

114TH CONGRESS  
2D SESSION

# S. 3241

To amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. LEAHY (for himself, Mr. DURBIN, Mr. FRANKEN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Refugee Protection Act of 2016”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Elimination of time limits on asylum applications.

- Sec. 4. Protecting certain vulnerable groups of asylum seekers.
- Sec. 5. Scope and standard for review.
- Sec. 6. Efficient asylum and refugee determination process.
- Sec. 7. Secure alternatives.
- Sec. 8. Conditions of detention.
- Sec. 9. Timely notice of immigration charges.
- Sec. 10. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
- Sec. 11. Child welfare professionals.
- Sec. 12. Study on the effect of expedited removal provisions, practices, and procedures on asylum claims.
- Sec. 13. Training for border security and immigration enforcement officers.
- Sec. 14. Refugee opportunity promotion.
- Sec. 15. Protections for minors seeking asylum.
- Sec. 16. Fair day in court for kids.
- Sec. 17. Protection of stateless persons in the United States.
- Sec. 18. Authority to designate certain groups of refugees for consideration.
- Sec. 19. Multiple forms of relief.
- Sec. 20. Protection of refugee families.
- Sec. 21. Reform of refugee consultation process.
- Sec. 22. Admission of refugees in the absence of the annual Presidential determination.
- Sec. 23. Update of reception and placement grants.
- Sec. 24. Protection for aliens interdicted at sea.
- Sec. 25. Modification of physical presence requirements for aliens serving as translators.
- Sec. 26. Protecting victims of terrorism from being defined as terrorists.
- Sec. 27. Assessment of the Refugee Domestic Resettlement Program.
- Sec. 28. Refugee assistance.
- Sec. 29. Resettlement data.
- Sec. 30. Extension of eligibility period for Social Security benefits for certain refugees.
- Sec. 31. Prohibition on operation streamline for asylum seekers.
- Sec. 32. T and U visa reforms.
- Sec. 33. Transparency in refugee determinations.
- Sec. 34. Authorization of appropriations.
- Sec. 35. Determination of budgetary effects.

**1 SEC. 2. DEFINITIONS.**

**2 In this Act:**

**3 (1) ASYLUM SEEKER.**—The term “asylum seek-  
**4 er”**—

**5 (A) means—**

**6 (i) any applicant for asylum under**  
**7 section 208 of the Immigration and Na-**  
**8 tionality Act (8 U.S.C. 1158);**

- 1 (ii) any alien who indicates—  
2 (I) an intention to apply for asy-  
3 lum under that section; or  
4 (II) a fear of persecution; and  
5 (iii) any alien who indicates—  
6 (I) an intention to apply for with-  
7 holding of removal pursuant to—  
8 (aa) section 241 of the Im-  
9 migration and Nationality Act (8  
10 U.S.C. 1231); or  
11 (bb) the Convention Against  
12 Torture and Other Cruel, Inhu-  
13 man or Degrading Treatment or  
14 Punishment, done at New York  
15 December 10, 1984; or  
16 (II) a fear that the alien’s life or  
17 freedom would be threatened;  
18 (B) includes any individual described in  
19 subparagraph (A) whose application for asylum  
20 or withholding of removal is pending judicial re-  
21 view; and  
22 (C) does not include an individual with re-  
23 spect to whom a final order denying asylum and  
24 withholding of removal has been entered if such  
25 order is not pending judicial review.

1           (2) DEPARTMENT.—The term “Department”  
2       means the Department of Homeland Security.

3           (3) SECRETARY.—The term “Secretary” means  
4       the Secretary of Homeland Security.

5   **SEC. 3. ELIMINATION OF TIME LIMITS ON ASYLUM APPLI-**  
6                           **CATIONS.**

7       Section 208(a)(2) of the Immigration and Nationality  
8   Act (8 U.S.C. 1158(a)(2)) is amended—

9           (1) in subparagraph (A), by inserting “or the  
10       Secretary of Homeland Security” after “Attorney  
11       General” each place such term appears;

12           (2) by striking subparagraphs (B) and (D);

13           (3) by redesignating subparagraph (C) as sub-  
14       paragraph (B);

15           (4) in subparagraph (B), as redesignated, by  
16       striking “subparagraph (D)” and inserting “sub-  
17       paragraphs (C) and (D)”; and

18           (5) by inserting after subparagraph (B), as re-  
19       designated, the following:

20                       “(C) CHANGED CIRCUMSTANCES.—Not-  
21       withstanding subparagraph (B), an application  
22       for asylum of an alien may be considered if the  
23       alien demonstrates, to the satisfaction of the  
24       Attorney General or the Secretary of Homeland  
25       Security, the existence of changed cir-

1           cumstances that materially affect the appli-  
2           cant’s eligibility for asylum.

3           “(D) MOTION TO REOPEN CERTAIN MERI-  
4           TORIOUS CLAIMS.—Notwithstanding subpara-  
5           graph (B) or section 240(c)(7), an alien may  
6           file a motion to reopen an asylum claim during  
7           the 2-year period beginning on the date of the  
8           enactment of the Refugee Protection Act of  
9           2016 if the alien—

10           “(i) was denied asylum based solely  
11           upon a failure to meet the 1-year applica-  
12           tion filing deadline in effect on the date on  
13           which the application was filed;

14           “(ii) was granted withholding of re-  
15           moval to the alien’s country of nationality  
16           (or, if stateless, to the country of last ha-  
17           bitual residence) under section 241(b)(3);

18           “(iii) has not obtained lawful perma-  
19           nent residence in the United States pursu-  
20           ant to any other provision of law;

21           “(iv) is not subject to the safe third  
22           country exception in section 208(a)(2)(A)  
23           or a bar to asylum under section 208(b)(2)  
24           and was not denied asylum as a matter of  
25           discretion; and

1 “(v) is physically present in the  
2 United States when the motion is filed.”.

3 **SEC. 4. PROTECTING CERTAIN VULNERABLE GROUPS OF**  
4 **ASYLUM SEEKERS.**

5 (a) DEFINED TERM.—Section 101(a)(42) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1101(a)(42)) is  
7 amended to read as follows:

8 “(42)(A) The term ‘refugee’ means any person  
9 who—

10 “(i)(I) is outside any country of such per-  
11 son’s nationality or, in the case of a person hav-  
12 ing no nationality, is outside any country in  
13 which such person last habitually resided; and

14 “(II) is unable or unwilling to return to,  
15 and is unable or unwilling to avail himself or  
16 herself of the protection of, that country be-  
17 cause of persecution, or a well-founded fear of  
18 persecution, on account of race, religion, nation-  
19 ality, membership in a particular social group,  
20 or political opinion; or

21 “(ii) in such circumstances as the Presi-  
22 dent may specify, after appropriate consultation  
23 (as defined in section 207(e))—

24 “(I) is within the country of such per-  
25 son’s nationality or, in the case of a person

1           having no nationality, within the country  
2           in which such person is habitually residing;  
3           and

4           “(II) is persecuted, or who has a well-  
5           founded fear of persecution, on account of  
6           race, religion, nationality, membership in a  
7           particular social group, or political opinion.

8           “(B) The term ‘refugee’ does not include any  
9           person who ordered, incited, assisted, or otherwise  
10          participated in the persecution of any person on ac-  
11          count of race, religion, nationality, membership in a  
12          particular social group, or political opinion. A person  
13          who establishes that his or her actions were com-  
14          mitted under duress or while the person was younger  
15          than 18 years of age shall not be considered to have  
16          ordered, incited, assisted, or otherwise participated  
17          in persecution under this subparagraph.

18          “(C) For purposes of determinations under this  
19          Act—

20                 “(i) a person who has been forced to abort  
21                 a pregnancy or to undergo involuntary steriliza-  
22                 tion, or who has been persecuted for failure or  
23                 refusal to undergo such a procedure or for  
24                 other resistance to a coercive population control

1           program, shall be deemed to have been per-  
 2           secuted on account of political opinion; and

3           “(ii) a person who has a well-founded fear  
 4           that he or she will be forced to undergo such  
 5           a procedure or subject to persecution for such  
 6           failure, refusal, or resistance shall be deemed to  
 7           have a well-founded fear of persecution on ac-  
 8           count of political opinion.

9           “(D) For purposes of determinations under this  
 10          Act, any group whose members share a char-  
 11          acteristic that is either immutable or fundamental to  
 12          identity, conscience, or the exercise of the person’s  
 13          human rights such that the person should not be re-  
 14          quired to change it, shall be deemed a particular so-  
 15          cial group, without any additional requirement.”.

16          (b) CONDITIONS FOR GRANTING ASYLUM.—Section  
 17          208(b)(1)(B) of the Immigration and Nationality Act (8  
 18          U.S.C. 1158(b)(1)(B)) is amended—

19               (1) in clause (i), by striking “at least one cen-  
 20               tral reason for persecuting the applicant” and in-  
 21               serting “a factor in the applicant’s persecution or  
 22               fear of persecution”;

23               (2) in clause (ii), by striking the last sentence  
 24               and inserting the following: “If the trier of fact de-  
 25               termines that the applicant should provide evidence



1       that corroborates otherwise credible testimony, the  
 2       trier of fact shall provide notice and allow the appli-  
 3       cant a reasonable opportunity to file such evidence.  
 4       The trier of fact may not require such evidence if  
 5       the applicant does not have the evidence and dem-  
 6       onstrates that he or she cannot reasonably obtain  
 7       the evidence. Evidence shall not be considered rea-  
 8       sonably obtainable if procurement of such evidence  
 9       would reasonably endanger the life or safety of any  
 10      person.”;

11           (3) by redesignating clause (iii) as clause (iv);

12           (4) by inserting after clause (ii) the following:

13                   “(iii) SUPPORTING EVIDENCE ACCEPT-  
 14                   ED.—Direct or circumstantial evidence, in-  
 15                   cluding evidence that the State is unable  
 16                   or unwilling to protect individuals of the  
 17                   applicant’s race, religion, nationality, par-  
 18                   ticular social group, or political opinion, or  
 19                   that the State’s legal or social norms tol-  
 20                   erate persecution against individuals of the  
 21                   applicant’s race, religion, nationality, par-  
 22                   ticular social group, or political opinion,  
 23                   may establish that persecution is on ac-  
 24                   count of one of the grounds enumerated in  
 25                   subsection (a)(42)(A)(i)(II).”; and

1           (5) in clause (iv), as redesignated, by striking  
2       “, without regard to whether an inconsistency, inac-  
3       curacy, or falsehood goes to the heart of the appli-  
4       cant’s claim, or any other relevant factor.” and in-  
5       serting “. If the trier of fact determines that there  
6       are inconsistencies or omissions, the alien shall be  
7       given an opportunity to explain and to provide sup-  
8       port or evidence to clarify such inconsistencies or  
9       omissions.”.

10       (c) REMOVAL PROCEEDINGS.—Section 240(c)(4) of  
11 the Immigration and Nationality Act (8 U.S.C.  
12 1229a(c)(4)) is amended—

13           (1) in subparagraph (B), by striking the last  
14       sentence and inserting the following: “If the trier of  
15       fact determines that the applicant should provide  
16       evidence that corroborates otherwise credible testi-  
17       mony, the trier of fact shall provide notice and allow  
18       the applicant a reasonable opportunity to file such  
19       evidence. The trier of fact may not require such evi-  
20       dence if the applicant does not have the evidence  
21       and demonstrates that he or she cannot reasonably  
22       obtain the evidence. Evidence shall not be considered  
23       reasonably obtainable under this subparagraph if  
24       procurement of such evidence would reasonably en-

1 danger the life or safety of any person in the appli-  
2 cant's home country.”; and

3 (2) in subparagraph (C), by striking “, without  
4 regard to whether an inconsistency, inaccuracy, or  
5 falsehood goes to the heart of the applicant's claim,  
6 or any other relevant factor.” and inserting “. If the  
7 trier of fact determines that there are inconsis-  
8 tencies or omissions, the alien shall be given an op-  
9 portunity to explain and to provide support or evi-  
10 dence to clarify such inconsistencies or omissions.”.

11 **SEC. 5. SCOPE AND STANDARD FOR REVIEW.**

12 Section 242(b) of the Immigration and Nationality  
13 Act (8 U.S.C. 1252(b)) is amended—

14 (1) in paragraph (1), by adding at the end the  
15 following: “The alien shall not be removed during  
16 such 30-day period, unless the alien indicates in  
17 writing that he or she wishes to be removed before  
18 the expiration of such period.”; and

19 (2) by striking paragraph (4) and inserting the  
20 following:

21 “(4) SCOPE AND STANDARD FOR REVIEW.—Ex-  
22 cept as provided in paragraph (5)(B), the court of  
23 appeals shall sustain a final decision ordering re-  
24 moval unless it is contrary to law, an abuse of dis-  
25 cretion, or not supported by substantial evidence.

1       The court of appeals shall decide the petition only  
 2       on the administrative record on which the order of  
 3       removal is based.”.

