

116TH CONGRESS
2D SESSION

S. 5055

To protect immigrant families, combat fraud, promote citizenship, and build community trust, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2020

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect immigrant families, combat fraud, promote citizenship, and build community trust, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fairness for Immigrant Families Act”.

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. Findings.
Sec. 3. Definitions.

TITLE I—PROTECTING IMMIGRANT FAMILIES

Subtitle A—Expansion of Admissibility

- Sec. 101. Promoting family unity.
 Sec. 102. Extension of the application period for certain aliens present in the United States for adjustment of status.

Subtitle B—Relief From Removal

- Sec. 111. Individuals previously removed.
 Sec. 112. Expansion of cancellation of removal.
 Sec. 113. Prohibition on removal of aliens with pending applications.
 Sec. 114. Motions to reopen in cases involving fraud, negligence, misrepresentation, extortion, and unauthorized practice of law.

Subtitle C—Provisions Relating to Removal of Parents of United States Citizens

- Sec. 121. Review of and reporting on removal of parents of United States citizens.
 Sec. 122. Report on enforcement actions against parents of United States citizens and DACA recipients.
 Sec. 123. Protections for United States citizen children abroad.

TITLE II—COMBATING FRAUD AND PROMOTING CITIZENSHIP

- Sec. 201. Combating immigration services fraud.
 Sec. 202. Requirements for immigration consultants.
 Sec. 203. Fee and backlog transparency.
 Sec. 204. National Office for New Americans.

TITLE III—BUILDING COMMUNITY TRUST

- Sec. 301. Protecting aliens who are victims of or witnesses to crimes or are defending civil rights.
 Sec. 302. Semiannual report on certain enforcement actions.
 Sec. 303. Rule of construction.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Immigration is intrinsic to the American ex-
 4 perience. Families throughout the United States
 5 have roots in the immigration experience of earlier
 6 generations of immigrants who came to the United
 7 States seeking better opportunities, safety from per-
 8 secution, and ultimately, a chance at the American
 9 dream.

1 (2) While the ancestors of some families arrived
2 centuries ago, other families are continuing that tra-
3 dition today. Approximately 20,000,000 second-gen-
4 eration Americans are living in the United States.
5 As of 2017, 18,200,000 children in the United
6 States, or 26 percent, lived with 1 or more immi-
7 grant parents.

8 (3) In the United States—

9 (A) 16,700,000 individuals live in a house-
10 hold with 1 or more family members who are
11 not authorized to be in the United States;

12 (B) 5,900,000 United States citizen chil-
13 dren live in a household with 1 or more family
14 members who are not authorized to be in the
15 United States; and

16 (C) 8,000,000 United States citizens live
17 in a household with 1 or more family members
18 who are not authorized to be in the United
19 States.

20 (4) Children of immigrants are the future work-
21 ers, leaders, voters, parents, and taxpayers of the
22 United States and are critical to the health and well-
23 being of the United States.

1 (5) Second-generation Americans closely reflect
2 or exceed the national average household income,
3 homeownership rate, and college graduation rate.

4 (6) In their pursuit of the American dream,
5 generations of immigrant families have contributed
6 to their communities in the United States and will
7 continue to do so, including as essential workers who
8 keep the United States running at great risk to
9 themselves and their families.

10 (7) Immigrants play a critical role in the
11 United States economy, and providing a path to citi-
12 zenship for undocumented immigrants is a necessary
13 part of maintaining the economic strength of the
14 United States.

15 (8) Immigrant entrepreneurs account for al-
16 most 30 percent of all new entrepreneurs in the
17 United States, and immigrants are almost twice as
18 likely as the United States-born population to be-
19 come entrepreneurs.

20 (9) Undocumented immigrants contribute over
21 \$11,000,000,000 in State and local taxes each year.

22 (10) Removing undocumented residents from
23 mixed-status households cuts the median income of
24 such households by 47 percent.

1 (11) Approximately 1,200,000 mortgages are
2 held by households with 1 or more undocumented in-
3 dividuals.

4 (12) Indiscriminate immigration enforcement
5 and the threat of immigration enforcement nega-
6 tively impact the health, development, and well-being
7 of children subject to detention or separation from
8 their families. Neurobiological research demonstrates
9 that children with any prolonged separation are
10 more likely to experience emotional and behavioral
11 issues, depression, anxiety, post-traumatic stress dis-
12 order, and suicidal ideation.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) IN GENERAL.—Except as otherwise specifi-
16 cally provided, any term used in this Act that is
17 used in the immigration laws shall have the meaning
18 given the term in the immigration laws.

19 (2) DACA RECIPIENT.—The term “DACA re-
20 cipient” means an alien who has been granted de-
21 ferred action pursuant to the memorandum of the
22 Department of Homeland Security entitled “Exer-
23 cising Prosecutorial Discretion with Respect to Indi-
24 viduals Who Came to the United States as Chil-
25 dren” issued on June 15, 2012.

(3) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE I—PROTECTING IMMIGRANT FAMILIES

Subtitle A—Expansion of Admissibility

SEC. 101. PROMOTING FAMILY UNITY.

(a) ELIMINATION OF 3-YEAR AND 10-YEAR BARS AND MODIFICATION OF PERMANENT BAR.—Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (B);

(3) in subparagraph (B), as so redesignated—

(A) by amending clause (i) to read as follows:

low:

“(i) IN GENERAL.—Any alien who knows he or she has received a final order of removal under section 240, and who enters or attempts to reenter the United States without being admitted, is inadmissible.”;

1 (B) by amending clause (ii) to read as fol-
2 lows:

3 “(ii) EXCEPTIONS.—

4 “(I) CONSENT TO REAPPLICA-
5 TION FOR ADMISSION.—Clause (i)
6 shall not apply to an alien seeking ad-
7 mission on a date that is more than 3
8 years after the date on which the alien
9 last departed the United States if, be-
10 fore the reembarkation of the alien at
11 a place outside the United States or
12 the attempt by the alien to be re-
13 admitted from a foreign contiguous
14 territory, the Secretary of Homeland
15 Security has consented to a reapplica-
16 tion for admission by the alien.

17 “(II) MINORS.—Clause (i) shall
18 not apply to an alien who is under 18
19 years of age.

20 “(III) ASYLEES.—Clause (i) shall
21 not apply to an alien who has a bona
22 fide application for asylum pending
23 under section 208.

24 “(IV) FAMILY UNITY.—Clause (i)
25 shall not apply to an alien who is a

1 beneficiary of family unity protection
2 pursuant to section 301 of the Immi-
3 gration Act of 1990 (8 U.S.C. 1255a
4 note).

5 “(V) VICTIMS OF A SEVERE
6 FORM OF TRAFFICKING IN PER-
7 SONS.—Clause (i) shall not apply to
8 an alien who demonstrates that 1 or
9 more severe forms of trafficking in
10 persons (as defined in section 103 of
11 the Trafficking Victims Protection Act
12 of 2000 (22 U.S.C. 7102)) was a cen-
13 tral reason for the unlawful presence
14 of the alien in the United States.

15 “(VI) ALIENS WHO ENTERED AS
16 CHILDREN.—Clause (i) shall not apply
17 to an alien who—

18 “(aa) is the beneficiary of
19 an approved petition under sec-
20 tion 101(a)(15)(H);

21 “(bb)(AA) is in school, has
22 graduated from high school, has
23 obtained a general education de-
24 velopment certificate recognized

under State law or a high school
equivalency diploma; or

“(BB) is serving in the
armed forces (as defined in
section 101(a) of title 10,
United States Code) or is an
honorably discharged vet-
eran of the armed forces;
and

“(cc) had not yet reached
the age of 16 years on the date
on which the alien initially en-
tered the United States.”; and

(C) in clause (iii)—

(i) by striking the clause designation
and heading and all that follows through
“Security” and insert the following:

“(iii) WAIVERS.—

“(I) VAWA SELF-PETI-
TIONERS.—The Attorney General or
the Secretary of Homeland Security,
as applicable,”; and

(ii) by adding at the end the fol-
lowing:

1 “(II) EXTREME HARDSHIP.—The
2 Attorney General or the Secretary of
3 Homeland Security may, in the discre-
4 tion of the Attorney General or the
5 Secretary, waive clause (i) in the case
6 of an alien who is the parent, spouse,
7 or son or daughter of a United States
8 citizen or of an alien lawfully admit-
9 ted for permanent residence if it is es-
10 tablished to the satisfaction of the At-
11 torney General or the Secretary that a
12 denial of admission to the alien would
13 result in extreme hardship to the
14 United States citizen or lawfully ad-
15 mitted permanent resident son or
16 daughter, spouse, or parent of the
17 alien.”.

18 (b) MISREPRESENTATION OF CITIZENSHIP.—The
19 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
20 is amended—

21 (1) in section 212 (8 U.S.C. 1182)—

22 (A) in subsection (a)(6)(C)—

23 (i) by amending clause (ii) to read as
24 follows:

1 “(ii) MISREPRESENTATION OF CITI-
2 ZENSHIP.—

3 “(I) IN GENERAL.—Any alien
4 who knowingly and willfully misrepre-
5 sents, or has knowingly and willfully
6 misrepresented, himself or herself to
7 be a citizen of the United States for
8 any purpose or benefit under this Act
9 (including section 274A) or any Fed-
10 eral or State law is inadmissible.

