

117TH CONGRESS
2D SESSION

H. R. 9685

To provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 22, 2022

Ms. LOFGREN (for herself, Mr. NADLER, Ms. JAYAPAL, Mr. PANETTA, Ms. JACOBS of California, Mr. LOWENTHAL, Ms. NORTON, Ms. SCANLON, Mr. BLUMENAUER, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, the Budget, Foreign Affairs, and Education and Labor, 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 provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Refugee Protection Act of 2022”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
 5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; sense of Congress.
- Sec. 3. Definitions.

TITLE I—ADMISSION AND PROTECTION OF REFUGEES, ASYLUM
 SEEKERS, AND OTHER VULNERABLE INDIVIDUALS

Subtitle A—Refugees and Asylum Seekers

- Sec. 1101. Modification of definition of refugee.
- Sec. 1102. Multiple forms of relief available to refugees and asylum seekers.
- Sec. 1103. Elimination of time limits on asylum applications.
- Sec. 1104. Safe third country exception.
- Sec. 1105. Consideration of asylum claims.
- Sec. 1106. Transparency in refugee determinations.
- Sec. 1107. Authority to designate certain groups of refugees from countries of particular concern and admission of refugees in emergency situations.
- Sec. 1108. Employment authorization for asylum seekers and other individuals.
- Sec. 1109. Admission of refugees and asylees as lawful permanent residents.
- Sec. 1110. Complementary protection.
- Sec. 1111. Internal relocation.
- Sec. 1112. Firm resettlement.

Subtitle B—Protections for Children and Families

- Sec. 1201. Keeping families together.
- Sec. 1202. Protections for minors seeking asylum.
- Sec. 1203. Fair day in court for kids.

Subtitle C—Protections for Other Vulnerable Individuals

CHAPTER 1—STATELESS PROTECTION

- Sec. 1311. Protection of stateless persons in the United States.
- Sec. 1312. Prevention of statelessness.

CHAPTER 2—OTHER INDIVIDUALS

- Sec. 1321. Protecting victims of terrorism from being defined as terrorists.
- Sec. 1322. Protection for aliens interdicted at sea.
- Sec. 1323. Enhanced protection for individuals seeking U visas, T visas, and protection under VAWA.

Subtitle D—Protections Relating to Removal, Detention, and Prosecution

- Sec. 1401. Prevention of erroneous in absentia orders of removal.

- Sec. 1402. Scope and standard for review of removal orders.
- Sec. 1403. Presumption of liberty for asylum seekers.
- Sec. 1404. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
- Sec. 1405. Inspections by immigration officers.
- Sec. 1406. Study on effect on asylum claims of expedited removal provisions, practices, and procedures.
- Sec. 1407. Alignment with Refugee Convention obligations by prohibiting criminal prosecution of refugees.

Subtitle E—Refugee Resettlement

- Sec. 1501. Sense of Congress on coordination of refugee program agencies.

CHAPTER 1—REFUGEE ADMISSIONS

- Sec. 1511. Numerical goals for annual refugee admissions.
- Sec. 1512. Reform of refugee admissions consultation process.
- Sec. 1513. United States emergency refugee resettlement contingency fund.
- Sec. 1514. Complementary pathways.

CHAPTER 2—RESETTLEMENT PROGRAM AND SUPPORT

- Sec. 1521. Elevation of Office of Refugee Resettlement.
- Sec. 1522. Refugee resettlement; radius requirements.
- Sec. 1523. Study and report on contributions by refugees to the United States.
- Sec. 1524. Update of reception and placement grants.
- Sec. 1525. Subsidy reception and placement grant to support unanticipated economic and public health needs.
- Sec. 1526. Resettlement data.
- Sec. 1527. Refugee assistance.
- Sec. 1528. Stabilizing resettlement site capacity for volunteer coordination, housing coordination, and AOR processing.
- Sec. 1529. Community partnerships, civic engagement, and refugee leadership development.

CHAPTER 3—ACCESS TO SERVICES AND BENEFITS

- Sec. 1531. Extension of eligibility period for Social Security benefits for certain refugees.
- Sec. 1532. In-State tuition rates for refugees, asylees, and certain special immigrants.

CHAPTER 4—TRAINING, ORIENTATION, AND INCLUSION

- Sec. 1541. Pre-departure training for approved refugee applicants.
- Sec. 1542. Domestic refugee resettlement programs on digital and financial literacy; housing and transportation access.
- Sec. 1543. Study and report on digital literacy, equity, and inclusion among refugees in the United States.

CHAPTER 5—DOMESTIC REFUGEE RESETTLEMENT REFORM AND MODERNIZATION ACT

- Sec. 1551. Short title.
- Sec. 1552. Definitions.
- Sec. 1553. Assessment of refugee domestic resettlement programs.
- Sec. 1554. Guidance regarding refugee placement decisions.

CHAPTER 6—OVERSEAS PROCESSING AND PREPARATION

- Sec. 1561. Refugee biometric data and reporting.
- Sec. 1562. Prioritization of family reunification in refugee resettlement process.
- Sec. 1563. Priority 3 family reunification cases.
- Sec. 1564. Creating a Roving Resettlement Support Center.

Subtitle F—Authorization of Appropriations

- Sec. 1601. Authorization of appropriations.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN
WESTERN HEMISPHERE

- Sec. 2101. Expansion of refugee and asylum seeker processing.
- Sec. 2102. Strengthening regional humanitarian responses.
- Sec. 2103. Information campaign on dangers of irregular migration.
- Sec. 2104. Reporting requirement.
- Sec. 2105. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
- Sec. 2106. Central American refugee program.
- Sec. 2107. Central American Minors Program.
- Sec. 2108. Central American Family Reunification Parole Program.
- Sec. 2109. Informational campaign; case status hotline.

TITLE III—SPECIAL IMMIGRANT VISA PROGRAMS

- Sec. 3101. Special immigrant visa program reporting requirement.
- Sec. 3102. Inclusion of certain special immigrants in the annual refugee survey.

TITLE IV—NONDISCRIMINATION

- Sec. 4101. Expansion of nondiscrimination provision.
- Sec. 4102. Transfer and limitations on authority to suspend or restrict the entry of a class of aliens.
- Sec. 4103. Visa applicants report.

TITLE V—GENERAL PROVISIONS

- Sec. 5101. Authorization of appropriations.
- Sec. 5102. Determination of budgetary effects.

1 SEC. 2. FINDINGS; SENSE OF CONGRESS.

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) In 2022, the world is in the midst of the
5 worst global displacement crisis in history, with
6 more than 103,000,000 forcibly displaced persons,
7 including more than 32,500,000 refugees worldwide,

1 nearly half of whom are children, according to esti-
2 mates from the United Nations High Commissioner
3 for Refugees.

4 (2) In 2023, the United Nations High Commis-
5 sioner for Refugees estimates that global resettle-
6 ment needs will significantly increase to 2,003,982
7 individuals, as compared to 2022—

8 (A) in which 1,473,156 individuals were
9 estimated to be in need of third-country reset-
10 tlement; and

11 (B) during the first 6 months of which
12 42,300 individuals were resettled worldwide.