4   **SEC. 6. EFFICIENT ASYLUM AND REFUGEE DETERMINA-**  
 5                   **TION PROCESS.**

6       (a) ASYLUM DETERMINATION PROCESS.—Section  
 7   235(b)(1)(B) of the Immigration and Nationality Act (8  
 8   U.S.C. 1225(b)(1)(B)) is amended—

9           (1) in clause (ii)—

10               (A) in the heading, by striking “REFER-

11               RAL” and inserting “INTERVIEW AND REFER-

12               RAL”; and

13               (B) by striking “the alien shall be detained

14               for further consideration of the application for

15               asylum.” and inserting “the alien may, in the

16               Secretary’s discretion, be detained for further

17               consideration of the application for asylum by

18               an asylum officer designated by the Director of

19               United States Citizenship and Immigration

20               Services, subject to a custody redetermination

21               hearing before an immigration judge pursuant

22               to procedures established in accordance with

23               section 236(a) and its implementing regula-

24               tions. The asylum officer shall conduct a non-

25               adversarial asylum interview and, after seeking

1 supervisory review, may grant asylum to the  
2 alien under section 208 or refer the case to a  
3 designee of the Attorney General, for a de novo  
4 asylum determination, for relief under the Con-  
5 vention Against Torture and Other Cruel, Inhu-  
6 man or Degrading Treatment or Punishment,  
7 done at New York December 10, 1984, or for  
8 protection under section 241(b)(3).”; and  
9 (2) in clause (iii)(IV)—

10 (A) by amending the subclause heading to  
11 read as follows:

12 “(IV) DETENTION.—”; and

13 (B) by striking “shall” and inserting  
14 “may, in the Secretary’s discretion,”.

15 (b) REFUGEE DETERMINATION PROCESS.—If an ap-  
16 plication for admission to the United States under section  
17 207 of the Immigration and Nationality Act (8 U.S.C.  
18 1157) is placed on hold for longer than 3 months or is  
19 subject to the expiration and repetition of more than 3  
20 screenings and one or more members of the applicant’s  
21 family also have pending applications for admission under  
22 such section, the Secretary of Homeland Security shall no-  
23 tify any individual on that case who is eligible to travel  
24 separately of the option to separate such individual’s case  
25 from the family unit and shall permit such individual to

1 travel based upon such individual’s satisfaction of all secu-  
2 rity and other requirements for refugee applications.

3 (c) CLARIFICATION ON ASYLUM ELIGIBILITY.—Sec-  
4 tion 208 of the Immigration and Nationality Act (8 U.S.C.  
5 1158) is amended—

6 (1) in subsection (b)(2)—

7 (A) by striking subparagraph (C); and

8 (B) by redesignating subparagraph (D) as  
9 subparagraph (C); and

10 (2) by adding at the end the following:

11 “(f) CLARIFICATION ON ASYLUM ELIGIBILITY.—Not-  
12 withstanding any other provisions of law, an alien’s eligi-  
13 bility for asylum shall be governed solely by this section.”.

14 **SEC. 7. SECURE ALTERNATIVES.**

15 (a) ESTABLISHMENT.—The Secretary, in consulta-  
16 tion with nongovernmental organizations, shall establish  
17 a continuum of alternatives to detention and case manage-  
18 ment services (referred to in this section as “secure alter-  
19 natives”), including screening of detainees, appearance as-  
20 sistance services, and community-based supervision pro-  
21 grams, in each Enforcement and Removal Operations field  
22 office operated by U.S. Immigration and Customs En-  
23 forcement to ensure appearances by aliens at immigration  
24 proceedings.

1       (b) CONTRACT AUTHORITY.—The Secretary may  
2 contract with nongovernmental community-based organi-  
3 zations to meet the requirements under subsection (a).

4       (c) USE OF BOND OR RECOGNIZANCE.—The Sec-  
5 retary may not use secure alternatives when release on  
6 reasonable bond or recognizance is determined to be a suf-  
7 ficient measure to ensure an alien’s appearance at immi-  
8 gration proceedings and protect public safety.

9       (d) PROGRAM REQUIREMENTS.—

10           (1) INDIVIDUALIZED DETERMINATIONS AND RE-  
11 VIEW.—In determining whether to use secure alter-  
12 natives, the Secretary—

13               (A) shall make an individualized deter-  
14 mination about the level of monitoring nec-  
15 essary to ensure an alien’s appearance at immi-  
16 gration proceedings and protect public safety;

17               (B) shall review the level of supervision on  
18 a frequent basis and adjust as appropriate; and

19               (C) shall limit the use of restrictive elec-  
20 tronic monitoring devices, such as ankle brace-  
21 lets to cases in which there is a demonstrated  
22 need for such enhanced monitoring.

23           (2) PROGRAM ELEMENTS.—Secure alternatives  
24 under this section shall include—

1 (A) individualized case management by an  
2 assigned case supervisor; and

3 (B) referral to community-based providers  
4 of legal and social services.

5 (3) CUSTODY.—The Secretary may use secure  
6 alternatives to maintain custody over any alien de-  
7 tained under the Immigration and Nationality Act,  
8 except for aliens detained under section 236A of  
9 such Act (8 U.S.C. 1226a).

10 (e) PAROLE OF CERTAIN ALIENS.—Section  
11 235(b)(1)(B) of the Immigration and Nationality Act (8  
12 U.S.C. 1225(b)(1)(B)) is amended—

13 (1) by redesignating clause (v) as clause (vi);  
14 and

15 (2) by inserting after clause (iv) the following:

16 “(v) RELEASE.—

17 “(I) IN GENERAL.—Any alien  
18 subject to detention under this sub-  
19 section who has been determined to  
20 have a credible or reasonable fear of  
21 persecution shall be released from the  
22 custody of the Department of Home-  
23 land Security not later than 7 days  
24 after such determination unless the  
25 Secretary of Homeland Security



1 makes an individualized determination  
2 supported by substantial evidence that  
3 the alien—

4 “(aa) poses a risk to public  
5 safety, which may include a risk  
6 to national security; or

7 “(bb) is a flight risk, which  
8 cannot be mitigated through  
9 other conditions of release, such  
10 as bond or secure alternatives,  
11 that would reasonably ensure  
12 that the alien would appear for  
13 immigration proceedings.

14 “(II) NOTICE.—The Secretary of  
15 Homeland Security shall provide every  
16 alien and the alien’s legal representa-  
17 tive with written notification of the  
18 parole decision, including a brief ex-  
19 planation of the reasons for any deci-  
20 sion to deny parole. The notification  
21 should be communicated to the alien  
22 orally and in writing, in a language  
23 the alien claims to understand.”.

24 **SEC. 8. CONDITIONS OF DETENTION.**

25 (a) DEFINITIONS.—In this section:

1           (1) APPLICABLE STANDARDS.—The term “ap-  
2       plicable standards” means the most recent version of  
3       detention standards and detention-related policies  
4       issued by the Secretary or the Director of U.S. Im-  
5       migration and Customs Enforcement.

6           (2) DETENTION FACILITY.—The term “deten-  
7       tion facility” means a Federal, State, or local gov-  
8       ernment facility, or a privately owned and operated  
9       facility, that is used, in whole or in part, to hold in-  
10      dividuals under the authority of the Director of U.S.  
11      Immigration and Customs Enforcement, including  
12      facilities that hold such individuals under a contract  
13      or agreement with the Director.

14       (b) DETENTION REQUIREMENTS.—The Secretary  
15      shall ensure that all persons detained pursuant to the Im-  
16      migration and Nationality Act (8 U.S.C. 1101 et seq.) are  
17      treated humanely and benefit from the protections set  
18      forth in this section.

19       (c) OVERSIGHT REQUIREMENTS.—

20           (1) ANNUAL INSPECTION.—All detention facili-  
21      ties shall be inspected by the Secretary on a regular  
22      basis, but not less than annually, for compliance  
23      with applicable detention standards issued by the  
24      Secretary and other applicable regulations.

1           (2) ROUTINE OVERSIGHT.—In addition to an-  
2           nual inspections, the Secretary shall conduct routine  
3           oversight of detention facilities, including unan-  
4           nounced inspections.

5           (3) AVAILABILITY OF RECORDS.—All detention  
6           facility contracts, memoranda of agreement, and  
7           evaluations and reviews shall be considered records  
8           for purposes of section 552(f)(2) of title 5, United  
9           States Code.

10          (4) CONSULTATION.—The Secretary shall seek  
11          input from nongovernmental organizations regarding  
12          their independent opinion of specific facilities.

13          (d) COMPLIANCE MECHANISMS.—

14           (1) AGREEMENTS.—

15           (A) NEW AGREEMENTS.—Compliance with  
16           applicable standards established by the Sec-  
17           retary and all applicable regulations, and mean-  
18           ingful financial penalties for failure to comply,  
19           shall be a material term in any new contract,  
20           memorandum of agreement, or any renegoti-  
21           ation, modification, or renewal of an existing  
22           contract or agreement, including fee negotia-  
23           tions, executed with detention facilities.

24           (B) EXISTING AGREEMENTS.—Not later  
25           than 180 days after the date of the enactment

1 of this Act, the Secretary shall secure a modi-  
2 fication incorporating these terms for any exist-  
3 ing contracts or agreements that will not be re-  
4 negotiated, renewed, or otherwise modified.

5 (C) CANCELLATION OF AGREEMENTS.—

6 Unless the Secretary provides a reasonable ex-  
7 tension to a specific detention facility that is  
8 negotiating in good faith, contracts or agree-  
9 ments with detention facilities that are not  
10 modified within 1 year of the date of the enact-  
11 ment of this Act shall be canceled.

12 (D) PROVISION OF INFORMATION.—In

13 making modifications under this paragraph, the  
14 Secretary shall require that detention facilities  
15 regularly provide the Secretary with all con-  
16 tracts, memoranda of agreement, evaluations,  
17 and reviews regarding the facility. The Sec-  
18 retary shall make such materials available to  
19 the public.

20 (2) FINANCIAL PENALTIES.—

21 (A) REQUIREMENT TO IMPOSE.—Subject

22 to subparagraph (C), the Secretary shall impose  
23 meaningful financial penalties upon facilities  
24 that fail to comply with applicable detention

standards established by the Secretary and other applicable regulations.

(B) TIMING OF IMPOSITION.—Financial penalties shall be imposed under subparagraph (A) immediately after a facility fails to achieve an adequate or the equivalent median score in any performance evaluation.

(C) WAIVER.—The requirements under subparagraph (A) may be waived if the facility corrects the noted deficiencies and receives an adequate score during the 90-day period beginning on the date on which the facility failed to achieve an adequate score in a performance evaluation.

(D) MULTIPLE OFFENDERS.—If a facility persistently and substantially fails to comply with applicable detention standards, including scoring less than adequate or the equivalent median score in 2 consecutive inspections—

(i) the Secretary shall terminate all contracts or agreements with such facility not later than 60 days after such failure; or

(ii) if the facility is operated by the Secretary, the Secretary shall close such

1 facility not later than 90 days after such  
2 failure.

3 (e) REPORTING REQUIREMENTS.—

4 (1) OBJECTIVES.—Not later than June 30 of  
5 each year, the Secretary shall prepare and submit a  
6 report to the Committee on the Judiciary of the  
7 Senate and the Committee on the Judiciary of the  
8 House of Representatives that describes the inspec-  
9 tion and oversight activities of detention facilities.

10 (2) CONTENTS.—Each report submitted under  
11 paragraph (1) shall include—

12 (A) a description of each detention facility  
13 found to be in noncompliance with applicable  
14 detention standards issued by the Department  
15 or other applicable regulations;

16 (B) a description of the actions taken by  
17 the Department to remedy any findings of non-  
18 compliance or other identified problems, includ-  
19 ing financial penalties, contract or agreement  
20 termination, or facility closure; and

21 (C) information regarding whether the ac-  
22 tions described in subparagraph (B) resulted in  
23 compliance with applicable detention standards  
24 and regulations.

1 (f) LIMITATIONS ON SOLITARY CONFINEMENT,  
2 SHACKLING, AND STRIP SEARCHES.—

3 (1) EXTRAORDINARY CIRCUMSTANCES.—Solitary  
4 tary confinement, shackling, and strip searches of  
5 detainees—

6 (A) may not be used unless such tech-  
7 niques are necessitated by extraordinary cir-  
8 cumstances in which the safety of other persons  
9 is at imminent risk; and

10 (B) may not be used for the purpose of  
11 humiliating detainees within or outside the de-  
12 tention facility.

13 (2) PROTECTED CLASSES.—Solitary confine-  
14 ment, shackling, and strip searches may not be used  
15 on pregnant women, nursing mothers, women in  
16 labor or delivery, or children who are younger than  
17 18 years of age. Strip searches may not be con-  
18 ducted in the presence of children who are younger  
19 than 21 years of age.

20 (3) WRITTEN POLICIES.—Detention facilities  
21 shall—

22 (A) adopt written policies pertaining to the  
23 use of force and restraints; and

24 (B) train all staff on the proper use of  
25 such techniques and devices.

1 **SEC. 9. TIMELY NOTICE OF IMMIGRATION CHARGES.**

2 Section 236 of the Immigration and Nationality Act  
3 (8 U.S.C. 1226) is amended by adding at the end the fol-  
4 lowing:

5 “(f) NOTICE AND CHARGES.—Not later than 48  
6 hours after the commencement of a detention of an indi-  
7 vidual under this section, the Secretary of Homeland Se-  
8 curity shall—

9 “(1) file a Notice to Appear or other relevant  
10 charging document with the immigration court clos-  
11 est to the location at which the individual was appre-  
12 hended; and

13 “(2) serve such notice or charging document on  
14 the individual.”.