11 “(II) EXCEPTION.—In the case
12 of an alien who was under the age of
13 21 years at the time of making a mis-
14 representation described in subclause
15 (I), the alien shall not be considered
16 to be inadmissible under any provision
17 of this subsection based on such mis-
18 representation.”; and

19 (ii) in clause (iii), by striking “of
20 clause (i)”;

21 (B) by amending subsection (i)(1) to read
22 as follows:

23 “(i)(1) The Attorney General or the Secretary of
24 Homeland Security may, in the discretion of the Attorney
25 General or the Secretary, waive the application of sub-

1 section (a)(6)(C) in the case of an alien who is the parent,
 2 spouse, son or daughter of a United States citizen or of
 3 an alien lawfully admitted for permanent residence and
 4 in the case of an alien who is an alien granted classifica-
 5 tion under clause (iii) or (iv) of section 204(a)(1)(A), if
 6 it is established to the satisfaction of the Attorney General
 7 or the Secretary that the admission to the United States
 8 of such alien would not be contrary to the national welfare,
 9 safety, or security of the United States.”; and

10 (2) by amending section 237(a)(3)(D) (8
 11 U.S.C. 1227(a)(3)(D)) to read as follows:

12 “(D) MISREPRESENTATION OF CITIZEN-
 13 SHIP.—

14 “(i) IN GENERAL.—Any alien who
 15 knowingly and willfully misrepresents, or
 16 has knowingly and willfully misrepresented,
 17 himself or herself to be a citizen of the
 18 United States for any purpose or benefit
 19 under this Act (including section 274A) or
 20 any Federal or State law is deportable.

21 “(ii) EXCEPTION.—In the case of an
 22 alien who was under the age of 21 years
 23 at the time of making a misrepresentation
 24 described in clause (i), the alien shall not
 25 be considered to be deportable under any

1 provision of this subsection based on such
2 misrepresentation.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 214(q) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1184(q)) is amended—

6 (A) by striking paragraph (2);

7 (B) in paragraph (3)(C), by striking
8 “paragraphs (6)(A), (7), and (9)(B)” and in-
9 serting “paragraphs (6)(A) and (7)”; and

10 (C) by redesignating paragraph (3) as
11 paragraph (2).

12 (2) Section 245(h)(2)(A) of the Immigration
13 and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is
14 amended by striking “(7)(A), and (9)(B)” and in-
15 serting “and (7)(A)”.

16 (3) Section 248(a) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1258(a)) is amended, in the
18 matter preceding paragraph (1), by striking “and
19 who is not inadmissible under section
20 212(a)(9)(B)(i)” and all that follows through “sec-
21 tion 212(a)(9)(B)(v)”.

1 **SEC. 102. EXTENSION OF THE APPLICATION PERIOD FOR**
 2 **CERTAIN ALIENS PRESENT IN THE UNITED**
 3 **STATES FOR ADJUSTMENT OF STATUS.**

4 Section 245(i)(1)(B)(i) of the Immigration and Na-
 5 tionality Act (8 U.S.C. 1255(i)(1)(B)(i)) is amended by
 6 striking “April 30, 2001” and inserting the following: “the
 7 date that is not later than 5 years after the date of the
 8 enactment of the Fairness for Immigrant Families Act”.

9 **Subtitle B—Relief From Removal**

10 **SEC. 111. INDIVIDUALS PREVIOUSLY REMOVED.**

11 (a) DISCRETIONARY REINSTATEMENT OF REMOVAL
 12 ORDERS.—Section 241(a)(5) of the Immigration and Na-
 13 tionality Act (8 U.S.C. 1231(a)(5)) is amended—

14 (1) by striking “If the Attorney General” and
 15 inserting the following:

16 “(A) IN GENERAL.—Except as provided in
 17 subparagraph (B), if the Secretary of Home-
 18 land Security”; and

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

20 “(B) EXCEPTIONS.—

21 “(i) IN GENERAL.—Subparagraph (A)
 22 shall not apply to an alien—

23 “(I) who has not attained the age
 24 of 18 years on the date on which the
 25 alien reenters the United States; or

1 “(II) the reinstatement of the
2 prior order of removal of whom—

3 “(aa) is not in the public in-
4 terest;

5 “(bb) would result in hard-
6 ship to the United States citizen
7 or lawful permanent resident par-
8 ent, spouse, or child of the alien;
9 or

10 “(cc) would prevent consid-
11 eration of an application for asy-
12 lum that has not been previously
13 adjudicated.

14 “(ii) RULE OF CONSTRUCTION.—For
15 purposes of this paragraph, family separa-
16 tion shall be considered—

17 “(I) not in the public interest;
18 and

19 “(II) a hardship.”.

20 (b) MOTIONS TO REOPEN AND RECONSIDER.—Sec-
21 tion 240(c) of the Immigration and Nationality Act (8
22 U.S.C. 1229a(c)) is amended by adding at the end the
23 following:

24 “(8) SPECIAL RULE FOR RELATIVES OF UNITED
25 STATES CITIZENS.—

1 “(A) IN GENERAL.—Notwithstanding sub-
2 paragraphs (A) and (B) of paragraph (6) and
3 subparagraphs (A) and (C) of paragraph (7)—

4 “(i) an alien described in subpara-
5 graph (B) may file a motion to reconsider
6 under paragraph (6) or a motion to reopen
7 under paragraph (7) at any time and with-
8 out numerical limitation; and

9 “(ii) the Attorney General shall con-
10 sider any such motion.

11 “(B) ALIEN DESCRIBED.—An alien de-
12 scribed in this subparagraph is an alien who
13 is—

14 “(i) outside the United States after
15 having been excluded, deported, or re-
16 moved from, or ordered to voluntarily de-
17 part, the United States on or after Janu-
18 ary 20, 2017; and

19 “(ii) the spouse, child, or parent of a
20 citizen of the United States or an alien
21 lawfully admitted for permanent residence.

22 “(C) TREATMENT OF PHYSICAL PRES-
23 ENCE.—For purposes of any physical presence
24 or continuous residence requirement for relief
25 under the immigration laws, with respect to an

alien described in subparagraph (B), a period outside the United States after having been excluded, deported, or removed from, or ordered to voluntarily depart the United States on or after January 20, 2017, shall not be considered to toll or break the alien’s physical presence or continuous residence in the United States.”.

SEC. 112. EXPANSION OF CANCELLATION OF REMOVAL.

(a) IN GENERAL.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “10” and inserting “7”; and

(ii) by amending subparagraph (D) to read as follows:

“(D) establishes that removal would result in extreme hardship to—

“(i) the alien; or

“(ii) the alien’s spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.”; and

(B) by adding at the end the following:

“(7) AFFIRMATIVE APPLICATION PROCESS.—

1 “(A) IN GENERAL.—The Secretary of
 2 Homeland Security may cancel the removal of,
 3 and adjust to the status of an alien lawfully ad-
 4 mitted for permanent residence, an alien de-
 5 scribed in paragraph (1) or (2), who—

6 “(i) demonstrates that the alien is the
 7 spouse, parent, son or daughter, or legal
 8 guardian of a citizen of the United States;
 9 and

10 “(ii) submits to the Secretary of
 11 Homeland Security an application at such
 12 time, in such manner, and containing such
 13 information as the Secretary may reason-
 14 ably require.

15 “(B) NUMERICAL LIMITATIONS.—Notwith-
 16 standing any other provision of law, an alien
 17 admitted to the United States under this sec-
 18 tion shall not be subject to any numerical limi-
 19 tation.”; and

20 (2) by striking subsection (e).

21 (b) REGULATIONS.—The Secretary of Homeland Se-
 22 curity shall promulgate regulations setting forth proce-
 23 dures and requirements with respect to the processing and
 24 adjudication of affirmative applications for cancellation of
 25 removal under paragraph (7) of section 240A(b) of the

1 Immigration and Nationality Act (8 U.S.C. 1229b(b)), as
 2 added by subsection (a)(1)(B).

3 **SEC. 113. PROHIBITION ON REMOVAL OF ALIENS WITH**
 4 **PENDING APPLICATIONS.**

5 (a) IN GENERAL.—Section 235 of the Immigration
 6 and Nationality Act (8 U.S.C. 1225) is amended—

7 (1) in the section heading, by inserting “**;** **PRO-**
 8 **HIBITION ON REMOVAL**” after “**HEARING**”; and

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

10 “(e) PROHIBITION ON REMOVAL OF ALIENS WITH
 11 CERTAIN PENDING PETITIONS AND APPLICATIONS.—

12 “(1) BENEFICIARIES OF PETITIONS FOR IMMI-
 13 GRANT VISAS.—An alien who is the beneficiary (in-
 14 cluding a spouse or child of the principal alien, if eli-
 15 gible to receive a visa under section 203(d)) of a pe-
 16 tition for classification under section 204 that was
 17 filed with the Secretary of Homeland Security and
 18 who is prima facie eligible for approval may not be
 19 removed while such petition or application is pending
 20 or a decision on such petition or application is on
 21 appeal.