13 (3) The United States refugee admissions pro-
14 gram is a life-saving solution that—

15 (A) is critical to global humanitarian ef-
16 forts;

17 (B) strengthens global security;

18 (C) leverages United States foreign policy
19 interests, including diplomatic and strategic in-
20 terests of supporting allies who often host a sig-
21 nificant and disproportionate share of refugees
22 per capita; and

23 (D) stabilizes sensitive regions impacted by
24 forced migration by ensuring that the United

1 States shares responsibility for global refugee
2 protection;

3 (E) leverages refugee resettlement in the
4 United States to encourage other countries to
5 uphold the human rights of refugees, including
6 by ensuring that refugees—

7 (i) have the right to work, the right to
8 an education, and freedom of movement;
9 and

10 (ii) are not returned to a place in
11 which their life or freedom is at risk;

12 (F) serves individuals and families in need
13 of resettlement;

14 (G) provides economic and cultural bene-
15 fits to cities, States, and the United States as
16 a whole; and

17 (H) aligns with the international obliga-
18 tions of the United States, including under—

19 (i) the Convention Relating to the
20 Status of Refugees, done at Geneva July
21 28, 1951 (as made applicable by the Pro-
22 tocol Relating to the Status of Refugees,
23 done at New York January 31, 1967 (19
24 UST 6223)), of which the United States is
25 a party;

1 (ii) the Convention against Torture
2 and Other Cruel, Inhuman or Degrading
3 Treatment or Punishment, done at New
4 York December 10, 1984, of which the
5 United States is a party;

6 (iii) the Convention relating to the
7 Status of Stateless Persons, done at New
8 York September 28, 1954; and

9 (iv) the Convention on the Reduction
10 of Statelessness, done at New York August
11 30, 1961.

12 (4) The United States has historically been,
13 and should continue to be, a global leader in—

14 (A) responding to displacement crises
15 around the world, including through the provi-
16 sion of robust humanitarian support;

17 (B) promoting the safety, health, and well-
18 being of refugees and displaced persons;

19 (C) welcoming asylum seekers who seek
20 safety and protecting other at-risk migrants, in-
21 cluding survivors of torture, victims of traf-
22 ficking, climate displaced persons, and stateless
23 people; and

24 (D) working alongside other countries to
25 strengthen protection systems and support.

1 (5) The United States has steadily reduced ac-
2 cess to asylum protection through administrative
3 policy and programmatic changes, including policies
4 and operational decisions aimed at reducing or stop-
5 ping the ability of asylum seekers to access the
6 United States border.

7 (6) Refugees are—

8 (A) the most vetted travelers to enter the
9 United States; and

10 (B) subject to extensive screening checks,
11 including in-person interviews, biometric data
12 checks, and multiple interagency checks.

13 (7) For the sake of refugees, asylum seekers,
14 other migrants, United States national diplomatic
15 and strategic interests, and local communities that
16 benefit from the presence of refugees, asylees, and
17 other migrants, it is crucial for the United States to
18 better protect refugees and asylum seekers through
19 reforms, including—

20 (A) asylum reforms that ensure access to
21 territory and due process;

22 (B) reforms to border migration enforce-
23 ment, management, and adjudication systems
24 that integrate stronger protection of, and en-
25 sure due process for, asylum seekers, children,

1 victims of trafficking, climate displaced persons,
2 stateless people, and other migrants, includ-
3 ing—

4 (i) community-based alternatives to
5 detention for asylum seekers and other vul-
6 nerable migrants;

7 (ii) improved detention conditions and
8 reduced reliance on immigrant detention;

9 (iii) monitoring to ensure fairness in
10 the arrest and adjudication process;

11 (iv) increased access to legal informa-
12 tion and representation; and

13 (v) a stronger commitment to child
14 welfare in staffing and processes; and

15 (C) refugee reforms that—

16 (i) ensure that the United States
17 meets the annual refugee admissions goal;

18 (ii) prevent refugee policy that dis-
19 criminate based on race or religion;

20 (iii) improve opportunities for refu-
21 gees to achieve family unity; and

22 (iv) update and strengthen support
23 for refugees and the communities that wel-
24 come refugees.

1 (8) The people of the United States, and com-
2 munities across the United States, overwhelmingly
3 support refugees and asylum seekers, including peo-
4 ple of faith, members of the Armed Forces, veterans,
5 elected officials, and retired high-ranking officials.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the global refugee crisis is dire and requires
9 international and regional cooperation and action;
10 and

11 (2) the United States should—

12 (A) assert strong leadership in multilateral
13 fora, such as the United Nations, by collabo-
14 rating and cooperating with other countries and
15 international and regional organizations to de-
16 velop a comprehensive and coordinated response
17 to the global refugee crisis; and

18 (B) exercise leadership in efforts to ad-
19 dress the global refugee crisis, including
20 through participation in the Global Refugee
21 Forum.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) ASYLUM SEEKER.—

1 (A) IN GENERAL.—The term “asylum
2 seeker” means—

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

6 (ii) any alien who indicates—

7 (I) an intention to apply for asy-
8 lum under that section; or

9 (II) a fear of persecution; or

10 (III) a fear of return because of
11 a threat to life or physical or mental
12 integrity; and

13 (iii) any alien who indicates—

14 (I) an intention to apply for with-
15 holding of removal pursuant to—

16 (aa) section 241 of the Im-
17 migration and Nationality Act (8
18 U.S.C. 1231); or

19 (bb) the Convention against
20 Torture and Other Cruel, Inhu-
21 man or Degrading Treatment or
22 Punishment, done at New York
23 December 10, 1984; or

24 (II) a fear that the alien’s life or
25 freedom would be threatened.

1 (B) INCLUSION.—The term “asylum seek-
2 er” includes any individual described in sub-
3 paragraph (A) whose application for asylum or
4 withholding of removal is pending judicial re-
5 view.

6 (C) EXCLUSION.—The term “asylum seek-
7 er” does not include an individual with respect
8 to whom a final order denying asylum and with-
9 holding of removal has been entered if such
10 order is not pending judicial review.

11 (2) BEST INTEREST DETERMINATION.—The
12 term “best interest determination” means a formal
13 process with procedural safeguards designed to give
14 primary consideration to a child’s best interests in
15 decision making.

16 (3) DEPARTMENT.—The term “Department”
17 means the Department of Homeland Security.

18 (4) INTERNALLY DISPLACED PERSONS.—The
19 term “internally displaced persons” means persons
20 or a group of persons who have been forced to leave
21 their homes or places of habitual residence, in par-
22 ticular due to armed conflict, generalized violence,
23 violations of human rights, or natural or human-
24 made disasters, and who have not crossed an inter-
25 nationally recognized state border.

1 (5) INTERNATIONAL PROTECTION.—The term
2 “international protection” means asylum status, ref-
3 ugee status, protection under the Convention against
4 Torture and Other Cruel, Inhuman or Degrading
5 Treatment or Punishment, done at New York De-
6 cember 10, 1984, and other regional protection sta-
7 tus available in the Western Hemisphere.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of Homeland Security.

10 **TITLE I—ADMISSION AND PRO-**
11 **TECTION OF REFUGEES, ASY-**
12 **LUM SEEKERS, AND OTHER**
13 **VULNERABLE INDIVIDUALS**
14 **Subtitle A—Refugees and Asylum**
15 **Seekers**

16 **SEC. 1101. MODIFICATION OF DEFINITION OF REFUGEE.**

17 (a) IN GENERAL.—Section 101(a)(42) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101(a)(42)) is
19 amended to read as follows:

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

21 “(i)(I) is outside any country of such person’s
22 nationality or, in the case of a person having no na-
23 tionality, is outside any country in which such per-
24 son last habitually resided; and

1 “(II) is unable or unwilling to return to, and is
2 unable or unwilling to avail himself or herself of the
3 protection of, that country because of persecution, or
4 a well-founded fear of persecution, on account of
5 race, religion, nationality, membership in a par-
6 ticular social group, or political opinion; or

7 “(ii) in such circumstances as the President
8 may specify, after appropriate consultation (as de-
9 fined in section 207(e))—

10 “(I) is within the country of such person’s
11 nationality or, in the case of a person having no
12 nationality, within the country in which such
13 person is habitually residing; and

14 “(II) is persecuted, or who has a well-
15 founded fear of persecution, on account of race,
16 religion, nationality, membership in a particular
17 social group, or political opinion.

