

110TH CONGRESS  
1ST SESSION

# H. R. 131

To impose a mandatory minimum sentence on a deportable alien who fails to depart or fails to attend a removal proceeding.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To impose a mandatory minimum sentence on a deportable alien who fails to depart or fails to attend a removal proceeding.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CRIMINAL CONSEQUENCES FOR DEPORTABLE**  
4 **ALIEN'S FAILURE TO DEPART OR FAILURE TO**  
5 **APPEAR.**

6 Section 243(a) of the Immigration and Nationality  
7 Act (8 U.S.C. 1253(a)) is amended—

8 (1) in the subsection heading, by inserting  
9 “FOR FAILURE TO APPEAR AND” before “FOR FAIL-  
10 URE TO DEPART”;

1 (2) in paragraph (1)—

2 (A) in subparagraph (C), by striking “or”  
3 at the end;

4 (B) in subparagraph (D), by adding “or”  
5 at the end; and

6 (C) by inserting after subparagraph (D)  
7 the following:

8 “(E) was ordered removed in absentia  
9 under section 240(b)(5)(A) (unless such order  
10 was rescinded under subparagraph (C) of such  
11 section),”; and

12 (3) by striking the matter following subpara-  
13 graph (E) (as added by paragraph (2)) and inserting  
14 the following:

15 “shall be imprisoned for a term of years not less than 1  
16 and not more than 4 (or 10 years if the alien is a member  
17 of any of the classes described in paragraph (1)(E), (2),  
18 (3), or (4) of section 237(a)) and fined in accordance with  
19 title 18, United States Code.”.

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