22 “(2) APPLICANTS FOR CERTAIN NONIMMIGRANT
 23 AND SPECIAL IMMIGRANT CLASSIFICATIONS AND
 24 CANCELLATION OF REMOVAL.—An applicant for
 25 classification as a nonimmigrant described in sub-

1 paragraph (T), (U), or (V) of section 101(a)(15), an
 2 applicant for classification as a special immigrant
 3 under section 101(a)(27)(J), or an applicant for
 4 cancellation of removal under section 240A may not
 5 be removed while such application is pending or a
 6 decision on such application is on appeal.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
 8 tents at the beginning of the Immigration and Nationality
 9 Act (8 U.S.C. 1101 et seq.) is amended by striking the
 10 item relating to section 235 and inserting the following:

“Sec. 235. Inspection by immigration officers; expedited removal of inadmis-
 sible arriving aliens; referral for hearing; prohibition on re-
 moval.”.

11 **SEC. 114. MOTIONS TO REOPEN IN CASES INVOLVING**
 12 **FRAUD, NEGLIGENCE, MISREPRESENTATION,**
 13 **EXTORTION, AND UNAUTHORIZED PRACTICE**
 14 **OF LAW.**

15 Section 240(c)(7)(C) of the Immigration and Nation-
 16 ality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding
 17 at the end the following:

18 “(v) FRAUD, NEGLIGENCE, MISREP-
 19 SENTATION, OR EXTORTION BY, OR AT-
 20 TEMPTED, PROMISED, OR ACTUAL PRAC-
 21 TICE OF LAW WITHOUT AUTHORIZATION
 22 ON THE PART OF A REPRESENTATIVE.—
 23 Notwithstanding subparagraph (A) and
 24 clause (i), an alien may file a motion to re-

1 open at any time to apply for relief due to
2 fraud, negligence, misrepresentation, or ex-
3 tortion by, or attempted, promised, or ac-
4 tual practice of law without authorization
5 on the part of, a representative described
6 in subsection (a) or (b) of section 1292.1
7 of title 8, Code of Federal Regulations, or
8 a person who claimed to be such a rep-
9 resentative if the alien establishes by a pre-
10 ponderance of the evidence such fraud,
11 negligence, misrepresentation, or extortion
12 by, or attempted, promised, or actual prac-
13 tice of law without authorization on the
14 part of, such a representative or person.”.

15 **Subtitle C—Provisions Relating to**
16 **Removal of Parents of United**
17 **States Citizens**

18 **SEC. 121. REVIEW OF AND REPORTING ON REMOVAL OF**
19 **PARENTS OF UNITED STATES CITIZENS.**

20 (a) IN GENERAL.—Before the removal from the
21 United States of an alien parent or legal guardian of a
22 child under the age of 21 years who is a citizen of the
23 United States or an alien lawfully admitted for permanent
24 residence, the Director of U.S. Immigration and Customs

1 Enforcement (referred to in this section as the “Direc-
2 tor”) shall review and approve the removal of such alien.

3 (b) QUARTERLY REPORT.—Not less frequently than
4 quarterly, the Director shall submit to Congress a report
5 on each review conducted under subsection (a) during the
6 preceding quarter that describes the result of the review.

7 (c) NONDELEGATION.—The Director may not dele-
8 gate the responsibilities under this section.

9 **SEC. 122. REPORT ON ENFORCEMENT ACTIONS AGAINST**
10 **PARENTS OF UNITED STATES CITIZENS AND**
11 **DACA RECIPIENTS.**

12 With respect to alien parents of children who are citi-
13 zens of the United States, aliens lawfully admitted for per-
14 manent residence, or DACA recipients—

15 (1) not later than 90 days after the date of the
16 enactment of this Act, the Secretary of Homeland
17 Security shall submit to Congress a report on the
18 number of such aliens removed from the United
19 States during the period beginning on January 20,
20 2017, and ending on January 20, 2021; and

21 (2) not less frequently than quarterly, the Sec-
22 retary of Homeland Security shall submit to Con-
23 gress, for the preceding quarter, a report on—

1 (A) the number of such aliens arrested by
2 U.S. Immigration and Customs Enforcement or
3 U.S. Customs and Border Protection;

4 (B) the number of such aliens detained by
5 U.S. Immigration and Customs Enforcement or
6 U.S. Customs and Border Protection;

7 (C) the number of such aliens for whom
8 U.S. Immigration and Customs Enforcement
9 has obtained an order of removal;

10 (D) the number of such aliens removed
11 from the United States and the countries to
12 which such aliens were removed; and

13 (E) the number of such aliens processed
14 through partnership programs with local law
15 enforcement, including—

16 (i) the Secure Communities immigra-
17 tion enforcement program operated by
18 U.S. Immigration and Customs Enforce-
19 ment;

20 (ii) a written agreement under section
21 287(g) of the Immigration and Nationality
22 Act (8 U.S.C. 1357(g)); and

23 (iii) detainers placed by U.S. Immi-
24 gration and Customs Enforcement.

1 **SEC. 123. PROTECTIONS FOR UNITED STATES CITIZEN**
2 **CHILDREN ABROAD.**

3 (a) REPORT ON UNITED STATES CITIZEN CHILDREN
4 ACCOMPANYING REMOVED PARENTS.—

5 (1) IN GENERAL.—Not less frequently than
6 semiannually, the Secretary of State, with the co-
7 operation of the Secretary of Homeland Security,
8 shall submit to Congress a report on known citizens
9 of the United States under the age of 18 years who
10 leave the United States to accompany an alien par-
11 ent or legal guardian who has been removed from
12 the United States.

13 (2) ELEMENTS.—Each report required by para-
14 graph (1) shall include, for the preceding reporting
15 period—

16 (A) the number of such citizens of the
17 United States; and

18 (B) for each such citizen of the United
19 States—

20 (i) his or her current age;

21 (ii) the age at which he or she de-
22 parted the United States;

23 (iii) his or her country of residence;

24 (iv) an assessment whether—

25 (I) either parent was deported or
26 removed from the United States;

1 (II) either parent remains in the
2 United States; and
3 (III) he or she was in foster care
4 in the United States at any time; and
5 (v) an identification of any pending
6 custody case in the United States with re-
7 spect to such citizen, as applicable.

8 (3) COOPERATION OF SECRETARY OF HOME-
9 LAND SECURITY.—The Secretary of Homeland Secu-
10 rity shall provide to the Secretary of State any data
11 of the Department of Homeland Security that the
12 Secretary of State may require to prepare the report
13 under this subsection.

14 (b) DIRECTORATE OF COMMUNITY OUTREACH.—
15 There is established within the Department of State a di-
16 rectorate for the purpose of conducting outreach to citi-
17 zens of the United States under the age of 18 years who
18 have left the United States to accompany an alien family
19 member who has been removed from the United States.

20 **TITLE II—COMBATING FRAUD**
21 **AND PROMOTING CITIZENSHIP**

22 **SEC. 201. COMBATING IMMIGRATION SERVICES FRAUD.**

23 (a) SCHEMES TO PROVIDE FRAUDULENT IMMIGRA-
24 TION SERVICES.—

1 (1) IN GENERAL.—Chapter 47 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 1041. Schemes to provide fraudulent immigration**
5 **services**

6 “(a) IN GENERAL.—

7 “(1) OFFENSE.—It shall be unlawful to know-
8 ingly or recklessly execute a scheme or artifice, in
9 connection with any matter that is authorized by or
10 arises under any Federal immigration law or any
11 matter the offender claims or represents is author-
12 ized by or arises under any Federal immigration
13 law, to—

14 “(A) defraud any person; or

15 “(B) obtain or receive money or anything
16 else of value from any person by means of false
17 or fraudulent pretenses, representations, or
18 promises.

19 “(2) PENALTY.—Any person who violates para-
20 graph (1) shall be fined under this title, imprisoned
21 for not more than 10 years, or both.

22 “(b) MISREPRESENTATION.—

23 “(1) OFFENSE.—It shall be unlawful for a per-
24 son to knowingly and falsely represent that such
25 person is an attorney or an accredited representative

1 (as that term is defined in section 1292.1 of title 8,
 2 Code of Federal Regulations (or any successor regu-
 3 lation)) in any matter arising under any Federal im-
 4 migration law.

5 “(2) PENALTY.—Any person who violates para-
 6 graph (1) shall be fined under this title, imprisoned
 7 for not more than 15 years, or both.

8 “(c) REIMBURSEMENT.—Any person convicted of an
 9 offense under this section shall fully reimburse the client
 10 for any services that person fraudulently provided.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions for chapter 47 of title 18, United States Code,
 13 is amended by inserting after the item relating to
 14 section 1040 the following:

“1041. Schemes to provide fraudulent immigration services.”.