18 “(B) The term ‘refugee’ does not include any person
19 who ordered, incited, assisted, or otherwise participated in
20 the persecution of any person on account of race, religion,
21 nationality, membership in a particular social group, or
22 political opinion. A person who establishes that his or her
23 actions were committed under duress or while the person
24 was younger than 18 years of age shall not be considered

1 to have ordered, incited, assisted, or otherwise participated
2 in persecution under this subparagraph.

3 “(C) The term ‘political opinion’ refers to any expres-
4 sion of support for or dissent from, or imputed support
5 for or dissent from, a practice, policy, or ideology of a gov-
6 ernment entity or of a nonstate group or actor.

7 “(D) For purposes of determinations under this
8 Act—

9 “(i) a person who has been forced to abort a
10 pregnancy or to undergo involuntary sterilization, or
11 who has been persecuted for failure or refusal to un-
12 dergo such a procedure or for other resistance to a
13 coercive population control program, shall be deemed
14 to have been persecuted on account of political opin-
15 ion;

16 “(ii) a person who has a well-founded fear that
17 he or she will be forced to undergo such a procedure
18 or be subject to persecution for such failure, refusal,
19 or resistance shall be deemed to have a well-founded
20 fear of persecution on account of political opinion;

21 “(iii) the term ‘particular social group’ means,
22 without any additional requirement not listed below,
23 any group whose members—

24 “(I) share—

1 “(aa) a characteristic that is immu-
2 table or fundamental to identity, con-
3 science, or the exercise of human rights; or

4 “(bb) a past experience or voluntary
5 association that, due to its historical na-
6 ture, cannot be changed; or

7 “(II) are perceived as a group by society;

8 and

9 “(iv) a particular social group can be cognizable
10 regardless of the number of members who belong to
11 the group.

12 “(E)(i) The burden of proof shall be on the applicant
13 to establish that the applicant is a refugee.

14 “(ii) To establish that the applicant is a refugee, per-
15 secution—

16 “(I) shall be on account of race, religion, na-
17 tionality, membership in a particular social group, or
18 political opinion; and

19 “(II) may be established by demonstrating
20 that—

21 “(aa) a protected ground is at least one
22 reason for the applicant’s persecution or fear of
23 persecution;

1 “(iii)(I) An asylum seeker in the United States who
2 is notified that he or she is eligible for an immigrant visa
3 pursuant to section 203(c) may file a petition with the
4 district director that has jurisdiction over the district in
5 which the asylum seeker resides (or, in the case of an asy-
6 lum seeker who is or was in removal proceedings, the im-
7 migration court in which the removal proceeding is pend-
8 ing or was adjudicated) to adjust status to that of an alien
9 lawfully admitted for permanent residence.

10 “(II) A petition under subclause (I) shall—

11 “(aa) be filed not later than 30 days before the
12 end of the fiscal year for which the petitioner re-
13 ceives notice of eligibility for the visa; and

14 “(bb) contain such information and be sup-
15 ported by such documentary evidence as the Sec-
16 retary of State may require.

17 “(III) The district director or immigration court shall
18 attempt to adjudicate each petition under this clause be-
19 fore the last day of the fiscal year for which the petitioner
20 was selected. Notwithstanding clause (ii)(II), if the district
21 director or immigration court is unable to complete such
22 adjudication during such fiscal year, the adjudication and
23 adjustment of status of the petitioner may take place after
24 the end of such fiscal year.”.

1 **SEC. 1103. ELIMINATION OF TIME LIMITS ON ASYLUM AP-**
2 **PLICATIONS.**

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

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

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

9 (3) by redesignating subparagraph (C) as sub-
10 paragraph (B);

11 (4) in subparagraph (B), as redesignated, by
12 striking “subparagraph (D)” and inserting “sub-
13 paragraphs (C) and (D)”;

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

16 “(C) **CHANGED CIRCUMSTANCES.**—Not-
17 withstanding subparagraph (B), an application
18 for asylum of an alien may be considered if the
19 alien demonstrates, to the satisfaction of the
20 Attorney General or the Secretary of Homeland
21 Security, the existence of changed cir-
22 cumstances that materially affect the appli-
23 cant’s eligibility for asylum.

24 “(D) **MOTION TO REOPEN CERTAIN MERI-**
25 **TORIOUS CLAIMS.**—

1 “(i) IN GENERAL.—Not later than 1
2 year after the date of the enactment of this
3 subparagraph, the Secretary of Homeland
4 Security shall provide to each individual
5 described in clause (ii), in the best lan-
6 guage of such individual—

7 “(I) notice of their eligibility for
8 asylum; and

9 “(II) guidance with respect to fil-
10 ing a motion to reopen their immigra-
11 tion case in order to be granted asy-
12 lum.

13 “(ii) INDIVIDUAL DESCRIBED.—An in-
14 dividual described in this clause is an indi-
15 vidual who—

16 “(I) was denied asylum based
17 solely on a failure to meet the 1-year
18 application filing deadline in effect on
19 the date on which the application was
20 filed;

21 “(II) was granted withholding of
22 removal to the alien’s country of na-
23 tionality (or, in the case of a person
24 having no nationality, to the country

1 of last habitual residence) under sec-
2 tion 241(b)(3);

3 “(III) has not obtained lawful
4 permanent residence in the United
5 States pursuant to any other provision
6 of law; and

7 “(IV)(aa) is not subject to the
8 safe third country exception under
9 subparagraph (A) or to a bar to asy-
10 lum under subsection (b)(2); and

11 “(bb) was not denied asylum as a
12 matter of discretion.

13 “(iii) DATE OF GRANT.—

14 “(I) ADJUSTMENT OF STATUS.—
15 For purposes of applications for ad-
16 justment of status submitted by an in-
17 dividual described in clause (ii) who
18 was granted after the date of the en-
19 actment of this subparagraph, an in-
20 dividual granted asylum under this
21 subsection shall be considered to have
22 been so granted on the date on which
23 the individual was granted with-
24 holding of removal under section
25 241(b)(3).

1 “(II) PETITIONS FOR REL-
2 ATIVES.—An individual granted asy-
3 lum under this subsection may, during
4 the 2-year period beginning on the
5 date on which the individual is grant-
6 ed asylum under this subsection, sub-
7 mit a petition for the admission of a
8 spouse or child who is accompanying
9 or following to join.”; and

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

11 “(F) OTHER MOTIONS TO REOPEN.—Not-
12 withstanding section 240(c)(7), an individual
13 who was denied asylum may file a motion to re-
14 open an asylum claim during the 2-year period
15 beginning on the date of the enactment of this
16 subparagraph if the individual was denied asy-
17 lum based solely on the implementation of—

18 “(i) the policy memorandum of the
19 U.S. Citizenship and Immigration Services
20 entitled ‘Guidance for Processing Reason-
21 able Fear, Credible Fear, Asylum, and
22 Refugee Claims in Accordance with Matter
23 of A–B–’ (PM–602–0162), dated July 11,
24 2018;

1 “(ii) the memorandum of the Office of
2 the Principal Legal Advisor of U.S. Immi-
3 gration and Customs Enforcement entitled
4 ‘Litigating Domestic Violence-Based Perse-
5 cution Claims Following Matter of A–B–’,
6 dated July 11, 2018;

7 “(iii) the interim final rule of the De-
8 partment of Homeland Security and the
9 Department of Justice entitled ‘Aliens
10 Subject to a Bar on Entry Under Certain
11 Presidential Proclamations; Procedures for
12 Protection Claims’ (83 Fed. Reg. 55934
13 (November 9, 2019));

14 “(iv) Presidential Proclamation 9822,
15 issued on November 9, 2018 (83 Fed. Reg.
16 57661);

17 “(v) the migrant protection protocols
18 announced by the Secretary of Homeland
19 Security on December 20, 2018 (or any
20 successor protocols);

21 “(vi) the policy memorandum of the
22 U.S. Citizenship and Immigration Services
23 entitled ‘Guidance for Implementing Sec-
24 tion 235(b)(2)(C) of the Immigration and
25 Nationality Act and the Migrant Protec-

1 tion Protocols’ (PM–602–0169), dated
2 January 28, 2019; or

3 “(vii) any other policy memorandum
4 of the Department of Homeland Security
5 to implement the protocols described in
6 subclause (V).”.

