

116TH CONGRESS
2D SESSION

H. R. 8225

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2020

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fight Notario Fraud
3 Act of 2020”.

4 **SEC. 2. FRAUD PROHIBITED.**

5 (a) IN GENERAL.—Chapter 47 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 1041. Schemes to defraud persons in any matter**
9 **arising under immigration laws**

10 “(a) FRAUD.—Any person who knowingly executes a
11 scheme or artifice, in connection with any matter author-
12 ized by or arising under the immigration laws, or any mat-
13 ter that such person claims or represents is authorized by
14 or arises under the immigration laws to—

15 “(1) defraud any other person; or

16 “(2) obtain or receive money or anything else of
17 value from any other person by means of false or
18 fraudulent pretenses, representations, or promises,
19 shall be fined under this title, imprisoned not more than
20 1 year, or both.

21 “(b) MISREPRESENTATION.—Any person who know-
22 ingly makes a false representation that such person is an
23 attorney or an accredited representative (as such term is
24 defined under section 1292.1(a)(4) of title 8, Code of Fed-
25 eral Regulations (or any successor regulation)) in any

1 matter arising under the immigration laws shall be fined
2 under this title, imprisoned not more than 1 year, or both.

3 “(c) THREATS AND RETALIATION.—Any person who
4 violates subsection (a) and knowingly—

5 “(1) threatens to report another person to Fed-
6 eral authorities or State law enforcement authorities
7 working in conjunction with or pursuant to Federal
8 authority;

9 “(2) acts to adversely affect another person’s
10 immigration status, perceived immigration status, or
11 attempts to secure immigration status that—

12 “(A) impacts or results in the removal of
13 the person from the United States;

14 “(B) leads to the loss of immigration sta-
15 tus; or

16 “(C) causes the person seeking to apply for
17 an immigration benefit to lose an opportunity
18 to apply for such an immigration benefit that
19 would have provided immigration status and for
20 which a person was prima facie eligible; or

21 “(3) demands or retains money or anything else
22 of value for services fraudulently performed or not
23 performed or withholds or threatens to withhold
24 services promised to be performed,

1 shall be fined under this title, imprisoned not more than
2 1 year, or both.

3 “(d) GRAVITY OF OFFENSE.—

4 “(1) CUMULATIVE LOSS.—Any person who vio-
5 lates subsection (a), (b), or (c) such that the cumu-
6 lative loss to all victims exceeds \$10,000 may be im-
7 prisoned not more than 3 years, fined under this
8 title, or both.

9 “(2) RETALIATION.—Any person who violates
10 subsection (a) or (b) and causes the harm described
11 in subsection (c)(2) may be imprisoned not more
12 than 3 years, fined under this title, or both.

13 “(e) INFORMATION SHARING AND ENFORCEMENT.—

14 “(1) IN GENERAL.—The Immigrant and Em-
15 ployee Rights Section of the Civil Rights Division of
16 the Department of Justice—

17 “(A) shall have primary enforcement re-
18 sponsibility for this section and shall be con-
19 sulted prior to a United States Attorney initi-
20 ating an action under this section;

21 “(B) shall establish procedures to receive
22 and investigate complaints of fraudulent immi-
23 gration schemes from the public that are con-
24 sistent with the procedures for receiving and in-

1 vestigating complaints of unfair immigration-re-
2 lated employment practices; and

3 “(C) shall maintain and publish on the
4 internet, information aimed at protecting con-
5 sumers from fraudulent immigration schemes,
6 as well as a list of individuals who have been
7 convicted of unlawful conduct under this section
8 or have been found by a State or Federal agen-
9 cy to have unlawfully provided immigration
10 services.

11 “(2) SPECIAL UNITED STATES ATTORNEYS.—
12 The Attorney General shall establish no fewer than
13 15 Special United States Attorney positions in dis-
14 tricts the Attorney General determines, after ana-
15 lyzing data following each decennial census, to be
16 most affected by the fraud described in subsections
17 (a), (b), and (c).

18 “(3) RESTITUTION.—There shall be deposited
19 in the Crime Victims Fund established under section
20 1402 of the Victims of Crime Act of 1984 (34
21 U.S.C. 20101) any restitution ordered for an offense
22 under this section if the victim of such offense can-
23 not reasonably be located.

24 “(f) SEVERABILITY.—If any provision of this section,
25 or the application of such a provision to any person or

1 circumstance, is held to be unconstitutional, the remainder
2 of this section and the application of the remaining provi-
3 sions of this section to any person or circumstance shall
4 not be affected thereby.

5 “(g) IMMIGRATION LAWS.—In this section, the term
6 ‘immigration laws’ has the meaning given that term in sec-
7 tion 101(a)(17) of the Immigration and Nationality Act
8 (8 U.S.C. 1101(a)(17)).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for chapter 47 of title 18, United States Code, is amended
11 by adding at the end the following:

“1041. Schemes to defraud persons in any matter arising under immigration
laws.”.

12 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee,

1 provided that such statement has been submitted prior to
2 the vote on passage.

Passed the House of Representatives October 1,
2020.

Attest: CHERYL L. JOHNSON,
Clerk.