15 (b) LOCAL IMMIGRATION CONSUMER FRAUD INFOR-
 16 MATION HOTLINES AND ASSISTANCE WEBSITES.—Title I
 17 of the Omnibus Crime Control and Safe Streets Act of
 18 1968 (34 U.S.C. 10101 et seq.) is amended by adding at
 19 the end the following:

20 **“PART OO—IMMIGRATION CONSUMER FRAUD**

21 **HOTLINES AND WEBSITES**

22 **“SEC. 3051. IMMIGRATION CONSUMER FRAUD HOTLINES**

23 **AND WEBSITES.**

24 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
 25 eral shall make grants to States, units of local govern-

1 ment, or any combination thereof, in partnership with
 2 stakeholders, service providers, and nonprofit organiza-
 3 tions.

4 “(b) MANDATORY GRANT USES.—Grant funds
 5 awarded under this section shall be expended for each of
 6 the following purposes:

7 “(1) IMMIGRATION CONSUMER FRAUD INFOR-
 8 MATION WEBSITES.—To provide for the establish-
 9 ment and operation of an immigration consumer
 10 fraud information and assistance website, which
 11 shall be a highly secure internet website that pro-
 12 vides information and assistance to victims of immi-
 13 gration consumer fraud. In establishing and oper-
 14 ating the immigration consumer fraud and assist-
 15 ance website, the grantee shall—

16 “(A) use grant funds for startup and oper-
 17 ation costs associated with establishing and op-
 18 erating the website;

19 “(B) use a name or acronym as part of its
 20 web address that identifies the website with the
 21 geographic locality receiving the grant under
 22 subsection (a);

23 “(C) provide accurate information that de-
 24 scribes the services available to immigration

1 consumer fraud victims, including free or low-
 2 cost legal assistance;

3 “(D) clearly include, in all pages of the
 4 website, that the information presented is for
 5 reference purposes only and does not constitute
 6 as legal advice; and

7 “(E) must provide translation of website
 8 content, in languages that are consistent with
 9 the criteria outlined in subsection (d)(2)(E)(i),
 10 either with a web page interface, or mirrored
 11 pages.

12 “(2) IMMIGRATION CONSUMER FRAUD HOT-
 13 LINES.—To establish or expand an immigration con-
 14 sumer fraud hotline to provide information and as-
 15 sistance to victims of immigration consumer fraud.
 16 In addition, grantees may, in operating with the hot-
 17 line, work in conjunction with other local programs
 18 and activities that serve victims of immigration con-
 19 sumer fraud. In establishing and operating the hot-
 20 line, the entity shall—

21 “(A) contract with a carrier for the use of
 22 a toll-free telephone line;

23 “(B) employ, train, and supervise per-
 24 sonnel to answer incoming calls and provide as-

1 sistance and referral services to callers on a 24-
2 hour-a-day basis;

3 “(C) assemble and maintain a current
4 database of information relating to services for
5 victims of immigration consumer fraud to which
6 callers throughout the United States may be re-
7 ferred; and

8 “(D) be prohibited from asking hotline
9 callers about their citizenship status.

10 “(c) RULE OF CONSTRUCTION.—Nothing in this Act
11 shall require a grantee receiving funds under this Act to
12 comply with a request lawfully made by the Department
13 of Homeland Security under section 236 or 287 of the
14 Immigration and Nationality Act (8 U.S.C. 1226 and
15 1357) to comply with a detainer for, or notify about the
16 use of services provided under this Act by an individual.

17 “(d) APPLICATION.—The Attorney General may ap-
18 prove an application for a grant under this section only
19 if such application—

20 “(1) contains such agreements, assurances, and
21 information, be in such form, and be submitted in
22 such manner, as the Attorney General shall by rule
23 require;

24 “(2) in the case of an application for a grant
25 to carry out activities described in subsection (b)(2),

1 includes a complete description of the applicant's
2 plan for the operation of an immigration consumer
3 fraud hotline, including descriptions of—

4 “(A) the training program for hotline per-
5 sonnel, including technology training to ensure
6 that all persons affiliated with the hotline are
7 able to effectively operate any technological sys-
8 tems used by the hotline;

9 “(B) the hiring criteria for hotline per-
10 sonnel;

11 “(C) the methods for the creation, mainte-
12 nance, and updating of a resource database;

13 “(D) a plan for publicizing the availability
14 of the hotline;

15 “(E) a plan for providing service to non-
16 English speaking callers that—

17 “(i) is based on data from the bureau
18 of the census and be consistent with the
19 local area demographics where the immi-
20 gration consumer fraud hotline will operate
21 such plan will outline which languages are
22 most prevalent and commonly requested
23 for translation services; or

24 “(ii) is based on qualitative and quan-
25 titative observation from community serv-

1 ice providers offering immigration-related
2 services; and

3 “(F) a plan for facilitating access to the
4 hotline by persons with hearing impairments;
5 and

6 “(3) in the case of an application for a grant
7 to carry out activities described in subsection
8 (b)(1)—

9 “(A) include a complete description of the
10 applicant’s plan for the development, operation,
11 maintenance, and updating of information and
12 resources of the immigration consumer fraud
13 information and assistance website;

14 “(B) include a certification that the appli-
15 cant will implement a high-level security system
16 to ensure the confidentiality of the website, tak-
17 ing into consideration the safety of immigration
18 consumer fraud victims;

19 “(C) include an assurance that, after the
20 third year of the website project, the recipient
21 of the grant will develop a plan to secure other
22 public or private funding resources to ensure
23 the continued operation and maintenance of the
24 website; and

1 “(D) demonstrate that the applicant has
2 recognized expertise in the area of immigration
3 consumer fraud and a record of high-quality
4 service to victims of immigration consumer
5 fraud, including a demonstration of support
6 from advocacy groups.

7 “(e) RENEWAL OF GRANTS.—A grant made under
8 this section may be renewed, without limitations on the
9 duration of such renewal, to provide additional funds, if
10 the Attorney General determines that the funds made
11 available to the recipient were used in a manner required
12 under an approved application and if the recipient can
13 demonstrate significant progress in achieving the objec-
14 tives of the initial application.

15 “(f) NO COST EXTENSIONS.—Notwithstanding sub-
16 section (e), the Attorney General may extend a grant pe-
17 riod, without limitations as to the duration of such exten-
18 sion, to provide additional time to complete the objectives
19 of the initial grant award.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section \$15,000,000
23 for fiscal year 2022 and each succeeding fiscal year.

24 “(2) WEBSITES.—Of the amounts appropriated
25 to carry out this section, not less than 20 percent

1 shall be used for purposes of carrying out activities
2 under subsection (b)(1).

3 “(3) AVAILABILITY.—Funds authorized to be
4 appropriated under this section may remain avail-
5 able until expended.

6 “(h) PROHIBITION OF DATA SHARING FOR IMMIGRA-
7 TION ENFORCEMENT PURPOSES.—

8 “(1) IN GENERAL.—Notwithstanding section
9 642 of the Illegal Immigration Reform and Immi-
10 grant Responsibility Act of 1996 (8 U.S.C. 1373),
11 an entity receiving a grant under this section may
12 not disclose or use personally identifiable informa-
13 tion provided by individuals using a website or a hot-
14 line, a website or hotline under subsection (b), for
15 the purposes of enforcing the immigration laws.

16 “(2) REFERRALS PROHIBITED.—An entity re-
17 ceiving a grant under this section may not refer any
18 individual participating in any program funded
19 under this section to U.S. Immigration and Customs
20 Enforcement or to U.S. Customs and Border Protec-
21 tion.

22 “(3) PERSONALLY IDENTIFIABLE INFORMATION
23 DEFINED.—For purposes of this section, the term
24 ‘personally identifiable information’ means any infor-
25 mation about an individual elicited, collected, stored,

1 or maintained by an entity receiving a grant under
 2 this section, including—

3 “(A) any information that can be used to
 4 distinguish or trace the identity of an indi-
 5 vidual, such as a name, residential address, a
 6 social security number, a date and place of
 7 birth, or a parent’s maiden name; and

8 “(B) any other information that is linked
 9 or linkable to an individual, such as medical,
 10 educational, financial, and employment informa-
 11 tion.

12 **“SEC. 3052. REPORT.**

13 “A State or unit of local government that receives
 14 funds under this part during a fiscal year shall submit
 15 to the Attorney General a description and an evaluation
 16 report on a date specified by the Attorney General regard-
 17 ing the effectiveness of the programs carried out with a
 18 grant under this part.”.

19 (c) GRANTS TO STATES AND LOCAL JURISDICTIONS
 20 TO PROMOTE OUTREACH CAMPAIGNS AGAINST IMMIGRA-
 21 TION CONSUMER FRAUD.—Title I of the Omnibus Crime
 22 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
 23 et seq.), as amended by subsection (b), is amended by in-
 24 serting after part OO the following:

1 **“PART PP—GRANTS TO STATES AND LOCAL JU-**
 2 **RISDICTIONS TO PROMOTE OUTREACH CAM-**
 3 **PAIGNS AGAINST IMMIGRATION CONSUMER**
 4 **FRAUD**

5 **“SEC. 3061. GRANTS TO STATES AND LOCAL JURISDICTIONS**
 6 **TO PROMOTE OUTREACH CAMPAIGNS**
 7 **AGAINST IMMIGRATION CONSUMER FRAUD.**

8 “(a) GRANT AUTHORIZATION.—

9 “(1) IN GENERAL.—The Attorney General shall
 10 make grants to States, units of local government, or
 11 any combination thereof, in partnership with stake-
 12 holders, service providers, and nonprofit organiza-
 13 tions.