7 **SEC. 1104. SAFE THIRD COUNTRY EXCEPTION.**

8 Subsection 208(a)(2) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1158(a)(2)(A)), as amended by section
10 1103, is further amended—

11 (1) in subparagraph (A), by striking “or equiv-
12 alent” and all that follows through the period at the
13 end and inserting “with effective protection, includ-
14 ing access to a durable solution, for individuals who
15 are refugees, or equivalent temporary protection.”;
16 and

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

18 “(G) LIMITATION ON BILATERAL AND
19 MULTILATERAL AGREEMENTS.—No bilateral or
20 multilateral agreement proposed under this sec-
21 tion shall take effect until the agreement is ap-
22 proved as a treaty by the Senate or approved
23 as an executive agreement by the Senate, the
24 House of Representatives, and the President of
25 the United States.”.

1 **SEC. 1105. CONSIDERATION OF ASYLUM CLAIMS.**

2 (a) CONDITIONS FOR GRANTING ASYLUM.—

3 (1) IN GENERAL.—Section 208(b)(1)(B) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1158(b)(1)(B)) is amended—

6 (A) in clause (ii), by striking the last sen-
7 tence and inserting the following: “If the trier
8 of fact determines that the applicant should
9 provide evidence that corroborates otherwise
10 credible testimony, the trier of fact shall pro-
11 vide notice and allow the applicant a reasonable
12 opportunity to file such evidence. The trier of
13 fact may not require such evidence if the appli-
14 cant does not have the evidence and dem-
15 onstrates that he or she cannot reasonably ob-
16 tain the evidence. Evidence shall not be consid-
17 ered reasonably obtainable if procurement of
18 such evidence would reasonably endanger the
19 life or safety of any person.”;

20 (B) by striking clause (iii); and

21 (C) by inserting after clause (ii) the fol-
22 lowing:

23 “(iii) SUPPORTING EVIDENCE ACCEPT-
24 ED.—

25 “(I) DIRECT AND CIRCUMSTAN-
26 TIAL EVIDENCE.—Direct or cir-

1 cumstantial evidence, including evi-
2 dence that the government of the ap-
3 plicable country is unable or unwilling
4 to protect individuals of the appli-
5 cant’s race, religion, nationality, par-
6 ticular social group, or political opin-
7 ion, or that the legal or social norms
8 of the country tolerate persecution
9 against individuals of the applicant’s
10 race, religion, nationality, particular
11 social group, or political opinion, may
12 establish that persecution is on ac-
13 count of race, religion, nationality,
14 membership in a particular social
15 group, or political opinion.

16 “(II) EXPERT WITNESS TESTI-
17 MONY.—

18 “(aa) IN GENERAL.—Except
19 as provided in item (bb), an asy-
20 lum officer or immigration judge,
21 as applicable, shall—

22 “(AA) accept expert
23 witness testimony with re-
24 spect to the human rights
25 conditions in a country and

1 evidence relating to the
2 physical and mental condi-
3 tion or history of an appli-
4 cant for asylum; and

5 “(BB) give substantial
6 weight to such testimony
7 and evidence.

8 “(bb) EXCEPTION.—An asy-
9 lum officer or an immigration
10 judge, as applicable, may reject
11 expert witness testimony only if
12 the asylum officer or immigration
13 judge makes a finding on the
14 record, supported by specific rea-
15 sons, that—

16 “(AA) the witness is
17 not qualified to provide an
18 opinion regarding the condi-
19 tions in the country con-
20 cerned; or

21 “(BB) the testimony of
22 the witness is rebutted by
23 contrary evidence.

24 “(iv) CREDIBILITY DETERMINA-
25 TION.—

1 “(I) IN GENERAL.—Subject to
2 subclause (II), a trier of fact may con-
3 duct a credibility assessment in the
4 context of evaluating an applicant’s
5 claim for asylum.

6 “(II) PROCEDURAL AND SUB-
7 STANTIVE REQUIREMENTS.—

8 “(aa) OBJECTIVITY.—Deci-
9 sions regarding credibility shall
10 be made objectively, impartially,
11 and individually.

12 “(bb) MATERIAL FACTS.—A
13 credibility assessment under this
14 clause may only be conducted on
15 the material facts of the appli-
16 cant’s claim. The perception of
17 the trier of fact with respect to
18 the applicant’s general truthfulness
19 or trustworthiness shall not
20 be relevant to assessing credi-
21 bility of material facts.

22 “(cc) DETAIL AND SPECI-
23 FICITY.—In assessing credibility,
24 a trier of fact may consider the
25 detail and specificity of informa-

1 tion provided by the applicant,
2 the internal consistency of the
3 applicant’s statements, and the
4 consistency of the applicant’s
5 statements with available exter-
6 nal information. In considering
7 such information and statements,
8 the trier of fact shall consider the
9 applicant’s contextual cir-
10 cumstances, including—

11 “(AA) exposure to trau-
12 ma;

13 “(BB) age;

14 “(CC) gender, sexual
15 orientation, or gender iden-
16 tity;

17 “(DD) educational
18 background;

19 “(EE) physical or men-
20 tal health issues;

21 “(FF) shame, stigma,
22 or denial;

23 “(GG) communication
24 difficulties;

1 “(HH) intercultural
2 barriers; and

3 “(II) the circumstances
4 under which such statements
5 were made.

6 “(dd) DUTY TO ASSIST.—A
7 trier of fact shall have an affirm-
8 ative duty to assist the applicant
9 in providing credible testimony.

10 “(ee) CONSISTENCY WITH
11 SCIENTIFIC LITERATURE.—A
12 credibility assessment conducted
13 under this clause, and any credi-
14 bility finding made, shall be con-
15 sistent with current scientific lit-
16 erature relating to behavioral in-
17 dicators of truth-telling, the na-
18 ture of traumatic memories, and
19 the ability of trauma survivors to
20 recall aspects of, and sur-
21 rounding, a traumatic event.

22 “(ff) TIMING.—A credibility
23 assessment under this clause may
24 not be made until after—

1 “(AA) an interview of
2 the applicant; and

3 “(BB) all relevant evi-
4 dence has been collected and
5 considered.

6 “(gg) OPPORTUNITY TO RE-
7 SPOND.—If a trier of fact doubts
8 the credibility of the applicant,
9 the trier of fact shall specify any
10 such doubt to the applicant and
11 provide the applicant a meaning-
12 ful opportunity to respond.

13 “(hh) CLEAR FINDINGS.—
14 The result of a credibility assess-
15 ment under this clause shall in-
16 clude clear findings based on and
17 supported by evidence, after con-
18 sideration of all of the relevant
19 evidence consistent with items
20 (cc) and (dd), that describes the
21 material facts that are accepted
22 as credible and the material facts
23 that are rejected as not credible,
24 and the reason for such accept-
25 ance or rejection.

1 “(ii) REBUTTABLE PRE-
2 SUMPTION.—If an adverse credi-
3 bility determination is not explic-
4 itly made, the applicant shall
5 have a rebuttable presumption of
6 credibility on appeal.

7 “(jj) ORAL TESTIMONY.—An
8 applicant for asylum who is in re-
9 moval proceedings shall have the
10 right to testify orally before an
11 immigration judge.”.

12 (2) CONFORMING AMENDMENT.—Section
13 241(b)(3)(C) of the Immigration and Nationality
14 Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking
15 “and (iii)” and inserting “through (iv)”.