15 **SEC. 10. PROCEDURES FOR ENSURING ACCURACY AND**  
16 **VERIFIABILITY OF SWORN STATEMENTS**  
17 **TAKEN PURSUANT TO EXPEDITED REMOVAL**  
18 **AUTHORITY.**

19 (a) IN GENERAL.—The Secretary shall establish  
20 quality assurance procedures to ensure the accuracy and  
21 verifiability of signed or sworn statements taken by em-  
22 ployees of the Department exercising expedited removal  
23 authority under section 235(b) of the Immigration and  
24 Nationality Act (8 U.S.C. 1225(b)).

25 (b) RECORDING OF INTERVIEWS.—



1           (1) IN GENERAL.—Any sworn or signed written  
2           statement taken from an alien as part of the record  
3           of a proceeding under section 235(b)(1)(A) of the  
4           Immigration and Nationality Act shall be accom-  
5           panied by a recording of the interview which served  
6           as the basis for such sworn statement.

7           (2) CONTENT.—The recording shall include—

8                   (A) a reading of the entire written state-  
9                   ment to the alien in a language that the alien  
10                  claims to understand; and

11                  (B) the verbal affirmation by the alien of  
12                  the accuracy of—

13                          (i) the written statement; or

14                          (ii) a corrected version of the written  
15                          statement.

16           (3) FORMAT.—The recording shall be made in  
17           video, audio, or other equally reliable format.

18           (4) EVIDENCE.—Recordings of interviews under  
19           this subsection may be considered as evidence in any  
20           further proceedings involving the alien.

21           (c) EXEMPTION AUTHORITY.—

22                   (1) EXEMPTED FACILITIES.—Subsection (b)  
23                   shall not apply to interviews that occur at detention  
24                   facilities exempted by the Secretary under this sub-  
25                   section.

1           (2) CRITERIA.—The Secretary, or the Sec-  
 2       retary’s designee, may exempt any detention facility  
 3       if compliance with subsection (b) at that facility  
 4       would impair operations or impose undue burdens or  
 5       costs.

6           (3) REPORT.—The Secretary shall annually  
 7       submit a report to Congress that identifies the facili-  
 8       ties that have been exempted under this subsection.

9           (4) NO PRIVATE CAUSE OF ACTION.—Nothing  
 10      in this subsection may be construed to create a pri-  
 11      vate cause of action for damages or injunctive relief.

12      (d) INTERPRETERS.—The Secretary shall ensure that  
 13      a professional fluent interpreter is used if—

14           (1) the interviewing officer is not certified by  
 15      the Department to speak a language understood by  
 16      the alien; and

17           (2) there is no other Federal Government em-  
 18      ployee available who is able to interpret effectively,  
 19      accurately, and impartially.

20      **SEC. 11. CHILD WELFARE PROFESSIONALS.**

21      (a) DEFINED TERM.—The term “qualified child wel-  
 22      fare professional” means a professional with expertise in  
 23      developmentally appropriate, culturally competent, and  
 24      trauma-centered interviewing skills.

1 (b) GUIDELINES.—The Secretary, in consultation  
 2 with the Secretary of Health and Human Services, shall  
 3 develop guidelines and train all relevant staff in accord-  
 4 ance with such guidelines, to ensure that all children in  
 5 the custody of the Department are properly screened for  
 6 protection needs.

7 (c) MEMORANDUM OF UNDERSTANDING.—The Sec-  
 8 retary and the Secretary of Health and Human Services  
 9 shall establish a memorandum of understanding for the  
 10 placement of qualified child welfare professionals, on a  
 11 full- or part-time basis, to assist with screening for protec-  
 12 tion needs in not fewer than 7 U.S. Customs and Border  
 13 Protection offices or stations, with presumptive priority  
 14 given to those offices or stations with the largest number  
 15 of child apprehensions during the previous fiscal year.

16 **SEC. 12. STUDY ON THE EFFECT OF EXPEDITED REMOVAL**  
 17 **PROVISIONS, PRACTICES, AND PROCEDURES**  
 18 **ON ASYLUM CLAIMS.**

19 (a) STUDY.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) COMMISSION.—The term “Commis-  
 22 sion” means the United States Commission on  
 23 International Religious Freedom.

24 (B) CREDIBLE FEAR OF PERSECUTION.—  
 25 The term “credible fear of persecution” has the

1 meaning given the term in section  
2 235(b)(1)(B)(v) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)).

4 (C) IMMIGRATION OFFICER.—The term  
5 “immigration officer” means an immigration of-  
6 ficer performing duties under section 235(b) of  
7 the Immigration and Nationality Act (8 U.S.C.  
8 1225(b)) with respect to aliens who—

9 (i) are apprehended after entering the  
10 United States; and

11 (ii) may be eligible to apply for asy-  
12 lum under section 208 or 235 of such Act.

13 (2) AUTHORIZATION.—The Commission is au-  
14 thorized to conduct a study to determine whether  
15 immigration officers are engaging in conduct de-  
16 scribed in paragraph (3).

17 (3) CONDUCT DESCRIBED.—An immigration of-  
18 ficer engages in conduct described in this paragraph  
19 if the immigration officer—

20 (A) improperly encourages an alien re-  
21 ferred to in paragraph (1)(C) to withdraw or  
22 retract claims for asylum;

23 (B) incorrectly fails to refer such an alien  
24 for an interview by an asylum officer to deter-  
25 mine whether the alien has a credible fear of

1 persecution, including failing to record an  
2 alien's expression of fear of persecution or tor-  
3 ture;

4 (C) incorrectly removes such an alien to a  
5 country in which the alien may be persecuted;

6 (D) detains such an alien improperly or  
7 under inappropriate conditions;

8 (E) improperly separates a family unit  
9 after a family member has expressed a credible  
10 fear of persecution; or

11 (F) improperly refers an alien for proc-  
12 essing under an enforcement or deterrence pro-  
13 gram, such as the Consequence Delivery Sys-  
14 tem.

15 (b) REPORT.—Not later than 2 years after the date  
16 on which the Commission initiates the study under sub-  
17 section (a)(2), the Commission shall submit a report con-  
18 taining the results of the study to—

19 (1) the Committee on Homeland Security and  
20 Governmental Affairs of the Senate;

21 (2) the Committee on the Judiciary of the Sen-  
22 ate;

23 (3) the Committee on Foreign Relations of the  
24 Senate;

1           (4) the Committee on Homeland Security of the  
2       House of Representatives;

3           (5) the Committee on the Judiciary of the  
4       House of Representatives; and

5           (6) the Committee on Foreign Affairs of the  
6       House of Representatives.

7       (c) STAFF.—

8           (1) FROM OTHER AGENCIES.—

9           (A) IDENTIFICATION.—The Commission  
10       may identify employees of the Department of  
11       Homeland Security, the Department of Justice,  
12       and the Government Accountability Office that  
13       have significant expertise and knowledge of ref-  
14       ugee and asylum issues.

15          (B) DESIGNATION.—At the request of the  
16       Commission, the Secretary, the Attorney Gen-  
17       eral, and the Comptroller General of the United  
18       States shall authorize staff identified under  
19       subparagraph (A) to assist the Commission in  
20       conducting the study under subsection (a).

21          (2) ADDITIONAL STAFF.—The Commission may  
22       hire additional staff and consultants to conduct the  
23       study under subsection (a).

24          (3) ACCESS TO PROCEEDINGS.—

1 (A) IN GENERAL.—Except as provided in  
 2 subparagraph (B), the Secretary and the Attor-  
 3 ney General shall provide staff designated  
 4 under paragraph (1) or hired under paragraph  
 5 (2) with unrestricted access to all stages of all  
 6 proceedings conducted under section 235(b) of  
 7 the Immigration and Nationality Act (8 U.S.C.  
 8 1225(b)).

9 (B) EXCEPTIONS.—The Secretary and the  
 10 Attorney General may not permit unrestricted  
 11 access under subparagraph (A) if—

12 (i) the alien subject to a proceeding  
 13 under such section 235(b) objects to such  
 14 access; or

15 (ii) the Secretary or Attorney General  
 16 determines that the security of a particular  
 17 proceeding would be threatened by such  
 18 access.

19 **SEC. 13. TRAINING FOR BORDER SECURITY AND IMMIGRA-**  
 20 **TION ENFORCEMENT OFFICERS.**

21 The Secretary shall ensure that U.S. Customs and  
 22 Border Protection officers, U.S. Border Patrol agents,  
 23 U.S. Immigration and Customs Enforcement officers and  
 24 agents, United States Air and Marine Division agents, and  
 25 agriculture specialists stationed within 100 miles of any

1 land or marine border of the United States or at any  
2 United States port of entry receive appropriate training,  
3 which shall be prepared in collaboration with the Assistant  
4 Attorney General for the Civil Rights Division of the De-  
5 partment of Justice, in—

6 (1) identifying and detecting fraudulent travel  
7 documents;

8 (2) civil, constitutional, human, and privacy  
9 rights of individuals;

10 (3) the scope of enforcement authorities, includ-  
11 ing interrogations, stops, searches, seizures, arrests,  
12 and detentions;

13 (4) use of force policies issued by the Secretary;

14 (5) immigration laws, including screening, iden-  
15 tifying, and addressing vulnerable populations, such  
16 as children, victims of crime and human trafficking,  
17 and individuals fleeing persecution or torture;

18 (6) social and cultural sensitivity toward border  
19 communities;

20 (7) the impact of border operations on commu-  
21 nities; and

22 (8) any particular environmental concerns in a  
23 particular area.



1 **SEC. 14. REFUGEE OPPORTUNITY PROMOTION.**

2 Section 209 of the Immigration and Nationality Act  
3 (8 U.S.C. 1159) is amended—

4 (1) in subsection (a)(1)(B), by striking “one  
5 year,” and inserting “1 year (except as provided  
6 under subsection (d));”;

7 (2) in subsection (b)(2), by striking “asylum,”  
8 and inserting “asylum (except as provided under  
9 subsection (d));” and

10 (3) by adding at the end the following:

11 “(d) EXCEPTION TO PHYSICAL PRESENCE REQUIRE-  
12 MENT.—An alien who does not meet the 1-year physical  
13 presence requirement under subsection (a)(1)(B) or  
14 (b)(2), but who otherwise meets the requirements under  
15 subsection (a) or (b) for adjustment of status to that of  
16 an alien lawfully admitted for permanent residence, may  
17 be eligible for such adjustment of status if the alien—

18 “(1) is or was employed by—

19 “(A) the United States Government or a  
20 contractor of the United States Government  
21 overseas and performing work on behalf of the  
22 United States Government for the entire period  
23 of absence, which may not exceed 1 year; or

24 “(B) the United States Government or a  
25 contractor of the United States Government in  
26 the alien’s country of nationality or last habit-

1 ual residence for the entire period of absence,  
 2 which may not exceed 1 year, and the alien was  
 3 under the protection of the United States Gov-  
 4 ernment or a contractor while performing work  
 5 on behalf of the United States Government dur-  
 6 ing the entire period of employment; and  
 7 “(2) returned immediately to the United States  
 8 upon the conclusion of the employment.”.

9 **SEC. 15. PROTECTIONS FOR MINORS SEEKING ASYLUM.**

10 (a) IN GENERAL.—Section 208 of the Immigration  
 11 and Nationality Act (8 U.S.C. 1158) is amended—

12 (1) in subsection (a)(2), as amended by section  
 13 3, by amending subparagraph (E) to read as follows:

14 “(E) APPLICABILITY TO MINORS.—Sub-  
 15 paragraphs (A), (B), and (C) shall not apply to  
 16 an applicant who is younger than 18 years of  
 17 age on the earlier of—

18 “(i) the date on which the asylum ap-  
 19 plication is filed; or

20 “(ii) the date on which any Notice to  
 21 Appear is issued.”; and

22 (2) in subsection (b)(3), by amending subpara-  
 23 graph (C) to read as follows:

24 “(C) INITIAL JURISDICTION.—An asylum  
 25 officer (as defined in section 235(b)(1)(E))

1 shall have initial jurisdiction over any asylum  
 2 application filed by an applicant who is younger  
 3 than 18 years of age on the earlier of—

4 “(i) the date on which the asylum ap-  
 5 plication is filed; or

6 “(ii) the date on which any Notice to  
 7 Appear is issued.”.

8 (b) DERIVATIVE REFUGEES AND ASYLEES.—

9 (1) ADMISSION OF SPOUSE, CHILD, MOTHER,  
 10 OR FATHER.—Section 207(c) of the Immigration  
 11 and Nationality Act (8 U.S.C. 1157(c)) is amend-  
 12 ed—

13 (A) by amending paragraph (2) to read as  
 14 follows:

15 “(2)(A)(i) A spouse or child (as defined in sub-  
 16 paragraph (A), (B), (C), (D), or (E) of section  
 17 101(b)(1)) of any refugee, or the mother or father  
 18 of an alien who is such a child and who qualifies for  
 19 admission under paragraph (1), if not otherwise en-  
 20 titled to admission under such paragraph and not  
 21 described in section 101(a)(42)(B), shall be entitled  
 22 to the same admission status as such refugee if—

23 “(I) accompanying, or following to join,  
 24 such refugee; and

1           “(II) the spouse, child, mother, or father is  
2           admissible (except as otherwise provided under  
3           paragraph (3)) as an immigrant under this  
4           chapter.