14 “(2) PURPOSE.—The purpose of grants distrib-
 15 uted under this subsection is to enable States and
 16 localities to work with parties in paragraph (1) to
 17 carry out outreach campaigns in any of the fol-
 18 lowing:

19 “(A) Access to legal resources, including
 20 free or low-cost legal resources for persons of
 21 low income.

22 “(B) Workshops educating the general
 23 public on immigration consumer fraud, includ-
 24 ing methods to identify such fraud and best
 25 practices on prevention.

1 “(C) Hiring of casework staff, attorneys,
2 translators, accredited representatives, and
3 other similar staff to provide support for out-
4 reach objectives.

5 “(D) Printed materials or digital media de-
6 signed with the intent to educate the public on
7 where to obtain trusted legal resources, and
8 how to prevent becoming a victim of immigra-
9 tion consumer fraud.

10 “(E) Public service announcements in tele-
11 vision or radio, providing information on re-
12 sources and assistance on preventing immigra-
13 tion consumer fraud.

14 “(F) Translation services, including trans-
15 lated equivalents of subparagraph (A), (B), (C),
16 or (D), consistent with the grantee’s immediate
17 translation needs based on—

18 “(i) data from the Bureau of the Cen-
19 sus and be consistent with the local area
20 demographics where the outreach cam-
21 paign will operate, along with a description
22 of the languages are most prevalent or
23 commonly requested for translation serv-
24 ices; or

1 “(ii) quantitative or qualitative obser-
2 vation from community service providers
3 offering immigration-related services.

4 “(b) CONTENTS.—In accordance with such require-
5 ments as the Attorney General may by rule establish, each
6 application for a grant under this section shall—

7 “(1) include a long-term strategy and detailed
8 implementation plan that reflects consultation with
9 community groups and appropriate stakeholders;

10 “(2) explain the applicant’s inability to address
11 the need without Federal assistance;

12 “(3) identify related governmental and commu-
13 nity initiatives which compliment or will be coordi-
14 nated with the proposal; and

15 “(4) identify local service providers and non-
16 profit organizations that have substantial or signifi-
17 cant experience dealing with immigration-related
18 matters.

19 “(c) RENEWAL OF GRANTS.—A grant made under
20 this section may be renewed, without limitations on the
21 duration of such renewal, to provide additional funds, if
22 the Attorney General determines that the funds made
23 available to the recipient were used in a manner required
24 under an approved application and if the recipient can

1 demonstrate significant progress in achieving the objec-
 2 tives of the initial application.

3 “(d) NO COST EXTENSIONS.—Notwithstanding sub-
 4 section (c), the Attorney General may extend a grant pe-
 5 riod, without limitations as to the duration of such exten-
 6 sion, to provide additional time to complete the objectives
 7 of the initial grant award.

8 “(e) SUSPENSION OF FUNDS.—If the Attorney Gen-
 9 eral determines that a grant recipient under this section
 10 is not in substantial compliance with the terms and re-
 11 quirements of an approved grant application, the Attorney
 12 General may revoke or suspend funding of that grant, in
 13 whole, or in part.

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There is authorized to be
 16 appropriated to carry out this section \$10,000,000
 17 for fiscal year 2022 and each succeeding fiscal year.

18 “(2) AVAILABILITY.—Funds authorized to be
 19 appropriated under this section may remain avail-
 20 able until expended.

21 “(g) PROHIBITION ON DATA SHARING FOR IMMIGRA-
 22 TION ENFORCEMENT PURPOSES.—

23 “(1) IN GENERAL.—Notwithstanding section
 24 642 of the Illegal Immigration Reform and Immig-
 25 rant Responsibility Act of 1996 (8 U.S.C.1373), an

1 entity receiving a grant under this section may not
2 disclose or use personally identifiable information
3 provided by individuals participating in outreach
4 campaigns specified in subsection (a) for the pur-
5 poses of enforcing the immigration laws.

6 “(2) REFERRALS PROHIBITED.—An entity re-
7 ceiving a grant under this section may not refer any
8 individual participating in any program funded
9 under this section to U.S. Immigration and Customs
10 Enforcement or to U.S. Customs and Border Protec-
11 tion.

12 “(3) PERSONALLY IDENTIFIABLE INFORMATION
13 DEFINED.—For purposes of this section, the term
14 ‘personally identifiable information’ means any infor-
15 mation about an individual elicited, collected, stored,
16 or maintained by an entity receiving a grant under
17 this section, including—

18 “(A) any information that can be used to
19 distinguish or trace the identity of an indi-
20 vidual, such as a name, residential address, a
21 social security number, a date and place of
22 birth, or a parent’s maiden name; and

23 “(B) any other information that is linked
24 or linkable to an individual, such as medical,

1 educational, financial, and employment informa-
 2 tion.

3 **“SEC. 3062. REPORT.**

4 “A State or unit of local government that receives
 5 funds under this part during a fiscal year shall submit
 6 to the Attorney General a description and an evaluation
 7 report on a date specified by the Attorney General regard-
 8 ing the effectiveness of the programs carried out with a
 9 grant under this part.”.

10 (d) GRANTS TO STATES AND LOCAL JURISDICTIONS
 11 TO INCREASE ENFORCEMENT AGAINST IMMIGRATION
 12 CONSUMER FRAUD.—Title I of the Omnibus Crime Con-
 13 trol and Safe Streets Act of 1968 (34 U.S.C. 10101 et
 14 seq.), as amended by subsections (b) and (c), is amended
 15 by inserting after part PP the following:

16 **“PART QQ—GRANTS TO STATES AND LOCAL JU-**
 17 **RISDICTIONS TO INCREASE ENFORCEMENT**
 18 **AGAINST IMMIGRATION CONSUMER FRAUD**

19 **“SEC. 3071. GRANTS TO STATES AND LOCAL JURISDICTIONS**
 20 **TO INCREASE ENFORCEMENT AGAINST IMMI-**
 21 **GRATION CONSUMER FRAUD.**

22 “(a) GRANT AUTHORIZATION.—

23 “(1) IN GENERAL.—The Attorney General shall
 24 make grants to States, units of local government, or
 25 any combination thereof.

1 “(2) PURPOSE.—The purpose of grants distrib-
2 uted under this subsection is to enable States and
3 localities to increase the enforcement of—

4 “(A) State and local laws against immigra-
5 tion consumer fraud; and

6 “(B) section 1041 of title 18, United
7 States Code.

8 “(3) PERMITTED USE OF FUNDS.—A State or
9 unit of local government that receives a grant under
10 this section may use funds from the grant for activi-
11 ties, including—

12 “(A) hiring staff, such as compliance offi-
13 cers that are charged with investigating and en-
14 forcing Federal, State, and local laws against
15 immigration consumer fraud;

16 “(B) training staff, such as the compliance
17 officers described in subparagraph (A);

18 “(C) investigating complaints of immigra-
19 tion consumer fraud; and

20 “(D) taking action against violations of
21 Federal, State, and local laws relating to immi-
22 gration consumer fraud, which may include the
23 prosecution of violators.

1 “(b) CONTENTS.—In accordance with such require-
2 ments as the Attorney General may by rule establish, each
3 application for a grant under this section shall—

4 “(1) include a detailed implementation plan
5 that reflects consultation with community groups
6 and appropriate stakeholders; and

7 “(2) explain the inability of the State or unit of
8 local government to address the need to increase en-
9 forcement of immigration consumer fraud laws with-
10 out Federal assistance.

11 “(c) RENEWAL OF GRANTS.—A grant made under
12 this section may be renewed, without limitations on the
13 duration of such renewal, to provide additional funds, if
14 the Attorney General determines that the funds made
15 available to the recipient were used in a manner required
16 under an approved application and if the recipient can
17 demonstrate significant progress in achieving the objec-
18 tives of the initial application.

19 “(d) NO COST EXTENSIONS.—Notwithstanding sub-
20 section (c), the Attorney General may extend a grant pe-
21 riod, without limitations as to the duration of such exten-
22 sion, to provide additional time to complete the objectives
23 of the initial grant award.

24 “(e) SUSPENSION OF FUNDS.—If the Attorney Gen-
25 eral determines that a grant recipient under this section

1 is not in substantial compliance with the terms and re-
 2 quirements of an approved grant application, the Attorney
 3 General may revoke or suspend funding of that grant, in
 4 whole, or in part.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There is authorized to be
 7 appropriated to carry out this section \$10,000,000
 8 for fiscal year 2022 and each succeeding fiscal year.

9 “(2) AVAILABILITY.—Funds authorized to be
 10 appropriated under this section may remain avail-
 11 able until expended.

