



Bill Summary: The American Families United Act

The American Families United Act (AFUA), or [H.R. 8707](#), would provide protection from deportation for some members of mixed-status families living in the U.S. The bill is designed to protect the rights and interests of U.S. citizens by providing the U.S. Attorney General and the Department of Homeland Security (DHS) the discretion to allow certain individuals to remain in the United States.

The AFUA was introduced by Representative Veronica Escobar (D-Texas) on October 3, 2020, and it was cosponsored by Representative Darren Soto (D-Florida) and former Representative Rob Woodall (R-Georgia). It was originally introduced in 2013 by former Representatives Beto O'Rourke (D-Texas) and Steve Pearce (R-New Mexico).

Background

In 1996, Congress [passed](#) the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which eliminated key defenses against deportations. In particular, it made more crimes (including certain non-violent crimes) automatically punishable by deportation, made it more difficult for unauthorized immigrants to become legal by restricting access to waivers of inadmissibility, and established lengthy bans for extended periods of unauthorized stay. For instance, under IIRIRA, immigrants who remain in the U.S. without authorization for more than one year are subject to a ten-year ban on access to legal status. If an undocumented immigrant falsely claims to be a U.S. citizen, they face a lifetime ban.

It is estimated that nearly [1.3 million spouses](#) of U.S. citizens live in the U.S. without authorization and approximately [4.1 million U.S. citizen children](#) under the age of 18 live with at least one undocumented parent. Since IIRIRA was enacted, [270,000 spouses](#) of U.S. citizens have been deported and an additional 340,000 legal immigration applications for spouses of U.S. citizens have been refused. Between 2015 and 2017 alone, ICE [deported](#) 87,351 parents of U.S. citizen children.

The AFUA would provide the DHS Secretary and Attorney General with case-by-case discretion to stop deportations in instances where an individual is an immediate relative of a U.S. citizen and when the removal of said relative would present a hardship to a U.S. citizen.

Specifically, the American Families United Act would:

- **Provide DHS and the Attorney General with the discretion to protect certain family members of U.S. citizens from removal.** DHS would have the

discretion to waive grounds for deportation or inadmissibility, decline to issue or reinstate removal orders, and grant permission to reapply for immigration status for (1) the spouse of U.S. citizen or (2) the parent of a U.S. citizen child if the other parent is either a U.S. citizen or was a U.S. citizen at the time of his or her death.

- **Permit the use of discretion to provide relief when criteria is met.** DHS or the Attorney General would have discretion to provide relief from deportation in cases where doing so would (1) serve humanitarian purposes or (2) preserve family unity for U.S. citizens.
- **Establish a list of inadmissibility and criminal bars to discretionary relief.** The bill lists a series of criminal offenses and other grounds that would preclude access to discretionary relief from either DHS or the Attorney General, including if the individual has been convicted of an aggravated felony, charges associated with drug and human trafficking, or money laundering.