

115TH CONGRESS
1ST SESSION

H. R. 1125

To amend the Immigration and Nationality Act to provide for new procedures pertaining to the processing of petitions and applications for immigrant or nonimmigrant visas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. BANKS of Indiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to provide for new procedures pertaining to the processing of petitions and applications for immigrant or nonimmigrant visas, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Investigation and
5 Social Media Activity Act of 2017” or as the “VISA Act
6 of 2017”.

1 **SEC. 2. PETITION AND APPLICATION PROCESSING FOR**
2 **VISAS AND IMMIGRATION BENEFITS.**

3 (a) IN GENERAL.—Chapter 2 of title II of the Immi-
4 gration and Nationality Act (8 U.S.C. 1181 et seq.) is
5 amended by inserting after section 211 the following:

6 **“SEC. 211A. BACKGROUND CHECKS AND OTHER SCREEN-**
7 **ING REQUIREMENTS.**

8 “(a) COMPREHENSIVE SECURITY AND BACKGROUND
9 CHECK.—No petition or application filed with the Sec-
10 retary of Homeland Security or with a consular officer re-
11 lating to the issuance of a visa to or to the admission of
12 an alien to the United States as an immigrant or as a
13 nonimmigrant may be approved unless a background
14 check to determine whether or not the alien is a national
15 security threat or is otherwise ineligible for such visa or
16 admission is completed for—

17 “(1) the petitioner or applicant; and

18 “(2) each beneficiary or derivative of the peti-
19 tion or application.

20 “(b) REVIEW OF SOCIAL MEDIA ACTIVITY.—The
21 background check under subsection (a) shall include a re-
22 view of the alien’s publicly available interactions on and
23 posting of material to the Internet (including social media
24 services).

25 “(c) INTERVIEWS.—No petition or application filed
26 with the Secretary of Homeland Security for any benefit

1 under this Act, except for work authorization, by or on
2 behalf of an alien present in the United States may be
3 approved unless the Secretary conducts an in-person inter-
4 view with that alien. The Secretary may waive such re-
5 quirement in the case of any alien who would be 10 years
6 of age or younger at the time of the interview.

7 “(d) TRANSLATION REQUIREMENT.—No document
8 submitted in support of a petition or application for a non-
9 immigrant or immigrant visa may be accepted by a con-
10 sular officer if such document contains information in a
11 foreign language, unless such document is accompanied by
12 a full English translation, which the translator has cer-
13 tified as complete and accurate, and by the translator’s
14 certification that he or she is competent to translate from
15 the foreign language into English.

16 “(e) REQUESTS FOR ADDITIONAL INFORMATION.—In
17 an instance where the Secretary of Homeland Security or
18 a consular officer requests any additional information re-
19 lating to a petition or application filed with the Secretary
20 or consular officer relating to the issuance of a visa or
21 to the admission of an alien to the United States as an
22 immigrant or as a nonimmigrant, such petition or applica-
23 tion may not be approved unless all of the additional infor-
24 mation requested is provided in complete form and is pro-
25 vided on or before any deadline included in the request.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 for such Act is amended by inserting after the item relat-
 3 ing to section 211 the following:

“211A. Background checks and other screening requirements.”.

4 **SEC. 3. FRAUD PREVENTION.**

5 (a) PROSPECTIVE ANALYTICS TECHNOLOGY.—

6 (1) PLAN FOR IMPLEMENTATION.—Not later
 7 than 180 days after the date of enactment of this
 8 Act, the Secretary of Homeland Security shall sub-
 9 mit to the Committee on the Judiciary of the House
 10 of Representatives and the Committee on the Judici-
 11 ary of the Senate a plan for the use of advanced
 12 analytics software to ensure the proactive detection
 13 of fraud in immigration benefits applications and pe-
 14 titions and to ensure that any such applicant or peti-
 15 tioner does not pose a threat to national security.

16 (2) IMPLEMENTATION OF PLAN.—Not later
 17 than 1 year after the date of the submission of the
 18 plan under paragraph (1), the Secretary of Home-
 19 land Security shall begin implementation of the plan.