12 “(g) PROHIBITION ON DATA SHARING FOR IMMIGRA-
 13 TION ENFORCEMENT PURPOSES.—

14 “(1) IN GENERAL.—

15 “(A) DISCLOSURE PROHIBITED.—Notwith-
 16 standing section 642 of the Illegal Immigration
 17 Reform and Immigrant Responsibility Act of
 18 1996 (8 U.S.C. 1373), an entity receiving a
 19 grant under this section may not disclose or use
 20 personally identifiable information provided by
 21 an individual involved with the work funded
 22 under this section for the purposes of enforcing
 23 the immigration laws.

24 “(B) EXCEPTION.—An entity receiving a
 25 grant under this section may disclose or use

1 personally identifiable information provided by
2 an individual involved with the work funded
3 under this section if—

4 “(i) the disclosure or use required in
5 order to prosecute a case; and

6 “(ii) the individual explicitly permits
7 the use or disclosure.

8 “(2) REFERRALS PROHIBITED.—An entity re-
9 ceiving a grant under this section may not refer any
10 individual involved with work funded under this sec-
11 tion to U.S. Immigration and Customs Enforcement
12 or to U.S. Customs and Border Protection.

13 “(3) PERSONALLY IDENTIFIABLE INFORMATION
14 DEFINED.—For purposes of this section, the term
15 ‘personally identifiable information’ means any infor-
16 mation about an individual elicited, collected, stored,
17 or maintained by an entity receiving a grant under
18 this section, including—

19 “(A) any information that can be used to
20 distinguish or trace the identity of an indi-
21 vidual, such as a name, residential address, a
22 social security number, a date and place of
23 birth, or a parent’s maiden name; and

24 “(B) any other information that is linked
25 or linkable to an individual, such as medical,

1 educational, financial, and employment informa-
2 tion.

3 **“SEC. 3072. REPORT.**

4 “A State or unit of local government that receives
5 funds under this part during a fiscal year shall submit
6 to the Attorney General a description and an evaluation
7 report on a date specified by the Attorney General regard-
8 ing the effectiveness of the programs carried out with a
9 grant under this part.”.

10 **SEC. 202. REQUIREMENTS FOR IMMIGRATION CONSULT-**
11 **ANTS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Commission, in con-
14 sultation with the Director of the Executive Office for Im-
15 migration Review and the Secretary of Homeland Secu-
16 rity, shall promulgate regulations, in accordance with sec-
17 tion 553 of title 5, United States Code, that require an
18 immigration consultant—

19 (1) to disclose in all advertising or promotional
20 material and by displaying a notice at the regular
21 place of business (if any) of the consultant that the
22 consultant is not an immigration attorney, cannot
23 provide legal advice or legal services on immigration
24 matters, and is not authorized to represent aliens
25 before an immigration court or the Board of Immi-

1 gration Appeals or authorized to represent others be-
2 fore the Department of Homeland Security in con-
3 nection with an application for an immigration ben-
4 efit or an immigration proceeding;

5 (2) if the consultant enters into a written con-
6 tract for the provision of immigration consulting
7 services—

8 (A) to ensure that the contract states
9 that—

10 (i) the consultant is not an immigra-
11 tion attorney, cannot provide legal advice
12 or legal services on immigration matters,
13 and is not authorized to represent aliens
14 before an immigration court or the Board
15 of Immigration Appeals or authorized to
16 represent others before the Department of
17 Homeland Security in connection with an
18 application for an immigration benefit or
19 an immigration proceeding; and

20 (ii) the client has the right to have the
21 contract reviewed by an attorney;

22 (B) to provide the client with a copy of the
23 contract in English and, if requested by the cli-
24 ent, in one or more other languages;

1 (C) to inform the client of the right to re-
2 quest a copy of the contract in languages other
3 than English, as required by subparagraph (B);
4 and

5 (D) to ensure that the contract provides
6 the client with the right to rescind the contract
7 at any time during the 72-hour period after en-
8 tering into the contract;

9 (3) not to collect fees for immigration con-
10 sulting services before having rendered the services
11 for which the fees are charged;

12 (4) to return to the client any original docu-
13 ment obtained from the client (unless the original
14 document must be provided to a Federal or State
15 agency or another person and has been so provided)
16 and to furnish to the client for no additional charge
17 a copy of any document prepared or obtained by the
18 consultant for the client or otherwise used in connec-
19 tion with immigration consulting services for the cli-
20 ent (other than notes or other documents prepared
21 by the consultant for internal use in order to provide
22 such services); and

23 (5) to retain for not less than 3 years after
24 ceasing to provide immigration consulting services
25 for a client a copy of any document required by

1 paragraph (4) to be returned or furnished to the cli-
2 ent.

3 (b) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Federal Trade Commission.

6 (2) IMMIGRATION CONSULTANT.—The term
7 “immigration consultant” means a person engaged
8 in the provision of immigration consulting services,
9 except that such term does not include a person who
10 is—

11 (A) authorized to represent aliens before
12 an immigration court or the Board of Immigra-
13 tion Appeals; or

14 (B) authorized to represent others in con-
15 nection with an application or proceeding de-
16 scribed in paragraph (3)(A) before the Depart-
17 ment of Homeland Security in accordance with
18 regulations promulgated by the Secretary of
19 Homeland Security.

20 (3) IMMIGRATION CONSULTING SERVICES.—

21 (A) IN GENERAL.—The term “immigration
22 consulting services” means assistance, advice,
23 or services provided to an individual in connec-
24 tion with—

1 (i) application (or consideration of ap-
2 plication) by such individual for an immi-
3 gration benefit; or

4 (ii) an immigration proceeding involv-
5 ing such individual before or with the De-
6 partment of Homeland Security or the Ex-
7 ecutive Office for Immigration Review.

8 (B) INCLUSIONS.—Such term includes the
9 following:

10 (i) Assistance with procuring sup-
11 porting documentation requested by such
12 an agency, such as a birth certificate or
13 marriage license.

14 (ii) Referring a client to an attorney
15 for legal representation.

16 (iii) Assistance with complying with
17 requirements relating to biometric services.

18 (C) EXCLUSIONS.—Such term does not in-
19 clude the following:

20 (i) Completing a form of a Federal or
21 State agency or submitting such form to
22 such agency.

23 (ii) Translating the responses of a cli-
24 ent to the information requested on such a

1 form or in other communications with such
 2 an agency.

3 (4) STATE.—The term “State” means each of
 4 the several States, the District of Columbia, each
 5 commonwealth, territory, or possession of the United
 6 States, and each federally recognized Indian tribe.

7 (c) APPLICABILITY AND ENFORCEMENT OF REGULA-
 8 TIONS.—

9 (1) GENERAL APPLICATION.—The requirements
 10 of the regulations promulgated under subsection (a)
 11 apply, according to their terms, to those persons,
 12 partnerships, and corporations over which the Com-
 13 mission has authority pursuant to section 5(a)(2) of
 14 the Federal Trade Commission Act (15 U.S.C.
 15 45(a)(2)).

16 (2) ENFORCEMENT BY FEDERAL TRADE COM-
 17 MISSION.—

18 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
 19 TICES.—A violation of a regulation promulgated
 20 under subsection (a) shall be treated as a viola-
 21 tion of a regulation under section 18(a)(1)(B)
 22 of the Federal Trade Commission Act (15
 23 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
 24 tive acts or practices.

1 (B) POWERS OF COMMISSION.—The Com-
2 mission shall enforce the regulations promul-
3 gated under subsection (a) in the same manner,
4 by the same means, and with the same jurisdic-
5 tion, powers, and duties provided in the Federal
6 Trade Commission Act (15 U.S.C. 41 et seq.),
7 and any person who violates such a regulation
8 shall be subject to the penalties and entitled to
9 the privileges and immunities provided in such
10 Act.

11 (3) ACTIONS BY STATES.—

12 (A) IN GENERAL.—In any case in which
13 the attorney general of a State, or an official or
14 agency of a State, has reason to believe that an
15 interest of the residents of such State has been
16 or is threatened or adversely affected by an act
17 or practice in violation of a regulation promul-
18 gated under subsection (a), the State, as *parens*
19 *patriae*, may bring a civil action on behalf of
20 the residents of the State in an appropriate
21 State court or an appropriate district court of
22 the United States—

- 23 (i) to enjoin such act or practice;
24 (ii) to enforce compliance with such
25 regulation;

1 (iii) to obtain on behalf of residents of
2 the State—

3 (I) damages for actual monetary
4 loss from the violation, or up to
5 \$10,000 in damages for each such vio-
6 lation, whichever is greater;

7 (II) restitution; or

8 (III) other compensation; or

9 (iv) to obtain such other legal and eq-
10 uitable relief as the court may consider to
11 be appropriate.