5           “(ii) The admission to the United States of a  
6           spouse, child, mother, or father described in sub-  
7           paragraph (A) shall be charged against the numer-  
8           ical limitation established in accordance with the ap-  
9           propriate subsection under which the refugee’s ad-  
10          mission is charged.

11          “(B)(i) An unmarried alien who seeks to ac-  
12          company, or follow to join, his or her mother or fa-  
13          ther who was granted admission as a refugee under  
14          this subsection, and who was younger than 21 years  
15          of age on the date on which such mother or father  
16          applied for refugee status under this section, shall  
17          continue to be classified as a child for purposes of  
18          this paragraph if the alien attained 21 years of age  
19          while such application was pending.

20          “(ii) A mother or father who seeks to accom-  
21          pany, or follow to join, an alien granted admission  
22          as a refugee under this subsection shall continue to  
23          be classified as a mother or father for purposes of  
24          this paragraph, if the alien attained 21 years of age  
25          while such application was pending.”; and

1 (B) in paragraph (4), by striking “(and of  
 2 the spouse or child of the alien)” and inserting  
 3 “(and of the spouse, child, mother, or father of  
 4 the alien)”.

5 (2) TREATMENT OF SPOUSE, CHILDREN, MOTH-  
 6 ER, AND FATHER SEEKING ASYLUM.—Section  
 7 208(b)(3) of the Immigration and Nationality Act (8  
 8 U.S.C. 1158) is amended—

9 (A) in the paragraph heading, by striking  
 10 “AND CHILDREN” and inserting “, CHILDREN,  
 11 MOTHERS, AND FATHERS”;

12 (B) in subparagraph (A), by striking “(as  
 13 defined in section 101(b)(1)(A), (B), (C), (D),  
 14 or (E)) of an alien” and inserting “(as defined  
 15 in subparagraph (A), (B), (C), (D), or (E) of  
 16 section 101(b)(1)) of an alien, or the mother or  
 17 father of an alien who is such a child,”; and

18 (C) by amending subparagraph (B) to read  
 19 as follows:

20 “(B) CONTINUED CLASSIFICATION OF CER-  
 21 TAIN ALIENS AS CHILDREN.—(i) An unmarried  
 22 alien who seeks to accompany, or follow to join,  
 23 a mother or father granted asylum under this  
 24 subsection, and who was younger than 21 years  
 25 of age on the date on which such mother or fa-

ther applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(3) if the alien attained 21 years of age while such application was pending.

“(ii) A mother or father who seeks to accompany, or follow to join, an alien granted asylum under this subsection shall continue to be classified as a mother or father for purposes of this paragraph and section 209(b)(3) if the alien attained 21 years of age while such application was pending.”.

(c) REINSTATEMENT OF REMOVAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) in paragraph (5), by striking “If the Attorney General” and inserting “Except as provided in paragraph (8), if the Secretary of Homeland Security”; and

(2) by adding at the end of the following:

“(8) APPLICABILITY OF REINSTATEMENT OF REMOVAL.—Paragraph (5) shall not apply to an alien who—

“(A) reentered the United States illegally after having been removed or after having de-

1           parted voluntarily under an order of removal;  
2           and

3                   “(B) was younger than 18 years of age on  
4           the date on which the alien was removed or de-  
5           parted voluntarily under an order of removal.”.

6 **SEC. 16. FAIR DAY IN COURT FOR KIDS.**

7           (a) IMPROVING IMMIGRATION COURT EFFICIENCY  
8   AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL  
9   INFORMATION.—

10           (1) APPOINTMENT OF COUNSEL IN CERTAIN  
11   CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN  
12   REMOVAL PROCEEDINGS.—Section 240(b) of the Im-  
13   migration and Nationality Act (8 U.S.C. 1229a(b))  
14   is amended—

15                   (A) in paragraph (4)—

16                           (i) in subparagraph (A)—

17                                   (I) by striking “, at no expense  
18                           to the Government,”; and

19                                   (II) by striking the comma at the  
20                           end and inserting a semicolon;

21                           (ii) by redesignating subparagraphs  
22                   (B) and (C) as subparagraphs (D) and  
23                   (E), respectively;

24                           (iii) by inserting after subparagraph  
25                   (A) the following:

1           “(II) the Attorney General may  
2           appoint or provide counsel to aliens in  
3           immigration proceedings;

4           “(III) at the beginning of the  
5           proceedings or as expeditiously as pos-  
6           sible, the alien shall automatically re-  
7           ceive a complete copy of the alien’s  
8           Alien File (commonly known as an ‘A-  
9           file’) and Form I-862 (commonly  
10          known as a ‘Notice to Appear’) in the  
11          possession of the Department of  
12          Homeland Security (other than docu-  
13          ments protected from disclosure by  
14          privilege, including national security  
15          information referred to in subpara-  
16          graph (D), law enforcement sensitive  
17          information, and information prohib-  
18          ited from disclosure pursuant to any  
19          other provision of law) unless the  
20          alien waives the right to receive such  
21          documents by executing a knowing  
22          and voluntary written waiver in a lan-  
23          guage that he or she understands flu-  
24          ently;” and



1 (iv) in subparagraph (D), as redesign-  
 2 nated, by striking “, and” and inserting “;  
 3 and”; and

4 (B) by adding at the end the following:

5 “(8) FAILURE TO PROVIDE ALIEN REQUIRED  
 6 DOCUMENTS.—In the absence of a waiver under  
 7 paragraph (4)(C), a removal proceeding may not  
 8 proceed until the alien—

9 “(A) has received the documents required  
 10 under such paragraph; and

11 “(B) has been provided meaningful time to  
 12 review and assess such documents.”.

13 (2) CLARIFICATION REGARDING THE AUTHOR-  
 14 ITY OF THE ATTORNEY GENERAL TO APPOINT COUN-  
 15 SEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—  
 16 Section 292 of the Immigration and Nationality Act  
 17 (8 U.S.C. 1362) is amended—

18 (A) by striking “In any” and inserting the  
 19 following:

20 “(a) IN GENERAL.—In any”;

21 (B) in subsection (a), as redesignated—

22 (i) by striking “(at no expense to the  
 23 Government)”;

24 (ii) by striking “he shall” and insert-  
 25 ing “the person shall”; and

1 (C) by adding at the end the following:

2 “(b) APPOINTMENT OF COUNSEL.—

3 “(1) IN GENERAL.—The Attorney General may  
4 appoint or provide counsel to aliens in any pro-  
5 ceeding conducted under section 235(b), 236, 238,  
6 240, or 241 or any other section of this Act.

7 “(2) ACCESS TO COUNSEL.—The Secretary of  
8 Homeland Security shall facilitate access to counsel  
9 for aliens detained inside immigration detention and  
10 border facilities in any proceeding conducted under  
11 section 235(b), 236, 238, 240, or 241.”.

12 (3) APPOINTMENT OF COUNSEL FOR CHILDREN  
13 AND VULNERABLE INDIVIDUALS.—

14 (A) IN GENERAL.—Section 292 of the Im-  
15 migration and Nationality Act (8 U.S.C. 1362),  
16 as amended by paragraph (2), is further  
17 amended by adding at the end the following:

18 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—  
19 Notwithstanding subsection (b), the Attorney General  
20 shall appoint counsel, at the expense of the Government  
21 if necessary, at the beginning of the proceedings or as ex-  
22 peditiously as possible, to represent in such proceedings  
23 any alien who has been determined by the Secretary of  
24 Homeland Security or the Attorney General to be—

25 “(1) a child;

1           “(2) a particularly vulnerable individual, such  
2       as—

3                   “(A) a person with a disability; or

4                   “(B) a victim of abuse, torture, or violence;

5           or

6                   “(3) an individual whose circumstances are  
7       such that the appointment of counsel is necessary to  
8       help ensure fair resolution and efficient adjudication  
9       of the proceedings.

10       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
11   is authorized to be appropriated to the Executive Office  
12   of Immigration Review of the Department of Justice such  
13   sums as may be necessary to carry out this section.”.

14                   (B) RULEMAKING.—The Attorney General  
15       shall promulgate regulations to implement sec-  
16       tion 292(c) of the Immigration and Nationality  
17       Act, as added by subparagraph (A), in accord-  
18       ance with the requirements set forth in section  
19       3006A of title 18, United States Code.

20       (b) ACCESS BY COUNSEL AND LEGAL ORIENTATION  
21   AT DETENTION FACILITIES.—

22                   (1) ACCESS TO LEGAL ORIENTATION PRO-  
23       GRAMS.—The Secretary, in consultation with the At-  
24       torney General, shall establish procedures to ensure  
25       that legal orientation programs are available for all

1       aliens detained by the Department to inform such  
2       aliens of the basic procedures of immigration hear-  
3       ings, their rights relating to those hearings under  
4       Federal immigration laws, information that may  
5       deter such aliens from filing frivolous legal claims,  
6       and any other information that the Attorney General  
7       considers appropriate, such as a contact list of po-  
8       tential legal resources and providers. Access to legal  
9       orientation programs shall not be limited by the  
10      alien's current immigration status, prior immigra-  
11      tion history, or potential for immigration relief.

12               (2) PILOT PROJECT FOR NONDETAINED ALIENS  
13      IN REMOVAL PROCEEDINGS.—The Attorney General  
14      shall develop and administer a 2-year pilot program  
15      at not fewer than 2 immigration courts to provide  
16      nondetained aliens with pending asylum claims ac-  
17      cess to legal information. At the conclusion of the  
18      pilot program, the Attorney General shall submit a  
19      report to the Committee on the Judiciary of the  
20      Senate and the Committee on the Judiciary of the  
21      House of Representatives that describes the extent  
22      to which nondetained aliens are provided with access  
23      to counsel.

24               (3) AUTHORIZATION OF APPROPRIATIONS.—  
25      There is authorized to be appropriated to the Execu-

1        tive Office of Immigration Review of the Department  
 2        of Justice such sums as may be necessary to carry  
 3        out this subsection.

4        (c) CASE MANAGEMENT PILOT PROGRAM TO IN-  
 5        CREASE COURT APPEARANCE RATES.—

6            (1) CONTRACT AUTHORITY.—The Secretary  
 7        shall establish a pilot program to increase the court  
 8        appearance rates of aliens described in paragraphs  
 9        (2) and (3) of section 292(c) of the Immigration and  
 10       Nationality Act, as added by subsection (a)(3)(A),  
 11       by contracting with nongovernmental, community-  
 12       based organizations to provide appropriate case  
 13       management services to such aliens.

14          (2) SCOPE OF SERVICES.—Case management  
 15       services provided under paragraph (1) shall include  
 16       assisting aliens with—

17            (A) accessing legal counsel;

18            (B) complying with court-imposed dead-  
 19       lines and other legal obligations; and

20            (C) accessing social services, as appro-  
 21       priate.

22          (3) AUTHORIZATION OF APPROPRIATIONS.—  
 23       There is authorized to be appropriated to the De-  
 24       partment such sums as may be necessary to carry  
 25       out this subsection.

1 (d) REPORT ON ACCESS TO COUNSEL.—

2 (1) REPORT.—Not later than December 31 of  
3 each year, the Secretary, in consultation with the  
4 Attorney General, shall prepare and submit a report  
5 to the Committee on the Judiciary of the Senate and  
6 the Committee on the Judiciary of the House of  
7 Representatives regarding the extent to which aliens  
8 described in section 292(c) of the Immigration and  
9 Nationality Act, as added by subsection (a)(3)(A),  
10 have been provided access to counsel.

11 (2) CONTENTS.—Each report submitted under  
12 paragraph (1) shall include, for the immediately pre-  
13 ceding 1-year period, the number and percentage of  
14 aliens described in paragraphs (1), (2), and (3), re-  
15 spectively, of section 292(c) of the Immigration and  
16 Nationality Act, as added by subsection (a)(3)(A),  
17 who were represented by counsel, including informa-  
18 tion specifying—

19 (A) the stage of the legal process at which  
20 the alien was represented;

21 (B) whether the alien was in government  
22 custody; and

23 (C) the number and percentage of aliens  
24 who received legal orientation presentations.

1 **SEC. 17. PROTECTION OF STATELESS PERSONS IN THE**  
2 **UNITED STATES.**

3 (a) IN GENERAL.—Chapter 1 of title II of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1151 et seq.) is  
5 amended by adding at the end the following:

6 **“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE**  
7 **UNITED STATES.**

8 “(a) DEFINED TERM.—

9 “(1) IN GENERAL.—In this section, the term  
10 ‘stateless person’ means an individual who is not  
11 considered a national under the operation of the  
12 laws of any country.

13 “(2) DESIGNATION OF SPECIFIC STATELESS  
14 GROUPS.—The Secretary of Homeland Security, in  
15 consultation with the Secretary of State, may, in the  
16 discretion of the Secretary of Homeland Security,  
17 designate specific groups of individuals who are con-  
18 sidered stateless persons, for purposes of this sec-  
19 tion.

