

118TH CONGRESS
1ST SESSION

H. R. 6477

To amend the Immigration and Nationality Act to reform the process for inspection of applicants for admission.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2023

Mr. WEBER of Texas (for himself, Mr. CARTER of Texas, Mr. SELF, Mr. HIGGINS of Louisiana, and Ms. FOXX) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to reform the process for inspection of applicants for admission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—INSPECTION OF**
4 **APPLICANTS FOR ADMISSION**

5 **SEC. 101. INSPECTION OF APPLICANTS FOR ADMISSION.**

6 Section 235 of the Immigration and Nationality Act
7 (8 U.S.C. 1225) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A)—

1 (I) in clauses (i) and (ii), by
2 striking “section 212(a)(6)(C)” in-
3 sserting “subparagraph (A) or (C) of
4 section 212(a)(6)”;

5 (II) by adding at the end the fol-
6 lowing:

7 “(iv) INELIGIBILITY FOR PAROLE.—
8 An alien described in clause (i) or (ii) shall
9 not be eligible for parole except as ex-
10 pressly authorized pursuant to section
11 212(d)(5), or for parole or release pursu-
12 ant to section 236(a).”;

13 (ii) in subparagraph (B)—

14 (I) in clause (ii), by striking
15 “asylum.” and inserting “asylum and
16 shall not be released (including pursu-
17 ant to parole or release pursuant to
18 section 236(a) but excluding as ex-
19 pressly authorized pursuant to section
20 212(d)(5)) other than to be removed
21 or returned to a country as described
22 in paragraph (3).”;

23 (II) in clause (iii)(IV)—

24 (aa) in the header by strik-
25 ing “DETENTION” and inserting

1 “DETENTION, RETURN, OR RE-
2 MOVAL”; and

3 (bb) by adding at the end
4 the following: “The alien shall
5 not be released (including pursu-
6 ant to parole or release pursuant
7 to section 236(a) but excluding
8 as expressly authorized pursuant
9 to section 212(d)(5)) other than
10 to be removed or returned to a
11 country as described in para-
12 graph (3).”;

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) by striking “Subject to sub-
16 paragraphs (B) and (C),” and insert-
17 ing “Subject to subparagraph (B) and
18 paragraph (3),”; and

19 (II) by adding at the end the fol-
20 lowing: “The alien shall not be re-
21 leased (including pursuant to parole
22 or release pursuant to section 236(a)
23 but excluding as expressly authorized
24 pursuant to section 212(d)(5)) other
25 than to be removed or returned to a

1 country as described in paragraph
2 (3).”; and

3 (ii) by striking subparagraph (C);

4 (C) by redesignating paragraph (3) as
5 paragraph (5); and

6 (D) by inserting after paragraph (2) the
7 following:

8 “(3) RETURN TO FOREIGN TERRITORY CONTIG-
9 UOUS TO THE UNITED STATES.—

10 “(A) IN GENERAL.—The Secretary of
11 Homeland Security may return to a foreign ter-
12 ritory contiguous to the United States any alien
13 arriving on land from that territory (whether or
14 not at a designated port of entry) pending a
15 proceeding under section 240 or review of a de-
16 termination under subsection (b)(1)(B)(iii)(III).

17 “(B) MANDATORY RETURN.—If at any
18 time the Secretary of Homeland Security can-
19 not—

20 “(i) comply with its obligations to de-
21 tain an alien as required under clauses (ii)
22 and (iii)(IV) of subsection (b)(1)(B) and
23 subsection (b)(2)(A); or

24 “(ii) remove an alien to a country de-
25 scribed in section 208(a)(2)(A),

1 the Secretary of Homeland Security shall, with-
2 out exception, including pursuant to parole or
3 release pursuant to section 236(a) but exclud-
4 ing as expressly authorized pursuant to section
5 212(d)(5), return to a foreign territory contig-
6 uous to the United States any alien arriving on
7 land from that territory (whether or not at a
8 designated port of entry) pending a proceeding
9 under section 240 or review of a determination
10 under subsection (b)(1)(B)(iii)(III).

11 “(4) ENFORCEMENT BY STATE ATTORNEYS
12 GENERAL.—The attorney general of a State, or
13 other authorized State officer, alleging a violation of
14 the detention, return, or removal requirements under
15 paragraph (1), (2), or (3) that affects such State or
16 its residents, may bring an action against the Sec-
17 retary of Homeland Security on behalf of the resi-
18 dents of the State in an appropriate United States
19 district court to obtain appropriate injunctive re-
20 lief.”; and

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

22 “(e) AUTHORITY TO PROHIBIT INTRODUCTION OF
23 CERTAIN ALIENS.—If the Secretary of Homeland Security
24 determines, in his discretion, that the prohibition of the
25 introduction of aliens who are inadmissible under subpara-

1 graph (A) or (C) of section 212(a)(6) or under section
2 212(a)(7) at an international land or maritime border of
3 the United States is necessary to achieve operational con-
4 trol (as defined in section 2 of the Secure Fence Act of
5 2006 (8 U.S.C. 1701 note)) of such border, the Secretary
6 may prohibit, in whole or in part, the introduction of such
7 aliens at such border for such period of time as the Sec-
8 retary determines is necessary for such purpose.”.

