

117TH CONGRESS
1ST SESSION

H. R. 3493

To amend the Immigration and Nationality Act to provide for an extension of the application period for certain aliens present in the United States for adjustment of status.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. ESPAILLAT (for himself and Mr. VARGAS) 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 an extension of the application period for certain aliens present in the United States for adjustment of status.

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 “Family Reunification
5 Act of 2021”.

1 **SEC. 2. EXTENSION OF THE APPLICATION PERIOD FOR**
2 **CERTAIN ALIENS PRESENT IN THE UNITED**
3 **STATES FOR ADJUSTMENT OF STATUS.**

4 Section 245(i)(1) of the Immigration and Nationality
5 Act (8 U.S.C. 1255(i)(1)) is amended—

6 (1) in subparagraph (A), by adding “and” at
7 the end;

8 (2) in subparagraph (B)—

9 (A) in clause (i), by striking “or before
10 April 30, 2001”; and

11 (B) in clause (ii), by striking “on or before
12 such date; and” and inserting a period; and

13 (3) by striking subparagraph (C).

14 **SEC. 3. DEPOSIT OF CERTAIN FUNDS.**

15 Section 245(i)(3) of the Immigration and Nationality
16 Act (8 U.S.C. 1255(i)(3)) is amended by striking
17 “Breached Bond/Detention Fund established under sec-
18 tion 286(r), except that in the case of fees attributable
19 to applications for a beneficiary with respect to whom a
20 petition for classification, or an application for labor cer-
21 tification, described in paragraph (1)(B) was filed after
22 January 14, 1998, one-half of such remaining portion
23 shall be deposited by the Attorney General into the”.

1 **SEC. 4. LIMITATION ON REMOVAL.**

2 Section 245 of the Immigration and Nationality Act
3 (8 U.S.C. 1255) is amended by adding at the end the fol-
4 lowing:

5 “(n) An alien who is the beneficiary (including a
6 spouse or child of the principal alien, if eligible to receive
7 a visa under section 203(d)) of a petition for classification
8 under section 204 that was filed with the Secretary of the
9 Department of Homeland Security and that is prima facie
10 eligible for approval may not be removed while such peti-
11 tion or application is being adjudicated or appealed.”.

12 **SEC. 5. V NONIMMIGRANT VISAS.**

13 (a) NONIMMIGRANT ELIGIBILITY.—Section
14 101(a)(15)(V) of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

16 “(V) subject to section 214(q)(1), a noncit-
17 izen who is the beneficiary of an approved peti-
18 tion under section 203(a) or 245B.”.

19 (b) EMPLOYMENT AND PERIOD OF ADMISSION OF
20 NONIMMIGRANTS DESCRIBED IN SECTION
21 101(a)(15)(V).—Section 214(q)(1) of the Immigration
22 and Nationality Act (8 U.S.C. 1184(q)(1)) is amended to
23 read as follows:

24 “(q) NONIMMIGRANTS DESCRIBED IN SECTION
25 101(a)(15)(V).—

26 “(1) CERTAIN SONS AND DAUGHTERS.—

1 “(A) EMPLOYMENT AUTHORIZATION.—The
2 Secretary shall—

3 “(i) authorize a nonimmigrant admit-
4 ted pursuant to section 101(a)(15)(V) to
5 engage in employment in the United States
6 during the period of such nonimmigrant’s
7 authorized admission; and

8 “(ii) provide the nonimmigrant with
9 an ‘employment authorized’ endorsement
10 or other appropriate document signifying
11 authorization of employment.

12 “(B) TERMINATION OF ADMISSION.—The
13 period of authorized admission for a non-
14 immigrant admitted pursuant to section
15 101(a)(15)(V) shall terminate 30 days after the
16 date on which—

17 “(i) the nonimmigrant’s application
18 for an immigrant visa pursuant to the ap-
19 proval of a petition under section 203(a) is
20 denied; or

21 “(ii) the nonimmigrant’s application
22 for adjustment of status under section
23 245, 245B, or 245C pursuant to the ap-
24 proval of such a petition is denied.

25 “(C) PUBLIC BENEFITS.—

1 “(i) IN GENERAL.—A noncitizen who
2 is lawfully present in the United States
3 pursuant to section 101(a)(15)(V) is not
4 eligible for any means-tested public bene-
5 fits (as such term is defined and imple-
6 mented in section 403 of the Personal Re-
7 sponsibility and Work Opportunity Rec-
8 onciliation Act of 1996 (8 U.S.C. 1613)).

9 “(ii) HEALTH CARE COVERAGE.—A
10 noncitizen admitted under section
11 101(a)(15)(V)—

12 “(I) is not entitled to the pre-
13 mium assistance tax credit authorized
14 under section 36B of the Internal
15 Revenue Code of 1986 for his or her
16 health insurance coverage;

17 “(II) shall be subject to the rules
18 applicable to individuals not lawfully
19 present that are set forth in sub-
20 section (e) of such section;

21 “(III) shall be subject to the
22 rules applicable to individuals not law-
23 fully present set forth in section
24 1402(e) of the Patient Protection and

1 Affordable Care Act (42 U.S.C.
2 18071(e)); and

3 “(IV) shall be subject to the
4 rules applicable to individuals not law-
5 fully present set forth in section
6 5000A(d)(3) of the Internal Revenue
7 Code of 1986.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the first day of the first
10 fiscal year beginning after the date of the enactment of
11 this Act.

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