

### **Inadmissibility Waivers Based on Family and Community Equities**

SEC. 3. WAIVERS OF INADMISSIBILITY. Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting the following subsection (c)—

“(c)(1) Notwithstanding any other provision of law, the Secretary of Homeland Security or the Attorney General may waive any one or more grounds of inadmissibility set forth in subsections (a)(2), (a)(3)(except subparagraphs (A) and (B)(i)(II)), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), and (a)(10)(except subparagraph (A)) to permit an alien to receive an immigrant visa or be adjusted to the status of lawful permanent resident unless it is found that the balance of favorable and unfavorable factors on the totality of the evidence weighs against granting the waiver.

“(2) Favorable factors shall include:

“(i) The amount of time that has passed since the events or conduct that is the basis of the inadmissibility;

“(ii) The extent of rehabilitation and remorse demonstrated by the alien since such events or conduct;

“(iii) The duration of legal residence in the United States;

“(iv) The presence of family members living legally in the United States;

“(v) The provision of economic and social support to family members living in the United States;

“(vi) Property owned by the alien in the United States for personal or business use;

“(vii) Social, economic or cultural contributions made by the alien to his community in the United States or abroad;

“(viii) Honorable service in the armed forces of the United States or of an ally of the United States;

“(ix) The extent of any hardship that would be suffered by the alien or any person living legally in the United States due to the alien’s inadmissibility; and

“(x) Any specific benefit that would accrue to the government or citizens of the United States by permitting the alien to become a lawful permanent resident.

“(3) Unfavorable factors shall include:

“(i) The seriousness of the conduct that is the basis of the inadmissibility;

“(ii) Commission of crimes or significant immigration violations in addition to the conduct that is the basis of the inadmissibility;

“(iii) Specific harm caused to the national interest of the United States by conduct of the alien;

“(iv) Any specific detriment that would accrue to the government or citizens of the United States by permitting the alien to become a lawful permanent resident.

“(4) The absence of one or more favorable factors shall not be construed as a negative factor and a single favorable factor can provide sufficient basis to grant a waiver.

“(5) Permitting spouses and minor children to live together in the United States if one of the spouses is a citizen or lawful permanent resident is a specific benefit to the government and citizens of the United States and should have additional weight in favor of granting waivers.”