

111TH CONGRESS
1ST SESSION

S. 577

To amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2009

Mrs. FEINSTEIN (for herself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Fraud
5 Prevention Act of 2009”.

6 **SEC. 2. SCHEMES TO DEFRAUD ALIENS.**

7 (a) AMENDMENTS TO TITLE 18.—

8 (1) IN GENERAL.—Chapter 47 of title 18,
9 United States Code, is amended by adding at the
10 end the following new section:

1 **“§ 1041. Schemes to defraud aliens**

2 “(a) IN GENERAL.—Any person who willfully and
3 knowingly executes a scheme or artifice, in connection with
4 any matter that is authorized by or arises under Federal
5 immigration laws or any matter the offender willfully and
6 knowingly claims or represents is authorized by or arises
7 under Federal immigration laws, to—

8 “(1) defraud any person; or

9 “(2) obtain or receive money or anything else of
10 value from any person by means of false or fraudu-
11 lent pretenses, representations, promises,
12 shall be fined under this title, imprisoned not more than
13 5 years, or both.

14 “(b) MISREPRESENTATION.—Any person who will-
15 fully, knowingly, and falsely represents that such person
16 is an attorney or an accredited representative (as that
17 term is defined in section 1292.1 of title 8, Code of Fed-
18 eral Regulations or any successor regulation to such sec-
19 tion) in any matter arising under Federal immigration
20 laws shall be fined under this title, imprisoned not more
21 than 5 years, or both.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for chapter 47 of title 18, United States Code,
24 is amended by adding after the item related to sec-
25 tion 1040 the following:

“1041. Schemes to defraud aliens.”.

1 (b) INVESTIGATION OF SCHEMES TO DEFRAUD
2 ALIENS.—The Attorney General and the Secretary of
3 Homeland Security shall use the Executive Office of Immi-
4 gration Review to detect and investigate individuals who
5 are in violation of section 1041 of title 18, United States
6 Code, as added by subsection (a)(1).

7 **SEC. 3. NOTICE AND OUTREACH.**

8 (a) NOTICE TO ALIENS IN IMMIGRATION PRO-
9 CEEDINGS.—

10 (1) IN GENERAL.—Subparagraph (E) of section
11 239(a)(1) of the Immigration and Nationality Act (8
12 U.S.C. 1229(a)(1)) is amended to read as follows:

13 “(E)(i) The alien may be represented by
14 counsel and the alien will be provided—

15 “(I) a period of time to secure counsel
16 under subsection (b)(1); and

17 “(II) a current list of counsel pre-
18 pared under subsection (b)(2).

19 “(ii) A description of who may represent
20 the alien in the proceedings, including a notice
21 that immigration consultants, visa consultants,
22 and other unauthorized individuals may not
23 provide that representation.”.

1 (2) LIST OF DISCIPLINED PRACTITIONERS.—
2 Subsection (b) of section 239 of the Immigration
3 and Nationality Act (8 U.S.C. 1229) is amended—

4 (A) by redesignating paragraph (3) as
5 paragraph (6); and

6 (B) by inserting after paragraph (2) the
7 following new paragraphs:

8 “(3) LIST OF DISCIPLINED PRACTITIONERS.—
9 The Attorney General shall provide for lists (up-
10 dated no less often than quarterly) of persons who
11 are prohibited for providing representation in immi-
12 gration proceedings.

13 “(4) FOREIGN LANGUAGE MATERIALS.—The
14 materials required to be provided to an alien under
15 this subsection shall be provided in appropriate lan-
16 guages, including English and Spanish.

17 “(5) ORAL NOTIFICATION.—At the earliest pos-
18 sible opportunity, an immigration judge shall orally
19 advise an alien in a removal proceeding of the infor-
20 mation described in paragraphs (2) and (3).”.

21 (b) OUTREACH TO IMMIGRANT COMMUNITIES.—

22 (1) AUTHORITY TO CONDUCT.—The Attorney
23 General, through the Director of the Executive Of-
24 fice for Immigration Review, and the Secretary of
25 Homeland Security shall carry out a program to

1 educate aliens regarding who may provide legal serv-
2 ices and representation to aliens in immigration pro-
3 ceedings through cost-effective outreach to immi-
4 grant communities.

5 (2) PURPOSE.—The purpose of the program
6 authorized under paragraph (1) is to prevent aliens
7 from being subjected to fraud by immigration con-
8 sultants, visa consultants, and other individuals who
9 are not authorized to provide legal services or rep-
10 resentation to aliens.

11 (3) AVAILABILITY.—The Attorney General and
12 the Secretary of Homeland Security shall make in-
13 formation regarding fraud by immigration consult-
14 ants, visa consultants, and other individuals who are
15 not authorized to provide legal services or represen-
16 tation to aliens available—

17 (A) at appropriate offices that provide
18 services or information to aliens; and

19 (B) through Internet websites that are—

20 (i) maintained by the Attorney Gen-
21 eral or the Secretary; and

22 (ii) intended to provide information
23 regarding immigration matters to aliens.

24 (4) FOREIGN LANGUAGE MATERIALS.—Any
25 educational materials used to carry out the program

1 authorized under paragraph (1) shall be made avail-
2 able to immigrant communities in appropriate lan-
3 guages, including English and Spanish.

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