20 “(b) MECHANISMS FOR REGULARIZING THE STATUS  
21 OF STATELESS PERSONS.—

22 “(1) RELIEF FOR CERTAIN INDIVIDUALS DE-  
23 TERMINED TO BE STATELESS PERSONS.—The Sec-  
24 retary of Homeland Security or the Attorney Gen-  
25 eral shall provide lawful conditional resident status  
26 to an alien who—

1           “(A) is a stateless person who is present in  
2           the United States;

3           “(B) applies for such relief;

4           “(C) has not lost his or her nationality as  
5           a result of voluntary action after arrival in the  
6           United States, unless the loss was the result of  
7           duress, coercion, or a reasonable expectation  
8           that he or she had acquired or would acquire  
9           another nationality or citizenship; and

10          “(D) is not inadmissible under paragraph  
11          (2) or (3) of section 212(a) based on criminal  
12          or national security grounds and is not de-  
13          scribed in section 241(b)(3)(B)(i).

14          “(2) WAIVERS.—The Secretary of Homeland  
15          Security or the Attorney General may waive any  
16          provisions under paragraph (2) or (3) of section  
17          212(a) (other than subparagraph (B), (D)(ii), (E),  
18          (G), (H), or (I) of paragraph (2) or subparagraph  
19          (A), (B), (C), (E), or (F) of paragraph (3)) with re-  
20          spect to such an alien for humanitarian purposes, to  
21          assure family unity, or if it is otherwise in the public  
22          interest.

23          “(3) SUBMISSION OF PASSPORT OR TRAVEL  
24          DOCUMENT.—Any alien who seeks relief under this



1 section shall submit to the Secretary of Homeland  
2 Security or the Attorney General—

3 “(A) any available passport or travel docu-  
4 ment issued at any time to the alien (whether  
5 or not the passport or document has expired or  
6 been canceled, rescinded, or revoked); or

7 “(B) an affidavit, sworn under penalty of  
8 perjury—

9 “(i) stating that the alien has never  
10 been issued a passport or travel document;  
11 or

12 “(ii) identifying with particularity any  
13 such passport or travel document and ex-  
14 plaining why the alien cannot submit it.

15 “(4) WORK AUTHORIZATION.—The Secretary of  
16 Homeland Security may authorize an alien who has  
17 applied for and is found prima facie eligible for or  
18 been granted relief under paragraph (1) to engage  
19 in employment in the United States.

20 “(5) TRAVEL DOCUMENTS.—Upon request, the  
21 Secretary of Homeland Security shall provide the  
22 conditional resident recognized under subsection (b)  
23 with a document that facilitates the alien’s ability to  
24 travel abroad and be admitted to the United States  
25 upon return, if otherwise admissible.

1           “(6) TREATMENT OF SPOUSE AND CHIL-  
 2           DREN.—The spouse or child of an alien who has  
 3           been granted lawful conditional resident status  
 4           under paragraph (1) shall, if not otherwise eligible  
 5           for admission under paragraph (1), be granted law-  
 6           ful conditional resident status under this subsection  
 7           if accompanying, or following to join, such alien if—

8                   “(A) the spouse or child is admissible (ex-  
 9                   cept as otherwise provided in paragraph (2))  
 10                  and is not described in section 241(b)(3)(B)(i);  
 11                  and

12                  “(B) the qualifying relationship to the  
 13                  principal beneficiary existed on the date on  
 14                  which such alien was granted conditional lawful  
 15                  status.

16           “(c) ADJUSTMENT OF STATUS.—

17                  “(1) INSPECTION AND EXAMINATION.—At the  
 18                  end of the 1-year period beginning on the date on  
 19                  which an alien has been granted conditional lawful  
 20                  status under subsection (b), the alien may apply for  
 21                  lawful permanent residence in the United States if—

22                   “(A) the alien has been physically present  
 23                   in the United States for at least 1 year;

24                   “(B) the alien’s conditional lawful status  
 25                   has not been terminated by the Secretary of

1 Homeland Security or the Attorney General,  
2 pursuant to such regulations as the Secretary  
3 or the Attorney General may prescribe; and

4 “(C) the alien has not otherwise acquired  
5 permanent resident status.

6 “(2) REQUIREMENTS FOR ADJUSTMENT OF  
7 STATUS.—The Secretary of Homeland Security or  
8 the Attorney General, under such regulations as the  
9 Secretary or the Attorney General may prescribe,  
10 shall adjust the status of an alien granted condi-  
11 tional lawful status under subsection (b) to that of  
12 an alien lawfully admitted for permanent residence  
13 if such alien—

14 “(A) is a stateless person;

15 “(B) properly applies for such adjustment  
16 of status;

17 “(C) has been physically present in the  
18 United States for at least 5 years after being  
19 granted conditional lawful status under sub-  
20 section (b);

21 “(D) has not acquired permanent foreign  
22 residence that is substantially likely to result in  
23 the acquisition of citizenship; and

24 “(E) is admissible (except as otherwise  
25 provided under subsection (b)(2)) as an immi-

1 grant under this chapter at the time of exam-  
2 ination of such alien for adjustment of status.

3 “(3) RECORD.—Upon approval of an applica-  
4 tion under this subsection, the Secretary of Home-  
5 land Security or the Attorney General shall establish  
6 a record of the alien’s admission for lawful perma-  
7 nent residence as of the date that is 1 year before  
8 the date of such approval.

9 “(d) TRAVEL DOCUMENTS.—Upon request, the Sec-  
10 retary of Homeland Security shall provide alien lawfully  
11 admitted for permanent residence under subsection (c)  
12 with a document that facilitates the alien’s ability to travel  
13 abroad and be admitted to the United States upon return,  
14 if otherwise admissible.

15 “(e) PROVING THE CLAIM.—

16 “(1) IN GENERAL.—In determining an alien’s  
17 eligibility for lawful conditional resident status or  
18 lawful permanent resident status under this section,  
19 the Secretary of Homeland Security or the Attorney  
20 General shall consider any credible evidence relevant  
21 to the application, including information from the  
22 Secretary of State, especially the Bureaus of Popu-  
23 lation Refugees and Migration and the Bureau of  
24 Democracy, Human Rights and Labor.

1           “(2) BURDEN OF PROOF.—In determining an  
2       alien’s eligibility for lawful conditional resident sta-  
3       tus or lawful permanent resident status under this  
4       section—

5           “(A) the applicant shall provide a full and  
6       truthful account of his or her legal status in  
7       any nation in which the applicant was born or  
8       resided before entering the United States and  
9       submit all evidence reasonably available; and

10          “(B) the Secretary of Homeland Security  
11       shall obtain and submit to the immigration offi-  
12       cer or immigration judge all available evidence  
13       regarding the applicant’s legal status in the na-  
14       tion of birth or prior residence.

15       “(f) REVIEW.—

16          “(1) ADMINISTRATIVE REVIEW.—No appeal  
17       shall lie from the denial of an application by the  
18       Secretary, but such denial will be without prejudice  
19       to the alien’s right to renew the application in pro-  
20       ceedings under section 240.

21          “(2) MOTIONS TO REOPEN.—

22          “(A) IN GENERAL.—Notwithstanding any  
23       limitation imposed by law on motions to reopen  
24       removal, deportation, or exclusion proceedings,  
25       any individual who is eligible for relief under

1           this section may file a motion to reopen pro-  
 2           ceedings in order to apply for relief under this  
 3           section.

4                   “(B) DEADLINES.—Any motion under sub-  
 5           paragraph (A) shall be filed not later than the  
 6           later of—

7                           “(i) 2 years after the date of the en-  
 8                           actment of the Refugee Protection Act of  
 9                           2016; or

10                           “(ii) 90 days after the date of entry  
 11                           of a final administrative order of removal,  
 12                           deportation, or exclusion.

13                   “(C) EFFECT OF OTHER LIMITATIONS.—  
 14           No time or numerical limitation may be con-  
 15           strued to restrict the filing of a motion to re-  
 16           open under this section if such limitation is  
 17           based on previously unavailable or changed  
 18           facts or circumstances that would undermine an  
 19           applicant’s access to nationality that was pre-  
 20           viously alleged by the Secretary of Homeland  
 21           Security or the applicant.

22                   “(g) LIMITATIONS.—

23                           “(1) APPLICABILITY.—The provisions of this  
 24           section shall only apply to aliens present in the  
 25           United States.

1 “(2) SAVINGS PROVISION.—Nothing in this sec-  
 2 tion may be construed to authorize or require—

3 “(A) the admission of any alien to the  
 4 United States; or

5 “(B) the parole of any alien into the  
 6 United States.”.

7 (b) CONFORMING AMENDMENT.—Section 203(b)(4)  
 8 of the Immigration and Nationality Act (8 U.S.C.  
 9 1153(b)(4)) is amended by inserting “to aliens granted  
 10 adjustment of status under section 210A(c) or” after  
 11 “level,”.

12 (c) CLERICAL AMENDMENT.—The table of contents  
 13 for the Immigration and Nationality Act is amended by  
 14 inserting after the item relating to section 210 the fol-  
 15 lowing:

“Sec. 210A. Protection of stateless persons in the United States.”.

16 **SEC. 18. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF**  
 17 **REFUGEES FOR CONSIDERATION.**

18 (a) IN GENERAL.—Section 207(c)(1) of the Immigra-  
 19 tion and Nationality Act (8 U.S.C. 1157(c)(1)) is amend-  
 20 ed—

21 (1) by inserting “(A)” before “Subject to the  
 22 numerical limitations”; and

23 (2) by adding at the end the following:

24 “(B)(i) The President, upon a recommendation of the  
 25 Secretary of State made in consultation with the Secretary

1 of Homeland Security, and after appropriate consultation,  
2 may designate specifically defined groups of aliens—

3 “(I) whose resettlement in the United States is  
4 justified by humanitarian concerns or is otherwise in  
5 the national interest; and

6 “(II) who—

7 “(aa) share common characteristics that  
8 identify them as targets of persecution on ac-  
9 count of race, religion, nationality, membership  
10 in a particular social group, or political opinion  
11 or of other serious harm; or

12 “(bb) having been identified as targets as  
13 described in item (aa), share a common need  
14 for resettlement due to a specific vulnerability.

15 “(ii) An alien who establishes membership in a group  
16 designated under clause (i) to the satisfaction of the Sec-  
17 retary of Homeland Security shall be considered a refugee  
18 for purposes of admission as a refugee under this section  
19 unless the Secretary determines that such alien ordered,  
20 incited, assisted, or otherwise participated in the persecu-  
21 tion of any person on account of race, religion, nationality,  
22 membership in a particular social group, or political opin-  
23 ion.



1       “(iii) A designation under clause (i) is for purposes  
2 of adjudicatory efficiency and may be revoked by the  
3 President at any time after notification to Congress.

4       “(iv) Categories of aliens established under section  
5 599D of Public Law 101–167 (8 U.S.C. 1157 note)—

6               “(I) shall be designated under clause (i) until  
7 the end of the first fiscal year commencing after the  
8 date of the enactment of the Refugee Protection Act  
9 of 2016; and

10              “(II) shall be eligible for designation thereafter  
11 at the discretion of the President.

12       “(v) An alien’s admission under this subparagraph  
13 shall count against the refugee admissions goal under sub-  
14 section (a).

15       “(vi) A designation under clause (i) shall not influ-  
16 ence decisions to grant, to any alien, asylum under section  
17 208, protection under section 241(b)(3), or protection  
18 under the Convention Against Torture and Other Cruel,  
19 Inhuman or Degrading Treatment or Punishment, done  
20 at New York December 10, 1984.

21       “(vii) A decision to deny admission under this section  
22 to an alien who establishes to the satisfaction of the Sec-  
23 retary that the alien is a member of a group designated  
24 under clause (i)—

25              “(I) shall be in writing; and

1 “(II) shall cite the specific applicable provisions  
 2 of this Act upon which such denial was based, in-  
 3 cluding—

4 “(aa) the facts underlying the determina-  
 5 tion; and

6 “(bb) whether there is a waiver of inadmis-  
 7 sibility available to the applicant.”.

8 (b) **EFFECTIVE DATE.**—The amendments made by  
 9 subsection (a) shall take effect on the first day of the first  
 10 fiscal year that begins after the date of the enactment of  
 11 this Act.

12 **SEC. 19. MULTIPLE FORMS OF RELIEF.**

13 (a) **IN GENERAL.**—Applicants for admission as refu-  
 14 gees may simultaneously pursue admission under any visa  
 15 category for which such applicants may be eligible.

16 (b) **ASYLUM APPLICANTS WHO BECOME ELIGIBLE**  
 17 **FOR DIVERSITY VISAS.**—Section 204(a)(1)(I) of the Im-  
 18 migration and Nationality Act (8 U.S.C. 1154(a)(1)(I))  
 19 is amended by adding at the end the following:

20 “(iv)(I) An asylum seeker in the United States who  
 21 is notified that he or she is eligible for an immigrant visa  
 22 pursuant to section 203(c) may file a petition with the  
 23 district director that has jurisdiction over the district in  
 24 which the asylum seeker resides (or, in the case of an asy-  
 25 lum seeker who is or was in removal proceedings, the im-

1 migration court in which the removal proceeding is pend-  
 2 ing or was adjudicated) to adjust status to that of a per-  
 3 manent resident.

4 “(II) A petition under subclause (I) shall be filed not  
 5 later than 30 days before the end of the fiscal year for  
 6 which the petitioner received notice of eligibility for the  
 7 visa and shall contain such information and be supported  
 8 by such documentary evidence as the Secretary of State  
 9 may require.

