

110TH CONGRESS
2D SESSION

H. R. 5761

To withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2008

Mr. CASTLE (for himself and Mr. DENT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Rules, 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

A BILL

To withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

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. PROHIBITION ON FEDERAL FINANCIAL ASSIST-**
2 **ANCE TO COUNTRIES THAT DENY OR UNREA-**
3 **SONABLY DELAY THE ACCEPTANCE OF NA-**
4 **TIONALS WHO HAVE BEEN ORDERED RE-**
5 **MOVED FROM THE UNITED STATES.**

6 Chapter 1 of part I of the Foreign Assistance Act
7 of 1961 (22 U.S.C. 2151 et seq.) is amended by adding
8 at the end the following:

9 **“SEC. 136. PROHIBITION ON FEDERAL FINANCIAL ASSIST-**
10 **ANCE TO COUNTRIES THAT DENY OR UNREA-**
11 **SONABLY DELAY THE REPATRIATION OF NA-**
12 **TIONALS WHO HAVE BEEN ORDERED RE-**
13 **MOVED FROM THE UNITED STATES.**

14 “(a) IN GENERAL.—Except as otherwise provided
15 under this section, funds made available under this Act
16 may not be dispersed to a foreign country that refuses
17 or unreasonably delays the acceptance of an alien who—

18 “(1) is a citizen, subject, national, or resident
19 of such country; and

20 “(2) has received a final order of removal under
21 chapter 4 of title II of the Immigration and Nation-
22 ality Act (8 U.S.C. 1221 et seq.).

23 “(b) DEFINED TERM.—In this section and in section
24 243(d) of the Immigration and Nationality Act (8 U.S.C.
25 1253(d)), a country is deemed to have refused or unrea-
26 sonable delayed the acceptance of an alien who is a citizen,

1 subject, national, or resident if the country does not accept
2 the alien within 90 days of receiving a request to repa-
3 triate such alien from an official of the United States who
4 is authorized to make such a request.

5 “(c) QUARTERLY REPORTS.—Not later than 90 days
6 after the date of enactment of this section, and every 3
7 months thereafter, the Secretary of Homeland Security
8 shall submit a report to the Senate and the House of Rep-
9 resentatives that—

10 “(1) lists all the countries which refuse or un-
11 reasonably delay repatriation (as defined in sub-
12 section (b)); and

13 “(2) includes the total number of aliens who
14 were refused repatriation, organized by—

15 “(A) country;

16 “(B) detention status; and

17 “(C) criminal status.

18 “(d) ISSUANCE OF TRAVEL DOCUMENTS.—If a coun-
19 try is listed in a report submitted under subsection (c),
20 the country shall be subject to the sanctions described in
21 subsection (a) and in section 243(d) of the Immigration
22 and Nationality Act unless the country issues appropriate
23 travel documents—

24 “(1) not later than 100 days after the submis-
25 sion of such report on behalf of all aliens described

1 in subsection (a) who have been convicted of a crime
2 committed while in the United States; and

3 “(2) not later than 200 days after the submis-
4 sion of such report on behalf of all other aliens de-
5 scribed in subsection (a).

6 “(e) WAIVER.—

7 “(1) REQUEST.—The President or a member of
8 the President’s cabinet who has been designated by
9 the President, may submit a written request to Con-
10 gress that this section be waived, wholly or in part,
11 with respect to any country.

12 “(2) RESOLUTION OF APPROVAL.—Not later
13 than 7 legislative days after the receipt of a waiver
14 request under paragraph (1), the Senate and the
15 House of Representatives shall vote on a joint reso-
16 lution authorizing the waiver request.

17 “(3) EFFECT OF FAILURE TO VOTE.—If the
18 Senate or the House of Representatives fails to vote
19 on the joint resolution described in paragraph (2)
20 before the end of the time period specified in para-
21 graph (2), the waiver request is effectively denied.

22 “(f) STANDING.—A victim or an immediate family
23 member of a victim of a crime committed by any alien
24 described in subsection (a) after such alien has been issued
25 a final order of removal shall have standing to sue in any

1 Federal district court to enforce the provisions of this sec-
 2 tion and the provisions of section 243(d) of the Immigra-
 3 tion and Nationality Act. No attorney’s fees or monetary
 4 judgments may be awarded in a suit filed under this sub-
 5 section.”.

6 **SEC. 2. DISCONTINUING GRANTING VISAS TO NATIONALS**
 7 **OF COUNTRY DENYING OR DELAYING AC-**
 8 **CEPTING ALIENS.**

9 Section 243(d) of the Immigration and Nationality
 10 Act (8 U.S.C. 1253(d)) is amended to read as follows:

11 “(d) DISCONTINUING GRANTING VISAS TO NATION-
 12 ALS OF COUNTRY DENYING OR DELAYING ACCEPTING
 13 ALIENS.—

14 “(1) IN GENERAL.—If a country is listed on the
 15 most recent report submitted by the Secretary of
 16 Homeland Security to Congress under section 136(c)
 17 of the Foreign Assistance Act of 1961, the Secretary
 18 may not issue a visa to a subject, national, or resi-
 19 dent of such country unless—

20 “(A) the country is in full compliance with
 21 section 136(d) of such Act; or

22 “(B) Congress passes a joint resolution
 23 providing for the waiver of this subsection with
 24 respect to such country.

1 “(2) EFFECT OF UNAUTHORIZED ISSUANCE.—

2 Any visa issued in violation of this paragraph shall
3 be null and void.

4 “(3) WAIVER.—

5 “(A) REQUEST.—The President or a mem-
6 ber of the President’s cabinet who has been des-
7 ignated by the President, may submit a written
8 request to Congress that this subsection be
9 waived, wholly or in part, with respect to any
10 country.

11 “(B) RESOLUTION OF APPROVAL.—Not
12 later than 7 legislative days after the receipt of
13 a request described in subparagraph (A), the
14 Senate and the House of Representatives shall
15 vote on a joint resolution authorizing the waiver
16 request.

17 “(C) EFFECT OF FAILURE TO VOTE.—If
18 the Senate or the House of Representatives
19 fails to vote on the joint resolution described in
20 subparagraph (B), the waiver request is effec-
21 tively denied.

22 “(4) STANDING.—A victim or an immediate
23 family member of a victim of a crime committed by
24 any alien described in section 136(a) of the Foreign
25 Assistance Act of 1961 after such alien has been

1 issued a final order of removal shall have standing
2 to sue in any Federal district court to enforce the
3 provisions of this subsection. No attorney's fees or
4 monetary judgments may be awarded in a suit filed
5 under this subsection.”.

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