12 (B) NOTICE.—Before filing an action
13 under this subsection, the attorney general, offi-
14 cial, or agency of the State involved shall pro-
15 vide to the Commission a written notice of such
16 action and a copy of the complaint for such ac-
17 tion. If the attorney general, official, or agency
18 determines that it is not feasible to provide the
19 notice described in this paragraph before the
20 filing of the action, the attorney general, offi-
21 cial, or agency shall provide written notice of
22 the action and a copy of the complaint to the
23 Commission immediately upon the filing of the
24 action.

1 (C) AUTHORITY OF FEDERAL TRADE COM-
2 MISSION.—

3 (i) IN GENERAL.—On receiving notice
4 under subparagraph (B) of an action
5 under this subsection, the Commission
6 shall have the right—

7 (I) to intervene in the action;

8 (II) upon so intervening, to be
9 heard on all matters arising therein;
10 and

11 (III) to file petitions for appeal.

12 (ii) LIMITATION ON STATE ACTION
13 WHILE FEDERAL ACTION IS PENDING.—If
14 the Commission or the Attorney General of
15 the United States has instituted a civil ac-
16 tion for violation of a regulation promul-
17 gated under subsection (a) (referred to in
18 this subparagraph as the “Federal ac-
19 tion”), no State attorney general, official,
20 or agency may bring an action under this
21 subsection during the pendency of the Fed-
22 eral action against any defendant named in
23 the complaint in the Federal action for any
24 violation of such regulation alleged in such
25 complaint.

1 (D) RULE OF CONSTRUCTION.—For pur-
 2 poses of bringing a civil action under this para-
 3 graph, nothing in this Act shall be construed to
 4 prevent an attorney general, official, or agency
 5 of a State from exercising the powers conferred
 6 on the attorney general, official, or agency by
 7 the laws of such State to conduct investigations,
 8 administer oaths and affirmations, or compel
 9 the attendance of witnesses or the production of
 10 documentary and other evidence.

11 (4) PRIVATE RIGHT OF ACTION.—

12 (A) IN GENERAL.—A person injured by an
 13 act or practice in violation of a regulation pro-
 14 mulgated under subsection (a) may bring in an
 15 appropriate State court or an appropriate dis-
 16 trict court of the United States—

17 (i) an action to enjoin the violation;

18 (ii) an action to recover damages for
 19 actual monetary loss from the violation, or
 20 to receive up to \$10,000 in damages for
 21 each such violation, whichever is greater;
 22 or

23 (iii) both such actions.

24 (B) WILLFUL OR KNOWING VIOLATIONS.—

25 If the court finds that the defendant acted will-

1 fully or knowingly in committing a violation de-
 2 scribed in subparagraph (A), the court may, in
 3 its discretion, increase the amount of the award
 4 to an amount equal to not more than 3 times
 5 the amount available under subparagraph
 6 (A)(ii).

7 (C) COSTS AND ATTORNEY’S FEES.—The
 8 court shall award to a prevailing plaintiff in an
 9 action under this subsection the costs of such
 10 action and reasonable attorney’s fees, as deter-
 11 mined by the court.

12 (D) NONEXCLUSIVE REMEDY.—The rem-
 13 edy provided by this subsection shall be in addi-
 14 tion to any other remedies available to the per-
 15 son.

16 **SEC. 203. FEE AND BACKLOG TRANSPARENCY.**

17 Section 286(m) of the Immigration and Nationality
 18 Act (8 U.S.C. 1356(m)) is amended to read as follows:

19 “(m) IMMIGRATION SERVICE FEES.—

20 “(1) IN GENERAL.—Except as provided in para-
 21 graph (2), all fees designated by the Secretary of
 22 Homeland Security in regulations as ‘immigration
 23 adjudication fees’ shall be deposited as offsetting re-
 24 ceipts into the ‘Immigration Examinations Fee Ac-
 25 count’ in the Treasury of the United States, whether

1 such fees are collected directly by the Secretary or
2 through clerks of courts.

3 “(2) VIRGIN ISLANDS AND GUAM.—

4 “(A) GUAM.—All fees described in para-
5 graph (1) that are received by the Secretary of
6 Homeland Security from applicants residing in
7 Guam shall be remitted to the Department of
8 Revenue and Taxation of Guam.

9 “(B) VIRGIN ISLANDS.—All fees described
10 in paragraph (1) that are received by the Sec-
11 retary of Homeland Security from applicants
12 residing in the United States Virgin Islands
13 shall be remitted to the Treasury Division of
14 the United States Virgin Islands.

15 “(3) REPORT REQUIREMENT BEFORE FEE IN-
16 CREASE.—The Secretary of Homeland Security may
17 not increase any immigration service fee above the
18 level of such fee as of January 1, 2019, before the
19 date that is 60 days after the date on which the Sec-
20 retary submits to the Committee on the Judiciary of
21 the Senate and the Committee on the Judiciary of
22 the House of Representatives a report that—

23 “(A) identifies the direct and indirect costs
24 associated with providing adjudication and nat-
25 uralization services;

1 “(B) distinguishes the costs referred to in
2 subparagraph (A) from immigration enforce-
3 ment and national security costs;

4 “(C) identifies the costs allocated for pre-
5 mium processing services to business customers,
6 as prescribed under subsection (u);

7 “(D) describes the extent to which the fee
8 prescribed in subsection (u) is set at a level
9 that ensures full recovery of the costs referred
10 to in subparagraph (C);

11 “(E) identifies the amount of funding that
12 is being allocated for the infrastructure im-
13 provements in the adjudication and customer-
14 service processes prescribed under subsection
15 (u); and

16 “(F) contains information regarding the
17 amount by which such fee will be increased.

18 “(4) ADJUDICATIONS DELAY AND BACKLOG RE-
19 PORT.—Not less frequently than quarterly, the Sec-
20 retary of Homeland Security shall submit to the
21 Committee on the Judiciary of the Senate and the
22 Committee on the Judiciary of the House of Rep-
23 resentatives a report that identifies each instance in
24 which—

1 “(A) the processing time of more than 10
 2 percent of adjudications in any single category
 3 of immigration benefits surpasses the agency’s
 4 stated processing goal as of January 1, 2019;

5 “(B) the processing time of more than 5
 6 percent of applications for legal permanent resi-
 7 dence surpasses 150 days; and

8 “(C) the processing time of more than 5
 9 percent of applications for naturalization sur-
 10 passes 150 days.”.

11 **SEC. 204. NATIONAL OFFICE FOR NEW AMERICANS.**

12 (a) **ESTABLISHMENT.**—There is established within
 13 the Executive Office of the President an office, to be
 14 known as the “National Office of New Americans”, to
 15 carry out the purposes described in subsection (b).

16 (b) **PURPOSES.**—The purposes of the Office are—

17 (1) to promote and support immigrant and ref-
 18 ugee integration into, and inclusion in, the social,
 19 economic, and civic life of the United States;

20 (2) to ensure that the Federal Government and
 21 Federal agencies promote the pursuit of United
 22 States citizenship among immigrants and refugees;

23 (3) to ensure access to quality English language
 24 learning programs that—

1 (A) enhance the employment and career
2 prospects and economic integration of English
3 language learners; and

4 (B) increase—

5 (i) the social integration of English
6 language learners into local communities;
7 and

8 (ii) the participation of English lan-
9 guage learners in civic life, including en-
10 gagement with State and local govern-
11 ments, schools, and private and nonprofit
12 community institutions;

13 (4) to provide equal access to workforce devel-
14 opment programs, including by ensuring that such
15 programs meet the demand and unique language,
16 training, and educational needs of immigrants and
17 refugees;

18 (5) to oversee and coordinate the efforts of
19 Federal, State, and local entities to ensure the effec-
20 tive social, economic, linguistic, and civic integration
21 of immigrants, refugees and their children;

22 (6) to provide advice and leadership to the
23 President, Members of Congress, and other Federal
24 Government officials on the challenges and opportu-

1 nities facing such entities with respect to immigrant
2 and refugee integration;

3 (7) to cooperate closely with the Office of Man-
4 agement and Budget and other relevant Federal
5 agencies to analyze the impact of immigrant and ref-
6 ugee integration policies on the Federal budget;

7 (8) to evaluate the scale, quality, and effective-
8 ness of Federal Government efforts concerning im-
9 migrant and refugee social and economic integration,
10 including access to United States citizenship,
11 English language learning, and workforce develop-
12 ment programs;

13 (9) to identify the anticipated effects of new
14 Federal policies on existing integration efforts and
15 advise the President on how to address potential in-
16 tegration needs or the impacts of such policies;

17 (10) to consult on a biannual basis with State
18 and local government officials on the immigrant and
19 refugee integration challenges and opportunities fac-
20 ing States and units of local government; and

21 (11) to submit to the President and the Com-
22 mittee on the Judiciary of the Senate and the Com-
23 mittee on the Judiciary of the House of Representa-
24 tives a biannual report that describes the activities

1 of the Office and the results of the consultation
2 process required under paragraph (10).

3 (c) DIRECTOR.—

4 (1) IN GENERAL.—The Office shall be headed
5 by a Director of the National Office of New Ameri-
6 cans, who shall be appointed by the President, by
7 and with the advice and consent of the Senate.

