

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1741

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. CALVERT, Mr. POE of Texas, Mr. ROSS of Florida, Mr. GALLEGLY, Mr. AKIN, and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Visas Act”.

3 **SEC. 2. VISA REFUSAL AND REVOCATION.**

4 (a) **AUTHORITY OF THE SECRETARY OF HOMELAND**  
5 **SECURITY AND THE SECRETARY OF STATE.—**

6 (1) **IN GENERAL.—**Section 428 of the Home-  
7 land Security Act (6 U.S.C. 236) is amended by  
8 striking subsections (b) and (c) and inserting the  
9 following:

10 “(b) **AUTHORITY OF THE SECRETARY OF HOMELAND**  
11 **SECURITY.—**

12 “(1) **IN GENERAL.—**Notwithstanding section  
13 104(a) of the Immigration and Nationality Act (8  
14 U.S.C. 1104(a)) or any other provision of law, and  
15 except for the authority of the Secretary of State  
16 under subparagraphs (A) and (G) of section  
17 101(a)(15) of the Immigration and Nationality Act  
18 (8 U.S.C. 1101(a)(15)), the Secretary—

19 “(A) shall have exclusive authority to issue  
20 regulations, establish policy, and administer and  
21 enforce the provisions of the Immigration and  
22 Nationality Act (8 U.S.C. 1101 et seq.) and all  
23 other immigration or nationality laws relating  
24 to the functions of consular officers of the  
25 United States in connection with the granting  
26 and refusal of a visa; and

1           “(B) may refuse or revoke any visa to any  
2           alien or class of aliens if the Secretary, or des-  
3           ignee, determines that such refusal or revoca-  
4           tion is necessary or advisable in the security in-  
5           terests of the United States.

6           “(2) EFFECT OF REVOCATION.—The revocation  
7           of any visa under paragraph (1)(B)—

8           “(A) shall take effect immediately; and

9           “(B) shall automatically cancel any other  
10          valid visa that is in the alien’s possession.

11          “(3) JUDICIAL REVIEW.—Notwithstanding any  
12          other provision of law, including section 2241 of title  
13          28, United States Code, or any other habeas corpus  
14          provision, and sections 1361 and 1651 of such title,  
15          no court shall have jurisdiction to review a decision  
16          by the Secretary of Homeland Security to refuse or  
17          revoke a visa, and no court shall have jurisdiction to  
18          hear any claim arising from, or any challenge to,  
19          such a revocation.

20          “(c) AUTHORITY OF THE SECRETARY OF STATE.—

21          “(1) IN GENERAL.—The Secretary of State may  
22          direct a consular officer to refuse a visa requested  
23          by, or revoke a visa issued to, an alien if the Sec-  
24          retary of State determines such refusal or revocation

1 to be necessary or advisable in the foreign policy in-  
2 terests of the United States.

3 “(2) LIMITATION.—No decision by the Sec-  
4 retary of State to approve a visa may override a de-  
5 cision by the Secretary of Homeland Security under  
6 subsection (b).”.

7 (2) EFFECTIVE DATE.—The amendment made  
8 by paragraph (1) shall take effect on the date of the  
9 enactment of this Act and shall apply to visa refus-  
10 als and revocations occurring before, on, or after  
11 such date.

12 (b) ISSUANCE OF VISAS AT DESIGNATED CONSULAR  
13 POSTS AND EMBASSIES.—

14 (1) IN GENERAL.—Section 428(i) of the Home-  
15 land Security Act (6 U.S.C. 236(i)) is amended to  
16 read as follows:

17 “(i) VISA ISSUANCE AT DESIGNATED CONSULAR  
18 POSTS AND EMBASSIES.—Notwithstanding any other pro-  
19 vision of law, the Secretary of Homeland Security—

20 “(1) shall conduct an on-site review of all visa  
21 applications and supporting documentation before  
22 adjudication at all visa-issuing posts in Algeria; Can-  
23 ada; Colombia; Egypt; Germany; Hong Kong; India;  
24 Indonesia; Iraq; Jerusalem, Israel; Jordan; Kuala  
25 Lumpur, Malaysia; Kuwait; Lebanon; Mexico; Mo-

1 rocco; Nigeria; Pakistan; the Philippines; Saudi Ara-  
2 bia; South Africa; Syria; Tel Aviv, Israel; Turkey;  
3 United Arab Emirates; the United Kingdom; Ven-  
4 ezuela; and Yemen; and

5 “(2) is authorized to assign employees of the  
6 Department to each diplomatic and consular post at  
7 which visas are issued unless, in the Secretary’s sole  
8 and unreviewable discretion, the Secretary deter-  
9 mines that such an assignment at a particular post  
10 would not promote national or homeland security.”.

11 (2) EXPEDITED CLEARANCE AND PLACEMENT  
12 OF DEPARTMENT OF HOMELAND SECURITY PER-  
13 SONNEL AT OVERSEAS EMBASSIES AND CONSULAR  
14 POSTS.—The Secretary of State shall accommodate  
15 and ensure—

16 (A) not later than 1 year after the date of  
17 the enactment of this Act, that Department of  
18 Homeland Security personnel assigned by the  
19 Secretary of Homeland Security under section  
20 428(i)(1) of the Homeland Security Act have  
21 been stationed at post such that the post is  
22 fully operational; and

23 (B) not later than 1 year after the date on  
24 which the Secretary of Homeland Security des-  
25 ignates an additional consular post or embassy

1 for personnel under section 428(i)(2) of the  
2 Homeland Security Act that the Department of  
3 Homeland Security personnel assigned to such  
4 post or embassy have been stationed at post  
5 such that the post is fully operational.

6 (c) VISA REVOCATION.—

7 (1) INFORMATION.—Section 428 of the Home-  
8 land Security Act (6 U.S.C. 236) is amended by  
9 adding at the end the following:

10 “(j) VISA REVOCATION INFORMATION.—If the Sec-  
11 retary of Homeland Security or the Secretary of State re-  
12 vokes a visa—

13 “(1) the relevant consular, law enforcement,  
14 and terrorist screening databases shall be imme-  
15 diately updated on the date of the revocation; and

16 “(2) look-out notices shall be posted to all De-  
17 partment of Homeland Security port inspectors and  
18 Department of State consular officers.”.

19 (2) EFFECT OF VISA REVOCATION; JUDICIAL  
20 REVIEW OF VISA REVOCATIONS.—

21 (A) IN GENERAL.—Section 221(i) of the  
22 Immigration and Nationality Act (8 U.S.C.  
23 1201(i)) is amended by striking the final sen-  
24 tence and inserting the following: “A revocation  
25 under this subsection shall take effect imme-

1 diately and shall automatically cancel any other  
2 valid visa that is in the alien's possession. Not-  
3 withstanding any other provision of law, includ-  
4 ing section 2241 of title 28, United States  
5 Code, or any other habeas corpus provision, and  
6 sections 1361 and 1651 of such title, a revoca-  
7 tion under this subsection may not be reviewed  
8 by any court, and no court shall have jurisdic-  
9 tion to hear any claim arising from, or any  
10 challenge to, such a revocation.”.

11 (B) EFFECTIVE DATE.—The amendment  
12 made by subparagraph (A) shall take effect on  
13 the date of the enactment of this Act and shall  
14 apply to revocations under section 221(i) of the  
15 Immigration and Nationality Act (8 U.S.C.  
16 1201(i)) occurring before, on, or after such  
17 date.

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