10 “(III) The district director or immigration court shall  
 11 attempt to adjudicate each petition under this clause be-  
 12 fore the last day of the fiscal year for which the petitioner  
 13 was selected. Notwithstanding clause (ii)(II), if the district  
 14 director or immigration court is unable to complete such  
 15 adjudication during such fiscal year, the adjudication and  
 16 adjustment of the petitioner’s status may take place after  
 17 the end of such fiscal year.”.

18 **SEC. 20. PROTECTION OF REFUGEE FAMILIES.**

19 (a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES  
 20 AND CHILDREN.—A child of an alien who qualifies for ad-  
 21 mission as a spouse or child under section 207(c)(2)(A)  
 22 or 208(b)(3) of the Immigration and Nationality Act (8  
 23 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to  
 24 the same admission status as such alien if the child—

1           (1) is accompanying or following to join such  
2       alien; and

3           (2) is otherwise admissible under such section  
4       207(c)(2)(A) or 208(b)(3).

5       (b) SEPARATED CHILDREN.—A child younger than  
6   18 years of age who has been separated from the birth  
7   or adoptive parents of such child and is living under the  
8   care of an alien who has been approved for admission to  
9   the United States as a refugee shall be admitted as a ref-  
10   ugee if—

11           (1) it is in the best interest of such child to be  
12       placed with such alien in the United States; and

13           (2) such child is otherwise admissible under sec-  
14       tion 207(c)(3) of the Immigration and Nationality  
15       Act (8 U.S.C. 1157(c)(3)).

16       (c) ELIMINATION OF TIME LIMITS ON REUNIFICA-  
17   TION OF REFUGEE AND ASYLEE FAMILIES.—

18           (1) EMERGENCY SITUATION REFUGEES.—Sec-  
19       tion 207(c)(2)(A) of the Immigration and Nation-  
20       ality Act (8 U.S.C. 1157(c)(2)(A)) is amended by  
21       striking “A spouse or child (as defined in section  
22       101(b)(1) (A), (B), (C), (D), or (E))” and inserting,  
23       “Regardless of when such refugee was admitted to  
24       the United States, a spouse, child (other than a  
25       child described in section 101(b)(1)(F)), mother, or

1 father of an alien who is a child (other than a child  
2 described in section 101(b)(1)(F))”.

3 (2) ASYLUM.—Section 208(b)(3)(A) of such Act  
4 (8 U.S.C. 1158(b)(3)(A)) is amended to read as fol-  
5 lows:

6 “(A) IN GENERAL.—A spouse, child (other  
7 than a child described in section 101(b)(1)(F)),  
8 mother, or father of an alien who is a child  
9 (other than a child described in section  
10 101(b)(1)(F)) of an alien who was granted asy-  
11 lum under this subsection at any time may, if  
12 not otherwise eligible for asylum under this sec-  
13 tion, be granted the same status as the alien if  
14 accompanying or following to join such alien.”.

15 (d) TIMELY ADJUDICATION OF REFUGEE AND  
16 ASYLEE FAMILY REUNIFICATION PETITIONS.—Title II of  
17 the Immigration and Nationality Act (8 U.S.C. 1151 et  
18 seq.) is amended—

19 (1) in section 207(c)(2), as amended by sub-  
20 section (c)(1), by adding at the end the following:

21 “(C)(i) A person who is lawfully present in the United  
22 States may file an affidavit of relationship for such per-  
23 son’s spouse or child (other than a child described in sec-  
24 tion 101(b)(1)(F)) to enter the United States as a refugee

1 if such spouse or child qualifies for admission under para-  
2 graph (1) and is not described in section 101(a)(42)(B).

3 “(ii) A spouse or child described in clause (i) may  
4 enter the United States as a refugee through the family  
5 reunification procedures described in subparagraph (A),  
6 regardless of the how the lawfully present person entered  
7 the United States.

8 “(iii) The admission of a spouse or child described  
9 in clause (i) shall be subject to the numerical limitations  
10 established pursuant to subsections (a) and (b).

11 “(D) The Secretary of Homeland Security shall en-  
12 sure that the application of an alien who is following to  
13 join a refugee who qualifies for admission under para-  
14 graph (1) is adjudicated not later than 90 days after the  
15 submission of such application.”; and

16 (2) in section 208(b)(3), as amended by section  
17 15 and subsection (c)(2), by adding at the end the  
18 following:

19 “(D) TIMELY ADJUDICATION.—The Sec-  
20 retary shall ensure that the application of each  
21 alien described in subparagraph (A) who applies  
22 to follow an alien granted asylum under this  
23 subsection is adjudicated not later than 90 days  
24 after the submission of such application.”.

1 **SEC. 21. REFORM OF REFUGEE CONSULTATION PROCESS.**

2 Section 207 of the Immigration and Nationality Act  
3 (8 U.S.C. 1157) is amended—

4 (1) in subsection (a), by adding at the end the  
5 following:

6 “(5) All officers of the Federal Government respon-  
7 sible for refugee admissions or refugee resettlement shall  
8 treat the determinations made under this subsection and  
9 subsection (b) as the refugee admissions goal for the fiscal  
10 year.”;

11 (2) in subsection (d), by adding at the end the  
12 following:

13 “(4) Not later than 15 days after the last day of each  
14 calendar quarter, the President shall submit a report to  
15 the Committee on the Judiciary of the Senate and the  
16 Committee on the Judiciary of the House of Representa-  
17 tives that contains—

18 “(A) the number of refugees who were admitted  
19 during the previous quarter;

20 “(B) the percentage of those arrivals against  
21 the refugee admissions goal for such quarter;

22 “(C) the cumulative number of refugees who  
23 were admitted during the fiscal year as of the end  
24 of such quarter;

25 “(D) the number of refugees to be admitted  
26 during the remainder of the fiscal year in order to

1 meet the refugee admissions goal for the fiscal year;  
 2 and

3 “(E) a plan that describes the procedural or  
 4 personnel changes necessary to achieve the refugee  
 5 admissions goal for the fiscal year.”; and

6 (3) in subsection (e)—

7 (A) by redesignating paragraphs (1)  
 8 through (7) as subparagraphs (A) through (G),  
 9 respectively;

10 (B) in the matter preceding subparagraph  
 11 (A), as redesignated—

12 (i) by inserting “(1)” after “(e)”; and

13 (ii) by inserting “, which shall be com-  
 14 menced not later than May 1 of each year  
 15 and continue periodically throughout the  
 16 remainder of the year, if necessary,” after  
 17 “discussions in person”;

18 (C) by striking “To the extent possible,”  
 19 and inserting the following:

20 “(2) To the extent possible”; and

21 (D) by adding at the end the following:

22 “(3)(A) The plans referred to in paragraph (1)(C)  
 23 shall include estimates of—



1           “(i) the number of refugees the President ex-  
2           pects to have ready to travel to the United States  
3           at the beginning of the fiscal year;

4           “(ii) the number of refugees and the stipulated  
5           populations the President expects to admit to the  
6           United States in each quarter of the fiscal year; and

7           “(iii) the number of refugees the President ex-  
8           pects to have ready to travel to the United States  
9           at the end of the fiscal year.

10          “(B) The Secretary of Homeland Security shall en-  
11          sure that an adequate number of refugees are processed  
12          during the fiscal year to fulfill the refugee admissions  
13          goals under subsections (a) and (b).

14          “(C) In fulfilling the requirements under this sub-  
15          section, the President shall—

16               “(i) establish specific objectives or measure-  
17               ments for the integration of refugees admitted to the  
18               United States; and

19               “(ii) submit an annual report to Congress on  
20               the integration of resettled refugees on the basis of  
21               such objectives or measurements.”.

1 **SEC. 22. ADMISSION OF REFUGEES IN THE ABSENCE OF**  
2 **THE ANNUAL PRESIDENTIAL DETERMINA-**  
3 **TION.**

4 Section 207(a) of the Immigration and Nationality  
5 Act (8 U.S.C. 1157(a)) is amended—

6 (1) by striking paragraph (1);

7 (2) by redesignating paragraphs (2), (3), (4),  
8 and (5) as paragraphs (1), (2), (3), and (4), respec-  
9 tively;

10 (3) in paragraph (1), as redesignated—

11 (A) by striking “after fiscal year 1982”;

12 and

13 (B) by adding at the end the following: “If  
14 the President does not issue a determination  
15 under this paragraph before the beginning of a  
16 fiscal year, the number of refugees that may be  
17 admitted under this section in each quarter be-  
18 fore the issuance of such determination shall be  
19 25 percent of the number of refugees admissible  
20 under this section during the previous fiscal  
21 year.”; and

22 (4) in paragraph (3), as redesignated, by strik-  
23 ing “(beginning with fiscal year 1992)”.

24 **SEC. 23. UPDATE OF RECEPTION AND PLACEMENT GRANTS.**

25 Beginning with fiscal year 2014, not later than 30  
26 days before the beginning of each fiscal year, the Secretary

1 of State shall notify Congress of the amount of funds that  
2 the Secretary will provide in its Reception and Placement  
3 Grants in the coming fiscal year. In setting the amount  
4 of such grants each year, the Secretary shall ensure that—

5       (1) the grant amount is adjusted so that it is  
6       adequate to provide for the anticipated initial resettlement  
7       needs of refugees, including adjusting the  
8       amount for inflation and the cost of living;

9       (2) an amount is provided at the beginning of  
10      the fiscal year to each national resettlement agency  
11      that is sufficient to ensure adequate local and national  
12      capacity to serve the initial resettlement needs  
13      of refugees the Secretary anticipates the agency will  
14      resettle throughout the fiscal year; and

15      (3) additional amounts are provided to each national  
16      resettlement agency promptly upon the arrival  
17      of refugees that, exclusive of the amounts provided  
18      pursuant to paragraph (2), are sufficient to meet the  
19      anticipated initial resettlement needs of such refugees  
20      and support local and national operational costs  
21      in excess of the estimates described in paragraph  
22      (1).

23 **SEC. 24. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

24      Section 241(b)(3) of the Immigration and Nationality  
25      Act (8 U.S.C. 1231(b)(3)) is amended—

1           (1) in the paragraph heading, by striking “TO  
2       A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM  
3       WOULD BE THREATENED” and inserting “OR RE-  
4       TURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE  
5       THREATENED OR ALIEN WOULD BE SUBJECTED TO  
6       TORTURE”;

7           (2) in subparagraph (A)—

8               (A) by striking “Notwithstanding” and in-  
9       serting the following:

10               “(i) LIFE OR FREEDOM THREAT-  
11       ENED.—Notwithstanding”; and

12               (B) by adding at the end the following:

13               “(ii) ASYLUM INTERVIEW.—Notwith-  
14       standing paragraphs (1) and (2), a United  
15       States officer may not return any alien  
16       interdicted or otherwise encountered in  
17       international waters or United States  
18       waters who has expressed a fear of return  
19       to his or her country of departure, origin,  
20       or last habitual residence—

21               “(I) until such alien has had the  
22       opportunity to be interviewed by an  
23       asylum officer in a confidential setting  
24       to determine whether that alien has a  
25       well-founded fear of persecution be-

1           cause of the alien’s race, religion, na-  
 2           tionality, membership in a particular  
 3           social group, or political opinion, or  
 4           because the alien would be subject to  
 5           torture in that country; or

6                   “(II) if an asylum officer has de-  
 7           termined that the alien has such a  
 8           well-founded fear of persecution or  
 9           would be subject to torture in his or  
 10          her country of departure, origin, or  
 11          last habitual residence.”;

12           (3) by redesignating subparagraphs (B) and  
 13           (C) as subparagraphs (C) and (D), respectively; and

14           (4) by inserting after subparagraph (A) the fol-  
 15          lowing:

16                   “(B) PROTECTIONS FOR ALIENS INTER-  
 17           DICTED IN INTERNATIONAL OR UNITED STATES  
 18           WATERS.—The Secretary of Homeland Security  
 19           shall issue regulations establishing a uniform  
 20           procedure applicable to all aliens interdicted in  
 21           international or United States waters that—

22                   “(i) provides each alien—

23                           “(I) a meaningful opportunity to  
 24                           express, through a translator who is  
 25                           fluent in a language the alien claims

1 to understand, a fear of return to his  
2 or her country of departure, origin, or  
3 last habitual residence; and

4 “(II) in a confidential setting and  
5 in a language the alien claims to un-  
6 derstand, information concerning the  
7 alien’s interdiction, including the abil-  
8 ity to inform United States officers  
9 about any fears relating to the alien’s  
10 return or repatriation;

11 “(ii) provides each alien expressing  
12 such a fear of return or repatriation a con-  
13 fidential interview conducted by an asylum  
14 officer, in a language the alien claims to  
15 understand, to determine whether the  
16 alien’s return to his or her country of ori-  
17 gin or country of last habitual residence is  
18 prohibited because the alien has a well-  
19 founded fear of persecution—

20 “(I) because of the alien’s race,  
21 religion, nationality, membership in a  
22 particular social group, or political  
23 opinion; or

24 “(II) because the alien would be  
25 subject to torture in that country;

1 “(iii) ensures that each alien can ef-  
 2 fectively communicate with United States  
 3 officers through the use of a translator flu-  
 4 ent in a language the alien claims to un-  
 5 derstand; and

6 “(iv) provides each alien who, accord-  
 7 ing to the determination of an asylum offi-  
 8 cer, has a well-founded fear of persecution  
 9 for the reasons specified in clause (ii) or  
 10 would be subject to torture, an opportunity  
 11 to seek protection in—

12 “(I) a country other than the  
 13 alien’s country of origin or country of  
 14 last habitual residence in which the  
 15 alien has family or other ties that will  
 16 facilitate resettlement; or

17 “(II) if the alien has no such  
 18 ties, a country that will best facilitate  
 19 the alien’s resettlement, which may in-  
 20 clude the United States.”.