20 (b) BENEFITS FRAUD ASSESSMENT.—

21 (1) IN GENERAL.—The Secretary of Homeland
 22 Security, acting through the Fraud Detection and
 23 Nationality Security Directorate, shall complete a
 24 benefit fraud assessment by fiscal year 2021 on each
 25 of the following:

1 (A) Petitions by VAWA self-petitioners (as
2 such term is defined in section 101(a)(51) of
3 the Immigration and Nationality Act).

4 (B) Applications or petitions for visas or
5 status under section 101(a)(15)(K) of such Act
6 or under section 201(b)(2) of such Act, in the
7 case of spouses.

8 (C) Applications for visas or status under
9 section 101(a)(27)(J) of such Act.

10 (D) Applications for visas or status under
11 section 101(a)(15)(U) of such Act.

12 (E) Petitions for visas or status under sec-
13 tion 101(a)(27)(C) of such Act.

14 (F) Applications for asylum under section
15 208 of such Act.

16 (G) Applications for adjustment of status
17 under section 209 of such Act.

18 (H) Petitions for visas or status under sec-
19 tion 201(b) of such Act.

20 (2) REPORTING ON FINDINGS.—Not later than
21 30 days after the completion of each benefit fraud
22 assessment under paragraph (1), the Secretary shall
23 submit to the Committee on the Judiciary of the
24 House of Representatives and the Committee on the
25 Judiciary of the Senate such assessment and rec-

1 commendations on how to reduce the occurrence of
 2 instances of fraud identified by the assessment.

3 **SEC. 4. EXPEDITIOUS EXPANSION OF ASSIGNMENT OF**
 4 **HOMELAND SECURITY EMPLOYEES TO DIP-**
 5 **LOMATIC AND CONSULAR POSTS.**

6 (a) IN GENERAL.—Section 428 of the Homeland Se-
 7 curity Act of 2002 (6 U.S.C. 236) is amended—

8 (1) in subsection (e)—

9 (A) by amending paragraph (1) to read as
 10 follows:

11 “(1) IN GENERAL.—Not later than 4 years
 12 after the date of the enactment of the Visa Inves-
 13 tigation and Social Media Activity Act of 2017, the
 14 Secretary shall assign employees of the Department
 15 to each diplomatic and consular post at which visas
 16 are issued, and shall communicate such assignments
 17 to the Secretary of State.”; and

18 (B) by amending paragraph (2)(B) to read
 19 as follows:

20 “(B) Review all such applications and sup-
 21 porting documentation prior to the adjudication
 22 of such an application.”; and

23 (2) by striking subsection (i).

24 (b) EXPEDITED CLEARANCE AND PLACEMENT OF
 25 DHS PERSONNEL.—Notwithstanding any other provision

1 of law, and the processes set forth in National Security
2 Defense Directive 38 (dated June 2, 1982) or any suc-
3 cessor Directive, not later than one year after the date
4 on which the Secretary of Homeland Security commu-
5 nicates to the Secretary of State the assignment of per-
6 sonnel to a diplomatic or consular post under section
7 428(e) of the Homeland Security Act of 2002 (6 U.S.C.
8 236(e)), as amended by this Act, the Chief of Mission of
9 such a post shall ensure that such personnel have been
10 stationed and accommodated at that post and are able to
11 carry out their duties.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated \$60,000,000 for each of fis-
14 cal years 2018 and 2019, which shall be used to expedite
15 the implementation of section 428(e) of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 236(e)), as amended by this
17 Act.

18 **SEC. 5. GAO REPORT.**

19 (a) IN GENERAL.—Not later than 18 months after
20 the date of the enactment of this Act, the Comptroller
21 General of the United States shall conduct a review and
22 report to Congress on the security of nonimmigrant and
23 immigrant visa application processes. Such a review shall
24 address—

1 (1) how the United States Government con-
2 ducts security screening and background checks for
3 nonimmigrant and immigrant visa petitions and ap-
4 plications, including the agencies and partners in-
5 volved and the systems and databases used; and

6 (2) how the Departments of Homeland Security
7 and State consider the results of such screening and
8 background checks in adjudicating nonimmigrant
9 and immigrant visa petitions and applications.

10 (b) AGENCY COOPERATION.—Each agency involved
11 in the processes for conducting and considering the results
12 of such security screening and background checks shall
13 fully cooperate with, and provide timely access to, the
14 Comptroller General any requests for records and infor-
15 mation.

○