16 (b) CLARIFICATION ON ASYLUM ELIGIBILITY.—Sec-
17 tion 208(b)(2) of the Immigration and Nationality Act (8
18 U.S.C. 1158(b)(2)) is amended by striking subparagraph
19 (C) and inserting the following:

20 “(C) CLARIFICATION ON ASYLUM ELIGI-
21 BILITY.—Notwithstanding any other provision
22 of law, the eligibility of an alien for asylum
23 shall be governed solely by this section.”.

24 (c) THIRD COUNTRY TRANSIT.—Section 208(b)(2) of
25 the Immigration and Nationality Act (8 U.S.C.

1 1158(b)(2)) is amended by adding at the end the fol-
2 lowing:

3 “(E) THIRD COUNTRY TRANSIT.—

4 “(i) IN GENERAL.—An applicant’s
5 entry to, attempt to enter, or arrival or
6 stay in a third country shall not be—

7 “(I) considered to amount to the
8 applicant being firmly resettled;

9 “(II) grounds or a basis for a de-
10 nial of an asylum application or the
11 issuance of a negative credible fear
12 determination; or

13 “(III) a factor for otherwise ren-
14 dering the applicant ineligible for asy-
15 lum.

16 “(ii) APPLICABILITY.—Clause (i) shall
17 apply regardless of whether the appli-
18 cant—

19 “(I) applied for asylum or was
20 denied or granted asylum in the third
21 country concerned;

22 “(II) is a victim of 1 or more se-
23 vere forms of trafficking in persons
24 (as defined in section 103 of the Traf-

1 ficking Victims Protection Act of
2 2000 (22 U.S.C. 7102)); or

3 “(III) the third country con-
4 cerned is a party to the Convention
5 Relating to the Status of Refugees,
6 done at Geneva July 28, 1951, (as
7 made applicable by the Protocol Re-
8 lating to the Status of Refugees, done
9 at New York January 31, 1967 (19
10 UST 6223)), or other similar treaty
11 or protocol.”.

12 (d) INITIAL JURISDICTION OVER ASYLUM APPLICA-
13 TIONS.—Section 208(b) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1158(b)) is amended—

15 (1) in paragraph (3), by striking subparagraph
16 (C); and

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

18 “(4) INITIAL JURISDICTION.—

19 “(A) IN GENERAL.—An asylum officer (as
20 defined in section 235(b)(1)(E)) shall have ini-
21 tial jurisdiction over any asylum application re-
22 gardless of whether filed in accordance with this
23 section or section 235(b) or section 240.

24 “(B) FINAL ORDER OF REMOVAL EN-
25 TERED.—In the case of an alien with respect to

1 whom a final order of removal was previously
2 entered, an asylum officer shall have initial ju-
3 risdiction over any application for withholding
4 of removal under section 241(b)(3) or protec-
5 tion under the Convention against Torture and
6 Other Cruel, Inhuman or Degrading Treatment
7 or Punishment, done at New York December
8 10, 1984, regardless of whether such an appli-
9 cation is filed in accordance with this section or
10 section 235(b) or section 240.”.

11 (e) LIMITATION ON IMPOSITION OF FEES.—Section
12 208(d)(3) is amended to read as follows:

13 “(3) LIMITATION ON IMPOSITION OF FEES.—
14 “(A) SENSE OF CONGRESS.—It is the
15 sense of Congress that the Secretary of Home-
16 land Security should not impose fees for the
17 consideration of an application for asylum, em-
18 ployment authorization under this section, ad-
19 justment of status under section 209, the collec-
20 tion of biometrics in conjunction with applica-
21 tions under this section, petitions for family re-
22 unification, or the issuance of refugee travel
23 documents.

24 “(B) LIMITATION.—

1 “(i) IN GENERAL.—If the Secretary of
2 Homeland imposes a fee for the consider-
3 ation of an application for asylum, employ-
4 ment authorization under this section, ad-
5 justment of status under section 209, the
6 collection of biometrics in conjunction with
7 applications under this section or section
8 209, petitions for family reunification, or
9 the issuance of refugee travel documents—

10 “(I) such fee shall not exceed the
11 Secretary of Homeland Security’s
12 costs in adjudicating such applica-
13 tions, processing such biometrics, or
14 issuing such document, as applicable;

15 “(II) the applicant shall be eligi-
16 ble for a fee waiver; and

17 “(III) the applicant shall be per-
18 mitted to pay such fee over a period
19 of time or in installments.

20 “(C) RULE OF CONSTRUCTION.—Nothing
21 in this paragraph may be construed to require
22 the Secretary of Homeland Security to charge
23 fees for adjudication services provided to asy-
24 lum applicants.”.

1 (f) CONSIDERATION OF ASYLUM APPLICATIONS.—
2 Section 208(d)(5) of the Immigration and Nationality Act
3 (8 U.S.C. 1158(d)(5)) is amended—

4 (1) by striking subparagraph (B); and

5 (2) in subparagraph (A)—

6 (A) by striking “(A) PROCEDURES.—”;

7 and

8 (B) by redesignating clauses (i) through
9 (v) as subparagraphs (A) through (E), respec-
10 tively, and moving such subparagraphs 2 ems to
11 the left.

12 (g) CONFIDENTIALITY OF ASYLUM APPLICATIONS.—
13 Section 208(d) of the Immigration and Nationality Act (8
14 U.S.C. 1158(d)) is amended by adding at the end the fol-
15 lowing:

16 “(8) CONFIDENTIALITY OF ASYLUM APPLICA-
17 TIONS AND PROCEEDINGS.—An employee of the
18 United States may not disclose to any individual
19 other than an immigration or law enforcement offi-
20 cial of the United States information in an asylum
21 application or from an asylum proceeding without
22 the consent of the applicant.”.

23 (h) TRANSPARENCY OF STATISTICAL INFORMA-
24 TION.—Section 208 of the Immigration and Nationality

1 Act (8 U.S.C. 1158) is amended by adding at the end the
2 following:

3 “(f) TRANSPARENCY OF STATISTICAL INFORMA-
4 TION.—

5 “(1) DEPARTMENT OF HOMELAND SECURITY.—

6 “(A) CREDIBLE FEAR AND REASONABLE
7 FEAR ADJUDICATIONS DATABASE.—The Sec-
8 retary of Homeland Security shall develop,
9 maintain, and make available to the public a
10 database reflecting adjudications of credible
11 fear or reasonable fear under section 235 that
12 includes, for each such adjudication that occurs
13 not later than 90 days after the date of the en-
14 actment of this subsection, the following:

15 “(i) An anonymized code number or
16 sequence of characters for the asylum ap-
17 plicant.

18 “(ii) The month and year in which the
19 applicant was apprehended.

20 “(iii) The month and year in which
21 the applicant was interviewed under sec-
22 tion 235.

23 “(iv)(I) Whether the applicant was in
24 the custody of the Secretary of Homeland
25 Security on the date of such interview.

1 “(II) In the case of an applicant who
2 was in the custody of the Secretary of
3 Homeland Security on such date—

4 “(aa) the component of the De-
5 partment of Homeland Security re-
6 sponsible for the applicant’s detention;
7 and

8 “(bb) the name of the facility in
9 which the applicant was held.

10 “(v) The age of the applicant on the
11 date of such interview.

12 “(vi) The nationality of the applicant.

13 “(vii) The gender of the applicant.

14 “(viii)(I) Whether the applicant en-
15 tered at a port of entry.

16 “(II) In the case of an applicant who
17 entered at a port of entry, the name of the
18 port of entry.

19 “(ix)(I) Whether the applicant in-
20 cluded one or more derivative beneficiaries
21 in their asylum application.

22 “(II) In the case of an applicant who
23 included one or more derivative bene-
24 ficiaries in their asylum application, the

1 age and relationship to the applicant of
2 each such beneficiary.