9 **TITLE II—IMMIGRATION PAROLE** 10 **REFORM**

11 **SEC. 201. IMMIGRATION PAROLE REFORM.**

12 Section 212(d)(5) of the Immigration and Nationality
13 Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

14 “(5)(A) Except as provided in subparagraphs (B)
15 and (C) and section 214(f), the Secretary of Homeland
16 Security, in the discretion of the Secretary, may tempo-
17 rarily parole into the United States any alien applying for
18 admission to the United States who is not present in the
19 United States, under such conditions as the Secretary may
20 prescribe, on a case-by-case basis, and not according to
21 eligibility criteria describing an entire class of potential
22 parole recipients, for urgent humanitarian reasons or sig-
23 nificant public benefit. Parole granted under this subpara-
24 graph may not be regarded as an admission of the alien.
25 When the purposes of such parole have been served in the

1 opinion of the Secretary, the alien shall immediately re-
2 turn or be returned to the custody from which the alien
3 was paroled. After such return, the case of the alien shall
4 be dealt with in the same manner as the case of any other
5 applicant for admission to the United States.

6 “(B) The Secretary of Homeland Security may grant
7 parole to any alien who—

8 “(i) is present in the United States without
9 lawful immigration status;

10 “(ii) is the beneficiary of an approved petition
11 under section 203(a);

12 “(iii) is not otherwise inadmissible or remov-
13 able; and

14 “(iv) is the spouse or child of a member of the
15 Armed Forces serving on active duty.

16 “(C) The Secretary of Homeland Security may grant
17 parole to any alien—

18 “(i) who is a national of the Republic of Cuba
19 and is living in the Republic of Cuba;

20 “(ii) who is the beneficiary of an approved peti-
21 tion under section 203(a);

22 “(iii) for whom an immigrant visa is not imme-
23 diately available;

24 “(iv) who meets all eligibility requirements for
25 an immigrant visa;

1 “(v) who is not otherwise inadmissible; and

2 “(vi) who is receiving a grant of parole in fur-
3 therance of the commitment of the United States to
4 the minimum level of annual legal migration of
5 Cuban nationals to the United States specified in
6 the U.S.-Cuba Joint Communiqué on Migration,
7 done at New York September 9, 1994, and re-
8 affirmed in the Cuba-United States: Joint Statement
9 on Normalization of Migration, Building on the
10 Agreement of September 9, 1994, done at New York
11 May 2, 1995.

12 “(D) The Secretary of Homeland Security may grant
13 parole to an alien who is returned to a contiguous country
14 under section 235(b)(3) to allow the alien to attend the
15 alien’s immigration hearing. The grant of parole shall not
16 exceed the time required for the alien to be escorted to,
17 and attend, the alien’s immigration hearing scheduled on
18 the same calendar day as the grant, and to immediately
19 thereafter be escorted back to the contiguous country. A
20 grant of parole under this subparagraph shall not be con-
21 sidered for purposes of determining whether the alien is
22 inadmissible under this Act.

23 “(E) For purposes of determining an alien’s eligi-
24 bility for parole under subparagraph (A), an urgent hu-

1 humanitarian reason shall be limited to circumstances in
2 which the alien establishes that—

3 “(i)(I) the alien has a medical emergency; and

4 “(II)(aa) the alien cannot obtain necessary
5 treatment in the foreign state in which the alien is
6 residing; or

7 “(bb) the medical emergency is life-threatening
8 and there is insufficient time for the alien to be ad-
9 mitted to the United States through the normal visa
10 process;

11 “(ii) the alien is the parent or legal guardian of
12 an alien described in clause (i) and the alien de-
13 scribed in clause (i) is a minor;

14 “(iii) the alien is needed in the United States
15 in order to donate an organ or other tissue for
16 transplant and there is insufficient time for the alien
17 to be admitted to the United States through the nor-
18 mal visa process;

19 “(iv) the alien has a close family member in the
20 United States whose death is imminent and the alien
21 could not arrive in the United States in time to see
22 such family member alive if the alien were to be ad-
23 mitted to the United States through the normal visa
24 process;

1 “(v) the alien is seeking to attend the funeral
2 of a close family member and the alien could not ar-
3 rive in the United States in time to attend such fu-
4 neral if the alien were to be admitted to the United
5 States through the normal visa process;

6 “(vi) the alien is an adopted child with an ur-
7 gent medical condition who is in the legal custody of
8 the petitioner for a final adoption-related visa and
9 whose medical treatment is required before the ex-
10 pected award of a final adoption-related visa; or

11 “(vii) the alien is a lawful applicant for adjust-
12 ment of status under section 245 and is returning
13 to the United States after temporary travel abroad.