21 **SEC. 25. MODIFICATION OF PHYSICAL PRESENCE REQUIRE-**  
 22 **MENTS FOR ALIENS SERVING AS TRANS-**  
 23 **LATORS.**

24 (a) IN GENERAL.—Section 1059(e)(1) of the Na-  
 25 tional Defense Authorization Act for Fiscal Year 2006

1 (Public Law 109–163; 8 U.S.C. 1101 note) is amended  
2 to read as follows:

3 “(1) IN GENERAL.—

4 “(A) CONTINUOUS RESIDENCE.—An ab-  
5 sence from the United States described in para-  
6 graph (2) shall not be considered to break any  
7 period for which continuous residence in the  
8 United States is required for naturalization  
9 under title III of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1401 et seq.).

11 “(B) PHYSICAL PRESENCE.—In the case of  
12 a lawful permanent resident, for an absence  
13 from the United States described in paragraph  
14 (2), the time spent outside of the United States  
15 in the capacity described in paragraph (2) shall  
16 be counted towards the accumulation of the re-  
17 quired physical presence in the United States.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect as if included in the  
20 amendment made by section 1(c)(2) of the Act entitled  
21 “An Act to increase the number of Iraqi and Afghani  
22 translators and interpreters who may be admitted to the  
23 United States as special immigrants, and for other pur-  
24 poses”, approved June 15, 2007 (Public Law 110–36; 121  
25 Stat. 227).



1 **SEC. 26. PROTECTING VICTIMS OF TERRORISM FROM**  
2 **BEING DEFINED AS TERRORISTS.**

3 (a) **TERRORIST ACTIVITIES.**—Section 212(a)(3)(B)  
4 of the Immigration and Nationality Act (8 U.S.C.  
5 1182(a)(3)(B)) is amended to read as follows:

6 “(B) **TERRORIST ACTIVITIES.**—

7 “(i) **IN GENERAL.**—Except as pro-  
8 vided in clause (ii) and subsection  
9 (d)(3)(B)(i), an alien is inadmissible if—

10 “(I) the alien has engaged in a  
11 terrorist activity;

12 “(II) a consular officer, the At-  
13 torney General, or the Secretary of  
14 Homeland Security knows, or has rea-  
15 sonable ground to believe, that the  
16 alien is engaged, or is likely to engage  
17 after entry, in any terrorist activity;

18 “(III) the alien has, under cir-  
19 cumstances indicating an intention to  
20 cause death or serious bodily harm,  
21 incited terrorist activity;

22 “(IV) the alien is a representa-  
23 tive of—

24 “(aa) a terrorist organiza-  
25 tion; or

1 “(bb) a political, social, or  
2 other group that endorses or es-  
3 pouses terrorist activity;

4 “(V) the alien is a member of a  
5 terrorist organization;

6 “(VI) the alien endorses or es-  
7 pouses terrorist activity or persuades  
8 others to endorse or espouse terrorist  
9 activity or support a terrorist organi-  
10 zation;

11 “(VII) the alien has received  
12 military-type training (as defined in  
13 section 2339D(c)(1) of title 18,  
14 United States Code) from, or on be-  
15 half of, any organization that, at the  
16 time the training was received, was a  
17 terrorist organization; or

18 “(VIII) the alien is an officer, of-  
19 ficial, representative, or spokesman of  
20 the Palestine Liberation Organization.

21 “(ii) EXCEPTIONS.—

22 “(I) LACK OF KNOWLEDGE.—  
23 Clause (i)(V) shall not apply to an  
24 alien who is a member of a terrorist  
25 organization described in clause

1 (iii)(V)(cc) if the alien demonstrates  
2 by clear and convincing evidence that  
3 the alien did not know, and should not  
4 reasonably have known, that the orga-  
5 nization was a terrorist organization.

6 “(II) DURESS.—Clause (i)(VII)  
7 and items (dd) through (ff) of clause  
8 (iii)(I) shall not apply to an alien who  
9 establishes that his or her actions giv-  
10 ing rise to inadmissibility under such  
11 clause were committed under duress  
12 and the alien does not pose a threat  
13 to the security of the United States.  
14 In determining whether the alien was  
15 subject to duress, a consular officer,  
16 the Attorney General, or the Secretary  
17 of Homeland Security may consider,  
18 among relevant factors, the age of the  
19 alien at the time such actions were  
20 committed.

21 “(iii) DEFINITIONS.—In this section:

22 “(I) ENGAGE IN TERRORIST AC-  
23 TIVITY.—The term ‘engage in ter-  
24 rorist activity’ means, in an individual

1 capacity or as a member of an organi-  
2 zation—

3 “(aa) to commit or to incite  
4 to commit, under circumstances  
5 indicating an intention to cause  
6 death or serious bodily injury, a  
7 terrorist activity;

8 “(bb) to prepare or plan a  
9 terrorist activity;

10 “(cc) to gather information  
11 on potential targets for terrorist  
12 activity;

13 “(dd) to solicit funds or  
14 other things of value for—

15 “(AA) a terrorist activ-  
16 ity;

17 “(BB) a terrorist orga-  
18 nization described in item  
19 (aa) or (bb) of clause  
20 (iii)(V); or

21 “(CC) a terrorist orga-  
22 nization described in clause  
23 (iii)(V)(cc), unless the solie-  
24 itor can demonstrate by  
25 clear and convincing evi-

1                   dence that he or she did not  
2                   know, and should not rea-  
3                   sonably have known, that  
4                   the organization was a ter-  
5                   rorist organization;

6                   “(ee) to solicit any indi-  
7                   vidual—

8                   “(AA) to engage in con-  
9                   duct otherwise described in  
10                  this subsection;

11                  “(BB) for membership  
12                  in a terrorist organization  
13                  described in item (aa) or  
14                  (bb) of clause (iii)(V); or

15                  “(CC) for membership  
16                  in a terrorist organization  
17                  described in clause  
18                  (iii)(V)(cc) unless the solici-  
19                  tor can demonstrate by  
20                  clear and convincing evi-  
21                  dence that he or she did not  
22                  know, and should not rea-  
23                  sonably have known, that  
24                  the organization was a ter-  
25                  rorist organization; or

1           “(ff) to commit an act that  
2           the actor knows, or reasonably  
3           should know, affords material  
4           support, including a safe house,  
5           transportation, communications,  
6           funds, transfer of funds or other  
7           material financial benefit, false  
8           documentation or identification,  
9           weapons (including chemical, bio-  
10          logical, or radiological weapons),  
11          explosives, or training—

12                   “(AA) for the commis-  
13                   sion of a terrorist activity;

14                   “(BB) to any individual  
15                   who the actor knows, or rea-  
16                   sonably should know, has  
17                   committed or plans to com-  
18                   mit a terrorist activity;

19                   “(CC) to a terrorist or-  
20                   ganization described in item  
21                   (aa) or (bb) of clause  
22                   (iii)(V) or to any member of  
23                   such an organization; or

24                   “(DD) to a terrorist or-  
25                   ganization described in

1 clause (iii)(V)(cc), or to any  
 2 member of such an organi-  
 3 zation, unless the actor can  
 4 demonstrate by clear and  
 5 convincing evidence that he  
 6 or she did not know, and  
 7 should not reasonably have  
 8 known, that the organization  
 9 was a terrorist organization.

10 “(II) MATERIAL SUPPORT.—The  
 11 term ‘material support’ means sup-  
 12 port that is significant and of a kind  
 13 directly relevant to terrorist activity.

14 “(III) REPRESENTATIVE.—The  
 15 term ‘representative’ includes—

16 “(aa) an officer, official, or  
 17 spokesman of an organization;  
 18 and

19 “(bb) any person who di-  
 20 rects, counsels, commands, or in-  
 21 duces an organization or its  
 22 members to engage in terrorist  
 23 activity.

24 “(IV) TERRORIST ACTIVITY.—  
 25 The term ‘terrorist activity’ means

1 any activity which is unlawful under  
2 the laws of the place where it is com-  
3 mitted (or which, if it had been com-  
4 mitted in the United States, would be  
5 unlawful under the laws of the United  
6 States or any State) and which in-  
7 volves—

8 “(aa) the hijacking or  
9 sabotage of any conveyance (in-  
10 cluding an aircraft, vessel, or ve-  
11 hicle);

12 “(bb) the seizing or detain-  
13 ing, and threatening to kill, in-  
14 jure, or continue to detain, an-  
15 other individual in order to com-  
16 pel a third person (including a  
17 governmental organization) to do  
18 or abstain from doing any act as  
19 an explicit or implicit condition  
20 for the release of the individual  
21 seized or detained;

22 “(cc) a violent attack upon  
23 an internationally protected per-  
24 son (as defined in section  
25 1116(b)(4) of title 18, United



1 States Code) or upon the liberty  
2 of such a person;

3 “(dd) an assassination;

4 “(ee) the use, with the in-  
5 tent to endanger the safety of  
6 one or more individuals or to  
7 cause substantial damage to  
8 property, of any—

9 “(AA) biological agent,  
10 chemical agent, or nuclear  
11 weapon or device; or

12 “(BB) explosive, fire-  
13 arm, or other weapon or  
14 dangerous device (other than  
15 for mere personal monetary  
16 gain); or

17 “(ff) a threat, attempt, or  
18 conspiracy to carry out any of  
19 the activities described in items  
20 (aa) through (ee).

21 “(V) TERRORIST ORGANIZA-  
22 TION.—The term ‘terrorist organiza-  
23 tion’ means an organization—

24 “(aa) designated under sec-  
25 tion 219;

1 “(bb) otherwise designated,  
 2 upon publication in the Federal  
 3 Register, by the Secretary of  
 4 State in consultation with or  
 5 upon the request of the Attorney  
 6 General or the Secretary of  
 7 Homeland Security, as a terrorist  
 8 organization, after finding that  
 9 the organization engages in the  
 10 activities described in items (aa)  
 11 through (ff) of subclause (I); or

12 “(cc) that is a group of two  
 13 or more individuals, whether or-  
 14 ganized or not, which engages in,  
 15 or has a subgroup which engages  
 16 in, the activities described in  
 17 items (aa) through (ff) of sub-  
 18 clause (I).”.

19 (b) CHILD SOLDIERS.—

20 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of  
 21 the Immigration and Nationality Act (8 U.S.C.  
 22 1182(a)(3)(G)) is amended by adding at the end the  
 23 following “This subparagraph shall not apply to an  
 24 alien who establishes that the actions giving rise to  
 25 inadmissibility under this subparagraph were com-

1       mitted under duress or carried out while the alien  
2       was younger than 18 years of age.”.

3           (2) DEPORTABILITY.—Section 237(a)(4)(F) of  
4       such Act (8 U.S.C. 1227(a)(4)(F)) is amended—

5                   (A) by redesignating subparagraph (F) as  
6       subparagraph (G);

7                   (B) by redesignating subparagraph (E) (as  
8       added by section 5502(b)), as subparagraph  
9       (F); and

10                  (C) in subparagraph (G), as redesignated,  
11       by adding at the end the following “This sub-  
12       paragraph shall not apply to an alien who es-  
13       tablishes that the actions giving rise to deport-  
14       ability under this subparagraph were committed  
15       under duress or carried out while the alien was  
16       younger than 18 years of age.”.

17       (c) TEMPORARY ADMISSION OF NONIMMIGRANTS.—  
18       Section 212(d)(3)(B)(i) of the Immigration and Nation-  
19       ality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read  
20       as follows:

21                  “(B)(i) The Secretary of State, after consulta-  
22       tion with the Attorney General and the Secretary of  
23       Homeland Security, or the Secretary of Homeland  
24       Security, after consultation with the Secretary of  
25       State and the Attorney General, may conclude, in

1       such Secretary’s sole, unreviewable discretion, that  
 2       subsection (a)(3)(B) shall not apply to an alien or  
 3       that subsection (a)(3)(B)(iii)(V)(cc) shall not apply  
 4       to a group. The Secretary of State may not exercise  
 5       discretion under this clause with respect to an alien  
 6       after removal proceedings against the alien have  
 7       commenced under section 240.”.

8       **SEC. 27. ASSESSMENT OF THE REFUGEE DOMESTIC RESET-**  
 9                                   **TLEMENT PROGRAM.**

10       (a) IN GENERAL.—As soon as practicable after the  
 11       date of the enactment of this Act, the Comptroller General  
 12       of the United States shall conduct a study regarding the  
 13       effectiveness of the domestic refugee resettlement pro-  
 14       grams operated by the Office of Refugee Resettlement.

