

Moynihan

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Bill 5 of 50

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To amend the **Immigration** and Nationality Act to revise amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act. (Introduced in the Senate)

S 173 IS

106th CONGRESS

1st Session

S. 173

To amend the **Immigration** and Nationality Act to revise amendments made by the Illegal **Immigration** Reform and Immigrant Responsibility Act.

IN THE SENATE OF THE UNITED STATES

January 19, 1999

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

A BILL

To amend the **Immigration** and Nationality Act to revise amendments made by the Illegal **Immigration** Reform and Immigrant Responsibility Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.

(a) CANCELLATION OF REMOVAL-

(1) IN GENERAL- Section 240A(a)(3) of the **Immigration** and Nationality Act (8 U.S.C. 1229b(a)(3)) is amended to read as follows:

'(3) has not been convicted of any aggravated felony punishable by imprisonment for a period of not less than five years.'

(2) TERMINATION OF CONTINUOUS PERIOD- Section 240A(d)(1) of that Act (8 U.S.C. 1229b(d)(1)) is amended by striking 'or when' and all that follows through 'earliest'.

(b) CUSTODY RULES-

(1) IN GENERAL- Section 236(c)(2) of the **Immigration** and Nationality Act (8 U.S.C. 1226(c)(2)) is amended to read as follows:

'(2) RELEASE- The Attorney General may release an alien described in paragraph (1) only if the alien is an alien described in subparagraph (A)(ii) or (iii) and--

'(A) the alien was lawfully admitted to the United States and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; or

'(B) the alien was not lawfully admitted to the United States, cannot be removed because the designated country of removal will not accept the alien, and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding.'

(2) REPEAL- Section 303(b) of the Illegal **Immigration** Reform and Immigrant Responsibility Act of 1996 is repealed.

(c) JUDICIAL REVIEW- Section 242(a)(2)(C) of the **Immigration** and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is amended by striking 'no court shall have jurisdiction to review any' and inserting 'a court of appeals for the judicial circuit in which a final order of removal was issued shall have jurisdiction to review the'.

(d) RIGHT TO COUNSEL- Section 292 of the **Immigration** and Nationality Act (8 U.S.C. 1362) is amended--

(1) by striking 'In' and inserting 'Except as provided in paragraph (2), in'; and

(2) by adding at the end the following:

'(2) In any removal proceedings before an **immigration** judge and in any appeal proceedings before the Attorney General from any such removal proceedings (in three designated districts), the person concerned shall have the privilege of being represented by court-appointed counsel who shall be paid by the United States and who are authorized to practice in such proceedings, as he shall choose.'

(e) REPEALS- The following provisions of the **Immigration** and Nationality Act are repealed:

(1) Section 203(b)(5) (8 U.S.C. 1153(b)(5)).

(2) Section 203(c) (8 U.S.C. 1153(c)).

(3) Section 201(a)(3) and 201(e) (8 U.S.C. 1151(a)(3), 1151(e)).

(4) Section 204(a)(1)(F) and (G) (8 U.S.C. 1154(a)(1)(F) and (G)).

(5) Section 216A (8 U.S.C. 1186b).

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S.173

SPONSOR: Sen Moynihan, Daniel Patrick (introduced 01/19/99)

SUMMARY:

(AS INTRODUCED)

Amends the Immigration and Nationality Act to make certain permanent resident aliens eligible for cancellation of removal (from the United States) who have not been convicted of an aggravated felony punishable by at least five years' imprisonment. (Current law provides for ineligibility for conviction of any aggravated felony.)

Terminates such aliens' seven-year continuous U.S. residency requirement upon the filing of charges rather than when the crime was committed.

Revises criminal alien release from custody provisions.

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to repeal the Attorney General's authority to revoke an alien's bond or parole.

Authorizes judicial review of deportation cases.

Provides for a court-appointed counsel in alien removal and related appeals proceedings.