within the 5 years immediately preceding  
20 the date of the application, knowingly, will-  
21 fully, and voluntarily participated in of-  
22 fenses committed by a criminal street gang  
23 (as described in subsections (a) and (c) of  
24 section 521 of title 18, United States

1 Code) with the intent to promote or fur-  
2 ther the commission of such offenses.

3 “(v) EVIDENTIARY LIMITATION.—For  
4 purposes of clause (iv), allegations of gang  
5 membership obtained from a State or Fed-  
6 eral in-house or local database, or a net-  
7 work of databases used for the purpose of  
8 recording and sharing activities of alleged  
9 gang members across law enforcement  
10 agencies, shall not establish the participa-  
11 tion described in such clause.

12 “(vi) NOTICE.—

13 “(I) IN GENERAL.—Prior to ren-  
14 dering a discretionary decision under  
15 this subparagraph, the Secretary of  
16 Homeland Security or the Attorney  
17 General shall provide written notice of  
18 the intent to provisionally deny the  
19 application to the alien (or the alien’s  
20 counsel of record, if any) by certified  
21 mail and, if an electronic mail address  
22 is provided, by electronic mail (or  
23 other form of electronic communica-  
24 tion). Such notice shall—

1           “(aa) articulate with speci-  
2           ficity all grounds for the prelimi-  
3           nary determination, including the  
4           evidence relied upon to support  
5           the determination; and

6           “(bb) provide the alien with  
7           not less than 90 days to respond.

8           “(II) SECOND NOTICE.—Not  
9           more than 30 days after the issuance  
10          of the notice under subclause (I), the  
11          Secretary of Homeland Security or  
12          the Attorney General shall provide a  
13          second written notice that meets the  
14          requirements of such clause.

15          “(III) NOTICE NOT RECEIVED.—  
16          Notwithstanding any other provision  
17          of law, if an applicant provides good  
18          cause for not contesting a provisional  
19          denial under this paragraph, including  
20          a failure to receive notice as required  
21          under this subparagraph, the Sec-  
22          retary of Homeland Security or the  
23          Attorney General shall, upon a motion  
24          filed by the alien, reopen an applica-  
25          tion for adjustment of status under

1                   this subsection and allow the appli-  
2                   cant an opportunity to respond, con-  
3                   sistent with subclause (I)(bb).

4                   “(E) DEFINITIONS.—For purposes of this  
5 paragraph—

6                   “(i) the term ‘felony offense’ means  
7                   an offense under Federal or State law that  
8                   is punishable by a maximum term of im-  
9                   prisonment of more than 1 year;

10                  “(ii) the term ‘misdemeanor offense’  
11                  means an offense under Federal or State  
12                  law that is punishable by a term of impris-  
13                  onment of more than 5 days but not more  
14                  than 1 year;

15                  “(iii) the term ‘crime of domestic vio-  
16                  lence’ means any offense that has as an  
17                  element the use, attempted use, or threat-  
18                  ened use of physical force against a person  
19                  committed by a current or former spouse  
20                  of the person, by an individual with whom  
21                  the person shares a child in common, by  
22                  an individual who is cohabiting with or has  
23                  cohabited with the person as a spouse, by  
24                  an individual similarly situated to a spouse  
25                  of the person under the domestic or family

1 violence laws of the jurisdiction where the  
2 offense occurs, or by any other individual  
3 against a person who is protected from  
4 that individual's acts under the domestic  
5 or family violence laws of the United  
6 States or any State, Indian tribal govern-  
7 ment, or unit of local government; and

8 “(iv) the terms ‘convicted’, ‘convic-  
9 tion’, ‘adjudicated’, and ‘adjudication’ do  
10 not include a judgment that has been ex-  
11 punged or set aside, that resulted in a re-  
12 habilitative disposition, or the equivalent.

13 “(4) WORK AUTHORIZATION.—In the case of an  
14 alien who has temporary resident status under this  
15 subsection, the Secretary of Homeland Security shall  
16 authorize the alien to engage in employment in the  
17 United States and provide the alien with an ‘employ-  
18 ment authorized’ endorsement or other appropriate  
19 work permit. Work authorization provided under this  
20 paragraph shall be effective throughout the period  
21 the alien is in temporary resident status under this  
22 subsection.

23 “(5) TERMS OF STATUS.—

24 “(A) IN GENERAL.—Temporary resident  
25 status under this subsection shall be valid for a

1 period of 3 years, unless such period is ex-  
2 tended or renewed.

