

116TH CONGRESS  
2D SESSION

# S. 4243

To protect children of certain immigrant workers from detention and removal and aging out of lawful status, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect children of certain immigrant workers from detention and removal and aging out of lawful status, 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 “Protect Children of  
5 Immigrant Workers Act”.

6 **SEC. 2. PROTECTING CHILDREN OF CERTAIN IMMIGRANT**  
7 **WORKERS FROM DETENTION AND REMOVAL**  
8 **AND AGING OUT OF LAWFUL STATUS.**

9 (a) IN GENERAL.—Notwithstanding any other provi-  
10 sion of law, subject to subsection (b), with respect to an

1 individual whose parent is the principal beneficiary of an  
2 approved employment-based immigrant worker petition  
3 filed on a date on which the individual was a child (as  
4 defined in section 101(b) of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1101(b))—

6 (1) the Secretary of Homeland Security shall  
7 not detain, refer for removal, initiate removal pro-  
8 ceedings against, or remove the individual; and

9 (2) the individual shall—

10 (A) without regard to immigrant intent  
11 and on application by the individual, be eligi-  
12 ble—

13 (i) to extend nonimmigrant dependent  
14 status connected to the nonimmigrant sta-  
15 tus of such parent until the date on which  
16 an application for lawful permanent resi-  
17 dent status filed by the individual pursuant  
18 to subparagraph (B) is adjudicated; or

19 (ii) to extend or change status to an  
20 alternative nonimmigrant status inde-  
21 pendent of such parent's visa status until  
22 the date on which an application for lawful  
23 permanent resident status filed by the indi-  
24 vidual pursuant to that subparagraph is  
25 adjudicated; and

1 (B) qualify as a derivative beneficiary child  
2 for immigrant visa purposes beginning on the  
3 date on which such parent's employment-based  
4 immigrant worker petition is approved and end-  
5 ing on the date on which the individual's appli-  
6 cation for lawful permanent resident status is  
7 adjudicated, regardless of whether such parent  
8 is living or deceased.

9 (b) APPLICABILITY.—Subsection (a) shall not apply  
10 to any individual who the Secretary determines, on an in-  
11 dividualized basis, poses a threat to public safety or na-  
12 tional security.

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