3 “(x) An anonymized code number for
4 the officer conducting the interview and, if
5 the officer’s decision was reviewed by a su-
6 pervisor, an anonymized code number for
7 the supervisor.

8 “(xi)(I) Whether such interview was
9 conducted in person, by telephone, or by
10 videoconference.

11 “(II) In the case of an interview con-
12 ducted in person, the location of the inter-
13 view.

14 “(xii) Whether such interview was
15 conducted with the assistance of an inter-
16 preter.

17 “(xiii) The regional asylum office to
18 which the officer conducting such interview
19 was assigned.

20 “(xiv) Whether the asylum application
21 was based on—

22 “(I) past persecution;

23 “(II) a well-founded fear of per-
24 secution; or

1 “(III) past persecution and a
2 well-founded fear of persecution.

3 “(xv) Whether—

4 “(I) the alleged persecutor was
5 the government of a country or a pri-
6 vate entity; or

7 “(II) in the case of 1 or more al-
8 leged persecutors, the persecutors in-
9 cluded both a government of a coun-
10 try and a private entity.

11 “(xvi) Whether the applicant was as-
12 sisted by an attorney or other legal service
13 provider during the interview.

14 “(xvii) Whether the adjudicator deter-
15 mined that the applicant was credible.

16 “(xviii) Whether the adjudicator found
17 that the applicant—

18 “(I) established—

19 “(aa) a credible fear;

20 “(bb) a reasonable fear; or

21 “(cc) a likelihood of torture;

22 or

23 “(II) did not establish any such
24 fear or likelihood.

1 “(xix) In the case of an applicant who
2 was determined not to have established a
3 credible fear or a reasonable fear, whether
4 the applicant appealed such determination
5 to an immigration judge.

6 “(xx) Any other data that the Sec-
7 retary of Homeland Security considers
8 helpful to the government or the public in
9 understanding or analyzing the operation
10 of asylum adjudication.

11 “(B) MERITS ADJUDICATIONS DATA-
12 BASE.—The Secretary of Homeland Security
13 shall develop, maintain, and make available to
14 the public a database reflecting asylum adju-
15 dications on the merits, that includes, for each
16 such adjudication that occurs not later than 90
17 days after the date of the enactment of this
18 subsection, the following:

19 “(i) An anonymized code number or
20 sequence of characters for the asylum ap-
21 plicant, which shall be the same code num-
22 ber or sequence assigned to the applicant
23 if such a number or sequence was assigned
24 during an earlier stage of proceedings
25 under section 235.

1 “(ii) The date on which the appli-
2 cant’s asylum application was filed or con-
3 sidered to have been filed.

4 “(iii) The age of the applicant on the
5 date on which such application was filed.

6 “(iv) The date on which the applicant
7 entered the United States or, in the case
8 of an applicant for whom the date of entry
9 is unknown, an indication that such date is
10 unknown.

11 “(v)(I) Whether the applicant in-
12 cluded in their asylum application 1 or
13 more derivative beneficiaries who are in
14 the United States.

15 “(II) In the case of an applicant who
16 included such a derivative beneficiary in
17 their asylum application, the age and rela-
18 tionship to the applicant of each such ben-
19 eficiary.

20 “(vi) The nationality of the applicant.

21 “(vii) The gender of the applicant.

22 “(viii) Whether the asylum application
23 was based on—

24 “(I) past persecution;

1 “(II) a well-founded fear of per-
2 secution; or

3 “(III) past persecution and a
4 well-founded fear of persecution.

5 “(ix) Whether—

6 “(I) the alleged persecutor was
7 the government of a country or a pri-
8 vate entity; or

9 “(II) in the case of 1 or more al-
10 leged persecutors, the persecutors in-
11 cluded both a government of a coun-
12 try and a private entity.

13 “(x) Whether the applicant’s applica-
14 tion for asylum included a claim of perse-
15 cution on account of gender.

16 “(xi) Whether the applicant was proc-
17 essed under this section or section 235.

18 “(xii) Whether the applicant had en-
19 tered the United States—

20 “(I) pursuant to a visa;

21 “(II) through the visa waiver
22 program; or

23 “(III) without inspection.

24 “(xiii) Whether the applicant—

1 “(I) was assisted in the comple-
2 tion of their asylum application by—
3 “(aa) an attorney;
4 “(bb) an accredited rep-
5 resentative;
6 “(cc) a law student; or
7 “(dd) an individual other
8 than an individual described in
9 items (aa) through (cc); or
10 “(II) was not represented.
11 “(xiv) Whether the applicant—
12 “(I) was represented during their
13 asylum interview by—
14 “(aa) an attorney;
15 “(bb) an accredited rep-
16 resentative;
17 “(cc) a law student; or
18 “(dd) an individual other
19 than an individual described in
20 items (aa) through (cc); or
21 “(II) was not represented.
22 “(xv) Whether the asylum interview
23 was conducted with the assistance of an in-
24 terpreter.

1 “(xvi) An anonymized code number or
2 sequence of characters for the asylum offi-
3 cer who adjudicated the case.

4 “(xvii) An anonymized code number
5 or sequence of characters for any officer
6 who reviewed the asylum officer’s decision.

7 “(xviii) The regional office or sub-of-
8 fice to which the asylum officer was as-
9 signed.

10 “(xix) The date of the adjudication.

11 “(xx) Whether the applicant was—

12 “(I) granted asylum;

13 “(II) denied asylum;

14 “(III) referred to immigration
15 court for further consideration; or

16 “(IV) considered by the immigra-
17 tion court under some other proce-
18 dure.

19 “(xxi) Any other data that the Sec-
20 retary of Homeland Security considers
21 helpful to the government or the public in
22 understanding or analyzing the operation
23 of asylum adjudication.

24 “(2) DEPARTMENT OF JUSTICE.—

1 “(A) DATABASE ON APPEALS OF CRED-
2 IBLE FEAR AND REASONABLE FEAR DETER-
3 MINATIONS.—The Attorney General shall de-
4 velop, maintain, and make available to the pub-
5 lic a database reflecting appeals from credible
6 fear determinations and reasonable fear deter-
7 minations that include, for each such appeal
8 that occurs not later than 90 days after the
9 date of the enactment of this subsection, the
10 following:

11 “(i) An anonymized code number or
12 sequence of characters for the asylum ap-
13 plicant, which shall be the same
14 anonymized code number or sequence of
15 numbers assigned to the applicant by the
16 Department of Homeland Security.

17 “(ii) The name of the immigration
18 judge who adjudicated the appeal.

19 “(iii) The location of the immigration
20 judge on the date on which a decision on
21 the appeal was made.

22 “(iv) Whether the appeal was con-
23 ducted in person, by telephone, or by vid-
24 eoconference.

25 “(v) Whether the applicant—

1 “(I) was represented in the ap-
2 peal by—

3 “(aa) an attorney;

4 “(bb) an accredited rep-
5 resentative;

6 “(cc) a law student; or

7 “(dd) an individual other
8 than an individual described in
9 items (aa) through (cc); or

10 “(II) was not represented.

11 “(vi) Whether the appeal was con-
12 ducted with the assistance of an inter-
13 preter.

14 “(vii) The outcome of the appeal.

15 “(viii) Any other data that the Attor-
16 ney General considers helpful to the gov-
17 ernment or the public in understanding or
18 analyzing the operation of asylum adju-
19 dication.

20 “(B) MERITS DECISIONS DATABASE.—The
21 Attorney General shall develop, maintain, and
22 make available to the public a database reflect-
23 ing decisions by immigration judges on the mer-
24 its of asylum claims (including applications for
25 withholding of removal under section 241(b)(3)

1 and protection under the Convention against
2 Torture and Other Cruel, Inhuman or Degrad-
3 ing Treatment or Punishment, done at New
4 York December 10, 1984) that includes, for
5 each such claim filed with the Attorney General
6 not later than 90 days after the date of the en-
7 actment of this subsection, the following:

8 “(i) An anonymized code number or
9 sequence of characters for the respondent,
10 which shall be the same as any anonymized
11 code number or sequence of number as-
12 signed by the Department of Homeland
13 Security at a previous stage of adjudica-
14 tion of the claim.

