



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. WEBER of Texas introduced the following bill; which was referred to the Committee on _____

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)—

1 (i) in subparagraph (A)—

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

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

8 “(iv) INELIGIBILITY FOR PAROLE.—

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

14 (ii) in subparagraph (B)—

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

24 (II) in clause (iii)(IV)—

1 (aa) in the header by strik-
2 ing “DETENTION” and inserting
3 “DETENTION, RETURN, OR RE-
4 MOVAL”; and

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

15 (B) in paragraph (2)—

16 (i) in subparagraph (A)—

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

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

1 pursuant to section 212(d)(5)) other
2 than to be removed or returned to a
3 country as described in paragraph
4 (3).”; and

5 (ii) by striking subparagraph (C);

6 (C) by redesignating paragraph (3) as
7 paragraph (5); and

8 (D) by inserting after paragraph (2) the
9 following:

10 “(3) RETURN TO FOREIGN TERRITORY CONFIG-
11 UOUS TO THE UNITED STATES.—

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

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

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

1 “(ii) remove an alien to a country de-
2 scribed in section 208(a)(2)(A);
3 the Secretary of Homeland Security shall, with-
4 out exception, including pursuant to parole or
5 release pursuant to section 236(a) but exclud-
6 ing as expressly authorized pursuant to section
7 212(d)(5), return to a foreign territory contig-
8 uous to the United States any alien arriving on
9 land from that territory (whether or not at a
10 designated port of entry) pending a proceeding
11 under section 240 or review of a determination
12 under subsection (b)(1)(B)(iii)(III).

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

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

24 “(e) AUTHORITY TO PROHIBIT INTRODUCTION OF
25 CERTAIN ALIENS.—If the Secretary of Homeland Security

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

11 **TITLE II—IMMIGRATION PAROLE** 12 **REFORM**

13 **SEC. 201. IMMIGRATION PAROLE REFORM.**

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

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

1 graph may not be regarded as an admission of the alien.
2 When the purposes of such parole have been served in the
3 opinion of the Secretary, the alien shall immediately re-
4 turn or be returned to the custody from which the alien
5 was paroled. After such return, the case of the alien shall
6 be dealt with in the same manner as the case of any other
7 applicant for admission to the United States.

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

10 “(i) is present in the United States without
11 lawful immigration status;

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

14 “(iii) is not otherwise inadmissible or remov-
15 able; and

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

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

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

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

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

1 “(iv) who meets all eligibility requirements for
2 an immigrant visa;

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

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

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

1 “(E) For purposes of determining an alien’s eligi-
2 bility for parole under subparagraph (A), an urgent hu-
3 manitarian reason shall be limited to circumstances in
4 which the alien establishes that—

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

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

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

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

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

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

1 mitted to the United States through the normal visa
2 process;

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

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

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

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

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

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

1 “(iii) the alien is inadmissible, does not satisfy
2 the eligibility requirements for admission as a non-
3 immigrant, or there is insufficient time for the alien
4 to be admitted to the United States through the nor-
5 mal visa process.

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

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

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

1 “(J) Parole granted after a departure from the
2 United States shall not be regarded as an admission of
3 the alien. An alien granted parole, whether as an initial
4 grant of parole or parole upon reentry into the United
5 States, is not eligible to adjust status to lawful permanent
6 residence or for any other immigration benefit if the immi-
7 gration status the alien had at the time of departure did
8 not authorize the alien to adjust status or to be eligible
9 for such benefit.

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

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

16 “(II) 1 year.

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

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

23 “(II) 1 year.

24 “(iii) Aliens who have a pending application to adjust
25 status to permanent residence under section 245 may re-

1 quest extensions of parole under this paragraph, in 1-year
2 increments, until the application for adjustment has been
3 adjudicated. Such parole shall terminate immediately upon
4 the denial of such adjustment application.

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

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

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

16 “(I) the duration of parole;

17 “(II) the type of parole; and

18 “(III) the current status of the aliens so
19 paroled.”.

20 **SEC. 202. IMPLEMENTATION.**

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

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

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

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

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

21 **SEC. 203. CAUSE OF ACTION.**

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

1 have standing to bring a civil action against the Federal
2 Government in an appropriate district court of the United
3 States for appropriate relief.

4 **SEC. 204. SEVERABILITY.**

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