8 (2) DUTIES.—The Director shall—

9 (A) establish Office policies, objectives, and
10 priorities with respect to immigrant and refugee
11 integration;

12 (B) with the assistance of the Deputy Di-
13 rector for Citizenship and Inclusion, the Deputy
14 Director for Workforce and Economy, and the
15 Associate Director, carry out the purposes of
16 the Office;

17 (C) make recommendations to the Presi-
18 dent regarding changes in the organization,
19 management, programs, and budget of the Fed-
20 eral Government necessary to promote the inte-
21 gration of immigrants and refugees;

22 (D) consult, support, and coordinate with
23 State and local government efforts to promote
24 United States citizenship and integration of im-
25 migrants and refugees; and

1 (E) serve as a member of the Domestic
2 Policy Council and the National Economic
3 Council.

4 (3) POWERS.—In carrying out the duties de-
5 scribed in paragraph (2) and the purposes of the Of-
6 fice, the Director may—

7 (A) select, appoint, employ, and fix com-
8 pensation of such officers and employees as
9 may be necessary;

10 (B) with the concurrence of the head of
11 the applicable Federal agency, direct the tem-
12 porary reassignment within the Federal Govern-
13 ment of personnel employed by the Federal
14 agency;

15 (C) use for administrative purposes, on a
16 reimbursable basis, the available service, equip-
17 ment, personnel, and facilities of Federal, State,
18 and local agencies;

19 (D) procure the services of experts and
20 consultants in accordance with section 3109 of
21 title 5, United States Code, relating to appoint-
22 ments in the Federal service, at rates of com-
23 pensation for individuals not to exceed the daily
24 equivalent of the rate of pay payable for GS—

1 18 of the General Schedule under section 5332
 2 of title 5, United States Code;

3 (E) accept and use donations of property
 4 from Federal, State, and local government
 5 agencies;

6 (F) use the mail in the same manner as
 7 other Federal agencies; and

8 (G) monitor the implementation of the im-
 9 migrant and refugee integration-related activi-
 10 ties of the Federal Government, including—

11 (i) conducting program and perform-
 12 ance audits and evaluations; and

13 (ii) requesting assistance from the In-
 14 spector General of relevant Federal agen-
 15 cies in such audits and evaluations.

16 (d) DEPUTY DIRECTORS.—

17 (1) IN GENERAL.—There shall be in the Office
 18 a Deputy Director for Citizenship and Inclusion and
 19 a Deputy Director for Workforce and Economy, each
 20 of whom shall be appointed by the President, in con-
 21 sultation with the Director.

22 (2) DUTIES.—

23 (A) DEPUTY DIRECTOR FOR CITIZENSHIP
 24 AND INCLUSION.—The Deputy Director for
 25 Citizenship and Inclusion shall, among other

1 duties as assigned by the Director, assist the
 2 Director to promote access to United States
 3 citizenship and inclusion of immigrants and ref-
 4 ugees in the social, economic, and civic life of
 5 their communities and the United States.

6 (B) DEPUTY DIRECTOR FOR WORKFORCE
 7 AND ECONOMY.—The Deputy Director for
 8 Workforce and Economy shall, among other du-
 9 ties as assigned by the Director, assist the Di-
 10 rector to promote the participation of immi-
 11 grants and refugees in the United States work-
 12 force and increase the contributions of immi-
 13 grants and refugees to the United States econ-
 14 omy.

15 (e) BUREAU OF STATE AND LOCAL AFFAIRS.—

16 (1) ESTABLISHMENT.—There is established
 17 within the Office a Bureau of State and Local Af-
 18 fairs.

19 (2) ASSOCIATE DIRECTOR.—

20 (A) IN GENERAL.—The Bureau of State
 21 and Local Affairs shall be headed by an Asso-
 22 ciate Director of State and Local Affairs, who
 23 shall be appointed by the Director.

24 (B) RESPONSIBILITIES.—The Associate
 25 Director shall, among other duties as assigned

1 by the Director, assist the Director in coordi-
 2 nating the efforts of State and local entities to
 3 support the economic, linguistic, and civic inte-
 4 gration of immigrants, refugees and their chil-
 5 dren.

6 (f) ACCESS BY CONGRESS.—The establishment of the
 7 Office for New Americans within the Executive Office of
 8 the President shall not be construed as affecting access
 9 by any Member of Congress or any committee of the Sen-
 10 ate or the House of Representatives to—

11 (1) any information, document, or study in the
 12 possession of, or conducted by or at the direction of,
 13 the Director; or

14 (2) personnel of the Office.

15 (g) LIMITATION.—An individual may not serve as Di-
 16 rector, Deputy Director for Citizenship and Inclusion,
 17 Deputy Director for Workforce and the Economy, or Asso-
 18 ciate Director while serving in any other position in the
 19 Federal Government.

20 (h) DEFINITIONS.—In this section:

21 (1) ASSOCIATE DIRECTOR.—The term “Asso-
 22 ciate Director” means the Associate Director of
 23 State and Local Affairs appointed under subsection
 24 (e)(2).

1 (2) DIRECTOR.—The term “Director” means
2 the Director of the National Office of New Ameri-
3 cans.

4 (3) FEDERAL AGENCY.—The term “Federal
5 agency” has the meaning given the term “agency”
6 in section 551 of title 5, United States Code.

7 (4) OFFICE.—The term “Office” means the
8 National Office for New Americans established
9 under subsection (a).

10 **TITLE III—BUILDING** 11 **COMMUNITY TRUST**

12 **SEC. 301. PROTECTING ALIENS WHO ARE VICTIMS OF OR** 13 **WITNESSES TO CRIMES OR ARE DEFENDING** 14 **CIVIL RIGHTS.**

15 (a) IN GENERAL.—The Director of U.S. Immigration
16 and Customs Enforcement shall ensure, except as provided
17 in subsection (b), that removal proceedings are not initi-
18 ated against any alien who is known to be—

19 (1) a victim of domestic violence, human traf-
20 ficking, or any other serious crime;

21 (2) a witness involved in a pending criminal in-
22 vestigation or prosecution;

23 (3) a plaintiff in a nonfrivolous lawsuit regard-
24 ing violations of his or her civil rights, including
25 with respect to union organizing and employment

1 discrimination, as described in the memorandum of
2 the U.S. Immigration and Customs Enforcement en-
3 titled “Prosecutorial Discretion: Certain Victims,
4 Witnesses, and Plaintiffs” issued on June 17, 2011;
5 or

6 (4) actively engaged in an activity related to the
7 preservation of his or her employment, housing, or
8 other legally protected rights.

9 (b) EXCEPTIONS.—

10 (1) IN GENERAL.—Notwithstanding subsection
11 (a), an alien described in such subsection may be
12 subject to removal proceedings if the Secretary of
13 Homeland Security determines, on a case-by-case
14 basis, that there is sufficient evidence to conclude
15 that the alien—

16 (A) has committed a serious crime;

17 (B) poses a threat to public safety;

18 (C) has engaged in serious violations of
19 human rights;

20 (D) has engaged in significant immigration
21 fraud; or

22 (E) has filed a claim in bad faith with in-
23 tent to delay or avoid the removal of an alien.

24 (2) SAVINGS PROVISION.—Nothing in this sub-
25 section may be construed to deny any alien who has

1 been a victim of domestic violence, human traf-
2 ficking, or certain other crimes from receiving the
3 immigration benefits to which he or she is entitled
4 under the Violence Against Women Act of 1994
5 (title IV of Public Law 103–322), the Trafficking
6 Victims Protection Act of 2000 (22 U.S.C. 7101 et
7 seq.), or any other applicable law.

8 (c) EFFECT OF VIOLATION.—With respect to a re-
9 moval proceeding commenced as a result of an enforce-
10 ment action carried out in violation of subsection (a)—

11 (1) information resulting from such enforce-
12 ment action may not be entered into the record of
13 proceeding or received into evidence;

14 (2) the alien who is the subject of the removal
15 proceeding may file a motion for the immediate ter-
16 mination of the removal proceeding; and

17 (3) in considering whether to administratively
18 close the removal proceeding, the immigration judge
19 shall give appropriate weight to the circumstances of
20 such enforcement action.

21 **SEC. 302. SEMIANNUAL REPORT ON CERTAIN ENFORCE-**
22 **MENT ACTIONS.**

23 The Secretary of Homeland Security shall submit a
24 semiannual report to the Committee on the Judiciary of
25 the Senate, the Committee on Appropriations of the Sen-

1 ate, the Committee on the Judiciary of the House of Rep-
2 resentatives, and the Committee on Appropriations of the
3 House of Representatives that identifies, for the most re-
4 cent 180-day period for which such data is available, the
5 number of arrests, detentions, and removals of aliens de-
6 scribed in section 302(a).

7 **SEC. 303. RULE OF CONSTRUCTION.**

8 Nothing in this Act or the amendments made by this
9 Act shall be construed to modify—

10 (1) the applicability of any ground of inadmis-
11 sibility or deportability relating to criminal convic-
12 tions; or

13 (2) the eligibility criteria relating to criminal
14 convictions for any application or form of relief
15 under the immigration laws.

○