15 “(ii) The date on which the respond-
16 ent entered the United States or, in the
17 case of a respondent for whom the date of
18 entry is unknown, an indication that such
19 date is unknown.

20 “(iii) The age of the respondent on
21 the date on which the respondent entered
22 the United States.

23 “(iv) The initial date on which the re-
24 spondent submitted the asylum application
25 to the Secretary of Homeland Security.

1 “(v) In the case of a respondent who
2 submitted an asylum application to the
3 Secretary of Homeland Security, the date
4 on which an asylum officer issued a deci-
5 sion on such application.

6 “(vi) The age of the respondent on
7 the date on which the immigration judge
8 rendered a decision on the merits of the
9 claim.

10 “(vii) The gender of the respondent.

11 “(viii) Whether the respondent en-
12 tered the United States at a port of entry.

13 “(ix)(I) Whether the respondent in-
14 cluded in their asylum application 1 or
15 more derivative beneficiaries who are in
16 the United States.

17 “(II) In the case of a respondent who
18 included such a derivative beneficiary in
19 their asylum application, the age and rela-
20 tionship to the respondent of each such
21 beneficiary.

22 “(x) The nationality of the respond-
23 ent.

1 “(xi) The name and location of the
2 immigration judge who adjudicated the
3 claim.

4 “(xii) Whether the merits hearing was
5 conducted in person, by telephone, or by
6 videoconference.

7 “(xiii)(I) Whether the respondent was
8 detained on the date on which the merits
9 hearing occurred.

10 “(II) In the case of a respondent who
11 was detained, the name of the detention
12 facility.

13 “(xiv) Whether the merits hearing was
14 conducted with the assistance of an inter-
15 preter.

16 “(xv) Whether the respondent—
17 “(I) was represented in the mer-
18 its hearing by—

19 “(aa) an attorney;

20 “(bb) an accredited rep-
21 resentative;

22 “(cc) a law student; or

23 “(dd) an individual other
24 than an individual described in
25 items (aa) through (cc); or

1 “(II) was not represented.

2 “(xvi) In the case of an application
3 for asylum or withholding of removal under
4 section 241(b)(3), whether the application
5 was based on—

6 “(I) past persecution;

7 “(II) a well-founded fear of per-
8 secution; or

9 “(III) past persecution and a
10 well-founded fear of persecution.

11 “(xvii) Whether—

12 “(I) the alleged persecutor was
13 the government of a country or a pri-
14 vate entity; or

15 “(II) in the case of 1 or more al-
16 leged persecutors, the persecutors in-
17 cluded both a government of a coun-
18 try and a private entity.

19 “(xviii) Whether the respondent’s ap-
20 plication for asylum included a claim of
21 persecution on account of gender.

22 “(xix) The outcome of the case, in-
23 cluding—

24 “(I) whether the case was termi-
25 nated without a decision;

1 “(II) whether the respondent was
2 granted asylum, withholding of re-
3 moval under section 241(b)(3), protec-
4 tion under the Convention against
5 Torture and Other Cruel, Inhuman or
6 Degrading Treatment or Punishment,
7 done at New York December 10,
8 1984, voluntary departure, or other
9 relief; and

10 “(III) whether the respondent
11 was ordered removed from the United
12 States.

13 “(xx) Any other data that the Attor-
14 ney General considers helpful to the gov-
15 ernment or the public in understanding or
16 analyzing the operation of asylum adju-
17 dication.

18 “(C) BOARD OF IMMIGRATION APPEALS
19 DATABASE.—The Attorney General shall de-
20 velop, maintain, and make available to the pub-
21 lic a database reflecting decisions by the Board
22 of Immigration Appeals on appeals of immigra-
23 tion judge denials of asylum, withholding of re-
24 moval, or protection under the Convention
25 against Torture and Other Cruel, Inhuman or

1 Degrading Treatment or Punishment, done at
2 New York December 10, 1984, that includes,
3 for each such appeal filed with the Board of
4 Immigration Appeals not later than 90 days
5 after the date of the enactment of this sub-
6 section, the following:

7 “(i) An anonymized code number or
8 sequence of characters for the appellant,
9 which shall be the same anonymized code
10 number or sequence of numbers that was
11 assigned at a previous stage of the pro-
12 ceedings by the Secretary of Homeland Se-
13 curity or the Attorney General.

14 “(ii) The date on which the appeal
15 was filed with the Board of Immigration
16 Appeals.

17 “(iii) The date on which the Board of
18 Immigration Appeals issued a decision on
19 the appeal.

20 “(iv) The names of the members of
21 the Board of Immigration Appeals who
22 participated in the decision.

23 “(v) Whether any member of the
24 Board of Immigration Appeals dissented
25 from a decision of a panel or of the entire

1 Board of Immigration Appeals, and the
2 name of each such member.

3 “(vi) Whether the appellant—

4 “(I) was represented in the ap-
5 peal by—

6 “(aa) an attorney;

7 “(bb) an accredited rep-
8 resentative;

9 “(cc) a law student; or

10 “(dd) an individual other
11 than an individual described in
12 items (aa) through (cc); or

13 “(II) was not represented.

14 “(vii) The outcome of the appeal.

15 “(viii) Any other data that the Attor-
16 ney General considers helpful to the gov-
17 ernment or the public in understanding or
18 analyzing the operation of asylum adju-
19 dication.”.

20 (i) FURTHER CONSIDERATION OF APPLICATION FOR
21 ASYLUM.—Section 235(b)(1)(B)(ii) of the Immigration
22 and Nationalities Act (8 U.S.C. 1225 (b)(1)(B)(ii)) is
23 amended by inserting “, which shall include a hearing
24 under section 240 on the alien’s claim for asylum, with-
25 holding of removal, or protection under the Convention

1 against Torture and Other Cruel, Inhuman or Degrading
2 Treatment or Punishment, done at New York December
3 10, 1984, unless the Secretary of Homeland Security has
4 granted the alien’s claim” before the period at the end.

5 (j) MODIFICATION OF DEFINITION OF ASYLUM OFFI-
6 CER.—Section 235(b)(1)(E) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1225(b)(1)(E)) is amended to read
8 as follows:

9 “(E) ASYLUM OFFICER DEFINED.—

10 “(i) IN GENERAL.—In this paragraph,
11 the term ‘asylum officer’ means an immi-
12 gration officer who—

13 “(I) has had professional training
14 in country conditions, asylum law, and
15 nonadversarial interviewing techniques
16 necessary for adjudication of applica-
17 tions under section 208;

18 “(II) adjudicates applications
19 under that section on a full-time
20 basis; and

21 “(III) is supervised by an officer
22 who—

23 “(aa) meets the condition
24 described in subclause (I); and

1 “(bb) has had substantial
2 experience adjudicating asylum
3 applications.

4 “(ii) EXCEPTIONAL CIR-
5 CUMSTANCES.—

6 “(I) IN GENERAL.—The Sec-
7 retary of Homeland Security may,
8 only in exceptional circumstances and
9 to protect national security, designate
10 one or more individuals who do not
11 meet the condition described in clause
12 (i)(III) to act as temporary asylum of-
13 ficers.

14 “(II) LIMITATION.—An indi-
15 vidual designated as a temporary asy-
16 lum officer under subclause (I) may
17 not hold or have held in the preceding
18 3 years a position the central function
19 of which is immigration enforcement,
20 including Border Patrol agents, Cus-
21 toms and Border Protection officers,
22 and Immigration and Customs En-
23 forcement officers.