15       (b) MATTERS TO BE STUDIED.—In the study re-  
 16       quired under subsection (a), the Comptroller General shall  
 17       determine and analyze—

18               (1) how the Office of Refugee Resettlement de-  
 19       fines self-sufficiency;

20               (2) if this definition is adequate in addressing  
 21       refugee needs in the United States;

22               (3) the effectiveness of the Office of Refugee  
 23       Resettlement programs in helping refugees to meet  
 24       self-sufficiency;

1           (4) an analysis of the unmet needs of the pro-  
2       grams;

3           (5) an evaluation of the Office of Refugee Re-  
4       settlement's budgetary resources and projection of  
5       the amount of additional resources needed to fully  
6       address the unmet needs of refugees with regard to  
7       self-sufficiency;

8           (6) the role of community-based organizations  
9       in serving refugees in areas experiencing a high  
10      number of new refugee arrivals;

11          (7) an analysis of how community-based organi-  
12      zations can be better utilized and supported in the  
13      Federal domestic resettlement process; and

14          (8) recommendations on statutory changes to  
15      improve the Office of Refugee Resettlement and the  
16      domestic refugee program in relation to the matters  
17      analyzed under paragraphs (1) through (7).

18      (c) REPORT.—Not later than 2 years after the date  
19      of the enactment of this Act, the Comptroller General shall  
20      submit a report to Congress that contains the results of  
21      the study required under subsection (a).

22   **SEC. 28. REFUGEE ASSISTANCE.**

23      (a) AMENDMENTS TO SOCIAL SERVICES FUNDING.—  
24      Section 412(c)(1)(B) of the Immigration and Nationality

1 Act (8 U.S.C. 1522(c)(1)(B)) is amended to read as fol-  
2 lows:

3 “(B) The funds available for a fiscal year for  
4 grants and contracts under subparagraph (A) shall  
5 be allocated among the States based on a combina-  
6 tion of—

7 “(i) the total number or refugees (includ-  
8 ing children and adults) who arrived in the  
9 United States not more than 36 months before  
10 the beginning of such fiscal year and are actu-  
11 ally residing in each State (taking into account  
12 secondary migration) as of the beginning of the  
13 fiscal year;

14 “(ii) the total number of all other eligible  
15 populations served by the Office during the pe-  
16 riod described who are residing in the State as  
17 of the beginning of the fiscal year; and

18 “(iii) projections on the number and na-  
19 ture of incoming refugees and other populations  
20 served by the Office during the subsequent fis-  
21 cal year.”.

22 (b) REPORT ON SECONDARY MIGRATION.—Section  
23 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

24 (1) by striking “a periodic” and inserting “an  
25 annual”; and

1           (2) by adding at the end the following: “At the  
2           end of each fiscal year, the Director shall submit a  
3           report to Congress that describes the findings of the  
4           assessment, including States experiencing departures  
5           and arrivals due to secondary migration, likely rea-  
6           sons for migration, the impact of secondary migra-  
7           tion on States hosting secondary migrants, avail-  
8           ability of social services for secondary migrants in  
9           those States, and unmet needs of those secondary  
10          migrants.”.

11          (c) ASSISTANCE MADE AVAILABLE TO SECONDARY  
12          MIGRANTS.—Section 412(a)(1) of such Act (8 U.S.C.  
13          1522(a)(1)) is amended by adding at the end the fol-  
14          lowing:

15               “(C) When providing assistance under this sec-  
16          tion, the Director shall ensure that such assistance  
17          is also provided to refugees who are secondary mi-  
18          grants and meet all other eligibility requirements for  
19          such services.”.

20          (d) REFUGEES NEEDING SPECIALIZED MEDICAL  
21          CARE OR PREPARATION.—Section 412(b)(4)(B) of such  
22          Act (8 U.S.C. 1522(b)(4)(B)) is amended by inserting  
23          “requiring specialized care or preparation before the refu-  
24          gee’s arrival in the United States, or” after “medical con-  
25          ditions”.

1       (e) LEGAL ASSISTANCE FOR REFUGEES AND  
 2 ASYLEES.—Section 412(c)(1)(A) of such Act (8 U.S.C.  
 3 1522(c)(1)(A)) is amended—

4           (1) in clause (ii), by striking “and” at the end;

5           (2) by redesignating clause (iii) as clause (iv);

6       and

7           (3) by inserting after clause (ii) the following:

8                   “(iii) to provide legal services for refu-  
 9                   gees to assist them in obtaining immigra-  
 10                   tion benefits for which they are eligible;  
 11                   and”.

12       (f) NOTICE AND RULEMAKING.—Not later than 90  
 13 days after the date of enactment of this Act, but in no  
 14 event later than 30 days before the effective date of the  
 15 amendments made by this section, the Assistant Secretary  
 16 shall—

17           (1) issue a proposed rule of the new formula by  
 18       which grants and contracts are to be allocated pur-  
 19       suant to the amendments made by subsection (c);  
 20       and

21           (2) solicit public comment.

22       (g) EFFECTIVE DATE.—The amendments made by  
 23 this section shall take effect on the first day of the first  
 24 fiscal year that begins after the date of the enactment of  
 25 this Act.



1 **SEC. 29. RESETTLEMENT DATA.**

2 Section 412(a) of the Immigration and Nationality  
3 Act (8 U.S.C. 1522(a)) is amended—

4 (1) in paragraph (2)(A), by inserting “, and  
5 shall consider data collected under paragraph (11)”  
6 before the period at the end; and

7 (2) by adding at the end the following:

8 “(11)(A) The Assistant Secretary of Health  
9 and Human Services for Refugee and Asylee Reset-  
10 tlement (referred to in this section as the ‘Assistant  
11 Secretary’) shall expand the Office of Refugee Re-  
12 settlement’s data analysis, collection, and sharing  
13 activities in accordance with this paragraph.

14 “(B) The Assistant Secretary shall coordinate  
15 with the Centers for Disease Control, national reset-  
16 tlement agencies, community-based organizations,  
17 and State refugee health programs to track national  
18 and State trends on refugees arriving with Class A  
19 medical conditions and other urgent medical needs.  
20 In collecting information under this paragraph, the  
21 Assistant Secretary shall utilize initial refugee health  
22 screening data, including history of severe trauma,  
23 torture, mental health symptoms, depression, anxiety  
24 and post traumatic stress disorder, recorded during  
25 domestic and international health screenings, and  
26 Refugee Medical Assistance utilization rate data.

1 “(C) The Assistant Secretary shall partner with  
 2 State refugee programs, community-based organiza-  
 3 tions, and national resettlement agencies to collect  
 4 data relating to the housing needs of refugees, in-  
 5 cluding—

6 “(i) the number of refugees who have be-  
 7 come homeless; and

8 “(ii) the number of refugees at severe risk  
 9 of becoming homeless.

10 “(D) The Assistant Secretary shall gather lon-  
 11 gitudinal information relating to refugee self-suffi-  
 12 ciency and employment status for a 2-year period  
 13 beginning 1 year after the refugee’s arrival.

14 “(E) The Assistant Secretary shall annually—

15 “(i) update the data collected under this  
 16 paragraph; and

17 “(ii) submit a report to Congress that con-  
 18 tains the updated data.”.

19 **SEC. 30. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**  
 20 **SECURITY BENEFITS FOR CERTAIN REFU-**  
 21 **GEEES.**

22 (a) EXTENSION OF ELIGIBILITY PERIOD.—

23 (1) IN GENERAL.—Section 402(a)(2)(M)(i) of  
 24 the Personal Responsibility and Work Opportunity

1 Reconciliation Act of 1996 (8 U.S.C.  
2 1612(a)(2)(M)(i)) is amended—

3 (A) in subclause (I), by striking “9-year”  
4 and inserting “10-year”; and

5 (B) in subclause (II), by striking “2-year”  
6 and inserting “3-year”.

7 (2) CONFORMING AMENDMENT.—The heading  
8 for section 402(a)(2)(M)(i) of such Act is amended  
9 by striking “TWO-YEAR EXTENSION” and inserting  
10 “EXTENSION”.

11 (3) EFFECTIVE DATE.—The amendments made  
12 by this subsection shall take effect as of October 1,  
13 2016.

14 (b) EXTENSION OF PERIOD FOR COLLECTION OF  
15 UNEMPLOYMENT COMPENSATION DEBTS RESULTING  
16 FROM FRAUD.—Paragraph (8) of section 6402(f) of the  
17 Internal Revenue Code of 1986 (relating to collection of  
18 unemployment compensation debts resulting from fraud)  
19 is amended by striking “10 years” and inserting “10 years  
20 and 2 months”.

21 **SEC. 31. PROHIBITION ON OPERATION STREAMLINE FOR**  
22 **ASYLUM SEEKERS.**

23 The Secretary shall refrain from referring any asy-  
24 lum seeker for prosecution under section 275 or 276 of  
25 the Immigration and Nationality Act (8 U.S.C. 1325 or

1 1326) absent a negative determination pursuant to section  
 2 235(b)(1)(B) of the Immigration and Nationality Act (8  
 3 U.S.C. 1225(b)(1)(B)).

4 **SEC. 32. T AND U VISA REFORMS.**

5 (a) T VISAS.—Section 214(o) (8 U.S.C. 1184(o)) is  
 6 amended by adding at the end the following:

7 “(8) Notwithstanding any provision of this Act grant-  
 8 ing eligibility for employment in the United States, the  
 9 Secretary of Homeland Security shall grant employment  
 10 authorization to an alien who has filed an application for  
 11 nonimmigrant status under section 101(a)(15)(T) on the  
 12 date that is the earlier of—

13 “(A) the date on which the alien’s application  
 14 for such status is approved; and

15 “(B) a date determined by the Secretary that  
 16 is not later than 180 days after the date on which  
 17 such alien filed such application.”.

18 (b) U VISAS.—

19 (1) INCREASED ACCESSIBILITY.—Section  
 20 214(p)(2)(A) of the Immigration and Nationality  
 21 Act (8 U.S.C. 1184(p)(2)(A)) is amended by strik-  
 22 ing “10,000” and inserting “20,000”.

23 (2) WORK AUTHORIZATION WHILE U VISA AP-  
 24 PPLICATIONS ARE PENDING.—Section 214(p) of such

1 Act (8 U.S.C. 1184(p)), as amended by paragraph  
 2 (1), is further amended—

3 (A) in paragraph (6), by striking the last  
 4 sentence; and

5 (B) by adding at the end the following:

6 “(8) WORK AUTHORIZATION.—Notwithstanding  
 7 any provision of this Act granting eligibility for em-  
 8 ployment in the United States, the Secretary of  
 9 Homeland Security shall grant employment author-  
 10 ization to an alien who has filed an application for  
 11 nonimmigrant status under section 101(a)(15)(U)  
 12 on the date that is the earlier of—

13 “(A) the date on which the alien’s applica-  
 14 tion for such status is approved; and

15 “(B) a date determined by the Secretary  
 16 that is not later than 180 days after the date  
 17 on which such alien filed such application.”.

18 **SEC. 33. TRANSPARENCY IN REFUGEE DETERMINATIONS.**

19 Section 207(c) of the Immigration and Nationality  
 20 Act (8 U.S.C. 1157(c)) is amended by adding at the end  
 21 the following:

22 “(5) The adjudicator of an application for refugee  
 23 status under this section shall consider all relevant evi-  
 24 dence and maintain a record of the evidence considered.

1       “(6) An applicant for refugee status may be rep-  
2       resented, including at a refugee interview, at no expense  
3       to the Government, by an attorney or accredited rep-  
4       resentative who—

5               “(A) was chosen by the applicant; and

6               “(B) is authorized by the Secretary of Home-  
7       land Security to be recognized as the representative  
8       of such applicant in an adjudication under this sec-  
9       tion.

10       “(7)(A) A decision to deny an application for refugee  
11       status under this section—

12               “(i) shall be in writing; and

13               “(ii) shall cite the specific applicable provisions  
14       of this Act upon which such denial was based, in-  
15       cluding—

16               “(I) the facts underlying the determina-  
17       tion; and

18               “(II) whether there is a waiver of inadmis-  
19       sibility available to the applicant.

20       “(B) The basis of any negative credibility finding  
21       shall be part of the written decision.

22       “(8)(A) An applicant who is denied refugee status  
23       under this section may file a request with the Secretary  
24       for a review of his or her application not later than 120  
25       days after such denial.

1 “(B) A request filed under subparagraph (A) shall  
2 be adjudicated by refugee officers who have received train-  
3 ing on considering requests for review of refugee applica-  
4 tions that have been denied.

5 “(C) The Secretary shall publish the standard applied  
6 to a request for review under this paragraph.

7 “(D) A request for review under this paragraph may  
8 result in the decision being granted, denied, or reopened  
9 for a further interview.

10 “(E) A decision on a request for review under this  
11 paragraph—

12 “(i) shall be in writing; and

13 “(ii) shall provide, to the maximum extent fea-  
14 sible, information on the reason for the denial.”.

15 **SEC. 34. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums  
17 as may be necessary to carry out this Act, and the amend-  
18 ments made by this Act.

19 **SEC. 35. DETERMINATION OF BUDGETARY EFFECTS.**

20 The budgetary effects of this Act, for the purpose of  
21 complying with the Statutory Pay-As-You-Go Act of 2010  
22 (Public Law 111–139), shall be determined by reference  
23 to the latest statement titled “Budgetary Effects of  
24 PAYGO Legislation” for this Act, jointly submitted for  
25 printing in the Congressional Record by the Chairmen of

- 1 the Senate Budget Committee, provided that such state-
- 2 ment has been submitted prior to the vote on passage.