3 “(B) RENEWAL.—In the case of an alien  
4 who has temporary resident status under this  
5 subsection, the Secretary of Homeland Security  
6 shall renew the status in 3-year increments,  
7 with no limit on the number of such renewals,  
8 if—

9 “(i) the alien files a nonfrivolous ap-  
10 plication for renewal before the date of ex-  
11 piration of the period of stay authorized by  
12 the Secretary; and

13 “(ii) the Secretary determines that  
14 the alien continues to meet the conditions  
15 for adjustment of status under this sub-  
16 section.

17 “(C) AUTOMATIC EXTENSION DURING  
18 PENDENCY OF APPLICATION.—In the case of an  
19 alien who files a nonfrivolous application for re-  
20 newal before the date of expiration of the period  
21 of stay authorized by the Secretary, the alien’s  
22 period of temporary resident status and work  
23 authorization shall be deemed extended during  
24 the pendency of the application.

1           “(6) DOCUMENTS ESTABLISHING CONTINUOUS  
2       PHYSICAL PRESENCE.—To establish that an alien  
3       has been continuously physically present in the  
4       United States, as required under paragraph (1), the  
5       alien may submit the following forms of evidence:

6           “(A) Passport entries, including admission  
7       stamps on the alien’s passport.

8           “(B) Any document from the Department  
9       of Justice or the Department of Homeland Se-  
10      curity noting the alien’s date of entry into the  
11      United States.

12          “(C) Records from any educational institu-  
13      tion the alien has attended in the United  
14      States.

15          “(D) Employment records of the alien that  
16      include the employer’s name and contact infor-  
17      mation, or other records demonstrating earned  
18      income.

19          “(E) Records of service from the Uni-  
20      formed Services.

21          “(F) Official records from a religious enti-  
22      ty confirming the alien’s participation in a reli-  
23      gious ceremony.

24          “(G) A birth certificate for a child who  
25      was born in the United States.



1           “(H) Hospital or medical records showing  
2           medical treatment or hospitalization, the name  
3           of the medical facility or physician, and the  
4           date of the treatment or hospitalization.

5           “(I) Automobile license receipts or reg-  
6           istration.

7           “(J) Deeds, mortgages, or rental agree-  
8           ment contracts.

9           “(K) Rent receipts or utility bills bearing  
10          the alien’s name or the name of an immediate  
11          family member of the alien, and the alien’s ad-  
12          dress.

13          “(L) Tax receipts.

14          “(M) Insurance policies.

15          “(N) Remittance records, including copies  
16          of money order receipts sent in or out of the  
17          country.

18          “(O) Travel records.

19          “(P) Dated bank transactions.

20          “(Q) Two or more sworn affidavits from  
21          individuals who are not related to the alien who  
22          have direct knowledge of the alien’s continuous  
23          physical presence in the United States, that  
24          contain—

1 “(i) the name, address, and telephone  
2 number of the affiant; and

3 “(ii) the nature and duration of the  
4 relationship between the affiant and the  
5 alien.

6 “(R) Any other evidence determined to be  
7 credible by the Secretary of Homeland Security  
8 or the Attorney General.

9 “(7) ELIGIBILITY OF REMOVED, DEPORTED, OR  
10 VOLUNTARILY DEPARTED ALIENS.—An alien who  
11 was removed, deported, or permitted to depart vol-  
12 untarily from the United States may apply for relief  
13 under this subsection from abroad if the reason for  
14 their removal, deportation, or voluntary departure  
15 was that the alien—

16 “(A) was present in the United States  
17 after the expiration of the period of stay au-  
18 thorized by the Secretary of Homeland Security  
19 or was present in the United States without  
20 being admitted or paroled; or

21 “(B) committed an offense, if that offense  
22 does not render the alien ineligible for relief  
23 under this subsection pursuant to the provisions  
24 of paragraph (3).

25 “(8) CONSTRUCTION.—

1           “(A) IN GENERAL.—A denial of cancella-  
2           tion of removal under any other provision of  
3           this section shall not prejudice a decision under  
4           this subsection. An alien’s eligibility for tem-  
5           porary resident status under this subsection  
6           shall not preclude the alien from seeking any  
7           status under any other provision of law for  
8           which the alien may otherwise be eligible.

9           “(B) DETERMINATION OF CONTINUOUS  
10          PRESENCE AND RESIDENCE.—Subsection (d)  
11          shall not apply to cancellation of removal or ad-  
12          justment of status under this subsection.

13          “(C) ANNUAL LIMITATION.—Subsection  
14          (e) shall not apply to cancellation of removal or  
15          adjustment of status under this subsection.”.

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