14 “(F) For purposes of determining an alien’s eligi-
15 bility for parole under subparagraph (A), a significant
16 public benefit may be determined to result from the parole
17 of an alien only if—

18 “(i) the alien has assisted (or will assist, wheth-
19 er knowingly or not) the United States Government
20 in a law enforcement matter;

21 “(ii) the alien’s presence is required by the Gov-
22 ernment in furtherance of such law enforcement
23 matter; and

24 “(iii) the alien is inadmissible, does not satisfy
25 the eligibility requirements for admission as a non-

1 immigrant, or there is insufficient time for the alien
2 to be admitted to the United States through the nor-
3 mal visa process.

4 “(G) For purposes of determining an alien’s eligi-
5 bility for parole under subparagraph (A), the term ‘case-
6 by-case basis’ means that the facts in each individual case
7 are considered and parole is not granted based on mem-
8 bership in a defined class of aliens to be granted parole.
9 The fact that aliens are considered for or granted parole
10 one-by-one and not as a group is not sufficient to establish
11 that the parole decision is made on a ‘case-by-case basis’.

12 “(H) The Secretary of Homeland Security may not
13 use the parole authority under this paragraph to parole
14 an alien into the United States for any reason or purpose
15 other than those described in subparagraphs (B), (C), (D),
16 (E), and (F).

17 “(I) An alien granted parole may not accept employ-
18 ment, except that an alien granted parole pursuant to sub-
19 paragraph (B) or (C) is authorized to accept employment
20 for the duration of the parole, as evidenced by an employ-
21 ment authorization document issued by the Secretary of
22 Homeland Security.

23 “(J) Parole granted after a departure from the
24 United States shall not be regarded as an admission of
25 the alien. An alien granted parole, whether as an initial

1 grant of parole or parole upon reentry into the United
2 States, is not eligible to adjust status to lawful permanent
3 residence or for any other immigration benefit if the immi-
4 gration status the alien had at the time of departure did
5 not authorize the alien to adjust status or to be eligible
6 for such benefit.

7 “(K)(i) Except as provided in clauses (ii) and (iii),
8 parole shall be granted to an alien under this paragraph
9 for the shorter of—

10 “(I) a period of sufficient length to accomplish
11 the activity described in subparagraph (D), (E), or
12 (F) for which the alien was granted parole; or

13 “(II) 1 year.

14 “(ii) Grants of parole pursuant to subparagraph (A)
15 may be extended once, in the discretion of the Secretary,
16 for an additional period that is the shorter of—

17 “(I) the period that is necessary to accomplish
18 the activity described in subparagraph (E) or (F) for
19 which the alien was granted parole; or

20 “(II) 1 year.

21 “(iii) Aliens who have a pending application to adjust
22 status to permanent residence under section 245 may re-
23 quest extensions of parole under this paragraph, in 1-year
24 increments, until the application for adjustment has been

1 adjudicated. Such parole shall terminate immediately upon
2 the denial of such adjustment application.

3 “(L) Not later than 90 days after the last day of each
4 fiscal year, the Secretary of Homeland Security shall sub-
5 mit to the Committee on the Judiciary of the Senate and
6 the Committee on the Judiciary of the House of Rep-
7 resentatives and make available to the public, a report—

8 “(i) identifying the total number of aliens pa-
9 roled into the United States under this paragraph
10 during the previous fiscal year; and

11 “(ii) containing information and data regarding
12 all aliens paroled during such fiscal year, includ-
13 ing—

14 “(I) the duration of parole;

15 “(II) the type of parole; and

16 “(III) the current status of the aliens so
17 paroled.”.

18 **SEC. 202. IMPLEMENTATION.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), this title and the amendments made by this title shall
21 take effect on the date that is 30 days after the date of
22 the enactment of this Act.

23 (b) EXCEPTIONS.—Notwithstanding subsection (a),
24 each of the following exceptions apply:

1 (1) Any application for parole or advance parole
2 filed by an alien before the date of the enactment of
3 this Act shall be adjudicated under the law that was
4 in effect on the date on which the application was
5 properly filed and any approved advance parole shall
6 remain valid under the law that was in effect on the
7 date on which the advance parole was approved.

8 (2) Section 212(d)(5)(J) of the Immigration
9 and Nationality Act, as added by section 201 of this
10 Act, shall take effect on the date of the enactment
11 of this Act.

12 (3) Aliens who were paroled into the United
13 States pursuant to section 212(d)(5)(A) of the Im-
14 migration and Nationality Act (8 U.S.C.
15 1182(d)(5)(A)) before January 1, 2023, shall con-
16 tinue to be subject to the terms of parole that were
17 in effect on the date on which their respective parole
18 was approved.

19 **SEC. 203. CAUSE OF ACTION.**

20 Any person, State, or local government that experi-
21 ences financial harm in excess of \$1,000 due to a failure
22 of the Federal Government to lawfully apply the provisions
23 of this title or the amendments made by this title shall
24 have standing to bring a civil action against the Federal

1 Government in an appropriate district court of the United
2 States for appropriate relief.

3 **SEC. 204. SEVERABILITY.**

4 If any provision of this title or any amendment by
5 this title, or the application of such provision or amend-
6 ment to any person or circumstance, is held to be uncon-
7 stitutional, the remainder of this title and the application
8 of such provision or amendment to any other person or
9 circumstance shall not be affected.

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