24 “(III) ANNUAL REPORT.—Dur-
25 ing any period in which the Secretary

1 of Homeland Security designates one
2 or more temporary asylum officers,
3 not later than 30 days after such des-
4 igation, the Secretary of Homeland
5 Security shall submit to Congress a
6 report that includes—

7 “(aa) a justification for the
8 designation;

9 “(bb) the number of officers
10 designated;

11 “(cc) the duration of service
12 of such officers;

13 “(dd) the number of inter-
14 views conducted by such officers;

15 “(ee) with respect to appli-
16 cations for asylum, withholding
17 of removal under section
18 241(b)(3), and protection under
19 the Convention against Torture
20 adjudicated by such officers, the
21 rate of grants, denials, referrals,
22 and otherwise closed applications;
23 and

24 “(ff) with respect to credible
25 fear determinations carried out

1 by such officers, the rate of posi-
2 tive, negative, and otherwise
3 closed determinations.”.

4 (k) REMOVAL PROCEEDINGS.—Section 240(c)(4) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1229a(c)(4)) is amended—

7 (1) in subparagraph (B), by striking the last
8 sentence and inserting the following: “If the trier of
9 fact determines that the applicant should provide
10 evidence that corroborates otherwise credible testi-
11 mony, the trier of fact shall provide notice and allow
12 the applicant a reasonable opportunity to file such
13 evidence. The trier of fact may not require such evi-
14 dence if the applicant does not have the evidence
15 and demonstrates that he or she cannot reasonably
16 obtain the evidence. Evidence shall not be considered
17 reasonably obtainable under this subparagraph if
18 procurement of such evidence would reasonably en-
19 danger the life or safety of any person in the appli-
20 cant’s home country.”; and

21 (2) in subparagraph (C), in the first sentence,
22 by striking “, without regard to whether an incon-
23 sistency, inaccuracy, or falsehood goes to the heart
24 of the applicant’s claim, or any other relevant fac-
25 tor” and inserting “If the trier of fact determines

1 that there are inconsistencies or omissions, the alien
2 shall be given an opportunity to explain and provide
3 support or evidence to clarify such inconsistencies or
4 omissions.”.

5 (l) REINSTATEMENT OF REMOVAL.—Section 241(a)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1231(a)) is amended—

8 (1) in paragraph (5), by striking “If the Attor-
9 ney General” and inserting the following:

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

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

14 “(B) APPLICABILITY.—Subparagraph (A)
15 shall not apply to an alien who is otherwise eli-
16 gible for asylum.”.

17 **SEC. 1106. TRANSPARENCY IN REFUGEE DETERMINATIONS.**

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

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

24 “(6) An applicant for refugee status may be rep-
25 resented, including at a refugee interview, at no expense

1 to the Government, by an attorney or accredited rep-
2 resentative who—

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

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

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

10 “(i) shall be in writing; and

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

14 “(I) the facts underlying the determina-
15 tion; and

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

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

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

24 “(B) A request filed under subparagraph (A) shall
25 be adjudicated by refugee officers who have received train-

1 ing on considering requests for review of refugee applica-
2 tions that have been denied.

3 “(C) The Secretary shall publish the standards ap-
4 plied to a request for review under this paragraph.

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

8 “(E) A decision on a request for review under this
9 paragraph shall—

10 “(i) be in writing; and

11 “(ii) provide, to the maximum extent prac-
12 ticable, information relating to the reason for the de-
13 nial.”.

14 **SEC. 1107. AUTHORITY TO DESIGNATE CERTAIN GROUPS**
15 **OF REFUGEES FROM COUNTRIES OF PAR-**
16 **TICULAR CONCERN AND ADMISSION OF REF-**
17 **UGEES IN EMERGENCY SITUATIONS.**

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, after a recommendation
25 of the Secretary of State made in consultation with

1 the Secretary of Homeland Security, and after ap-
2 propriate consultation, may designate specifically de-
3 fined groups of aliens within a category of aliens es-
4 tablished under clause (ii) whose resettlement in the
5 United States is justified by humanitarian concerns
6 or is otherwise in the national interest and who
7 share common characteristics that identify such
8 aliens as targets of persecution on account of race,
9 religion, nationality, membership in a particular so-
10 cial group, or political opinion or who otherwise have
11 a shared need for resettlement due to a specific vul-
12 nerability.

13 “(ii) For purposes of clause (i), the President
14 shall designate one or more groups or one or more
15 categories of aliens who are or were nationals or ha-
16 bitual residents of the Islamic Republic of Iran or
17 countries from the former Soviet Union, who, as
18 members of a religious minority, share common
19 characteristics that identify them as targets of per-
20 secution in that state on account of race, religion,
21 nationality, membership in a particular social group,
22 or political opinion. At the discretion of the Presi-
23 dent, the President may designate additional groups
24 of one or more categories of aliens who are or were
25 nationals or habitual residents of any other country

1 which is designated as a country of particular con-
2 cern under section 402(b)(1)(A) of the International
3 Religious Freedom Act of 1998 (22 U.S.C. 6442).

4 “(iii) An alien who is outside his or her country
5 of origin or last habitual residence who establishes
6 membership in a group designated under clause (i)
7 to the satisfaction of the Secretary of Homeland Se-
8 curity shall establish, for purposes of admission as
9 a refugee under this section, that such alien has a
10 well-founded fear of persecution on account of race,
11 religion, nationality, membership in a particular so-
12 cial group, or political opinion, unless the Secretary
13 determines that such alien ordered, incited, assisted
14 or otherwise participated in the persecution of any
15 person on account of race, religious, membership in
16 a particular social group, or political opinion.

17 “(iv) A designation under clause (i)—

18 “(I) may be revoked by the President at
19 any time after notification to Congress;

20 “(II) if not revoked, shall expire at the end
21 of each fiscal year; and

22 “(III) may be renewed by the President
23 after appropriate consultation.

1 “(v) An alien’s admission under this subpara-
2 graph shall count against the refugee admissions
3 goal under subsection (a).

4 “(vi) A designation under clause (i) shall not
5 influence decisions to grant, to any alien, asylum
6 under section 208, withholding of removal section
7 241(b)(3), or protection under the Convention
8 against Torture and Other Cruel, Inhuman or De-
9 grading Treatment or Punishment, done at New
10 York December 10, 1984.

11 “(vii) Each decision to deny an application for
12 refugee status of an alien who is within a category
13 established under this subparagraph shall be in writ-
14 ing and shall state, to the maximum extent feasible,
15 the reason for the denial.”.

16 (b) ADMISSION OF REFUGEES EXPERIENCING EMER-
17 GENCY SITUATIONS.—Section 207(c) of the Immigration
18 and Nationality Act (8 U.S.C. 1157(c)(1)), as amended
19 by section 1106, is further amended by adding at the end
20 the following:

21 “(9) ADMISSION OF REFUGEES EXPERIENCING
22 EMERGENCY SITUATIONS.—

23 “(A) IN GENERAL.—Subject to the numerical
24 limitations established under subparagraphs (A) and
25 (B) of paragraph (1), the Secretary of Homeland

1 Security may, in the Secretary’s discretion and pur-
2 suant to such regulations as the Secretary may pre-
3 scribe, admit any refugee who is not firmly resettled
4 in any foreign country, is determined to be of special
5 humanitarian concern to the United States, and is
6 admissible (except as provided under section 209) as
7 an immigrant under this Act. Notwithstanding any
8 numerical limitations specified in this Act, any alien
9 admitted under this paragraph shall be regarded as
10 lawfully admitted to the United States for perma-
11 nent residence as of the date of such alien’s admis-
12 sion to the United States.

13 “(B) DESIGNATION.—The President, upon a
14 recommendation of the Secretary of State made in
15 consultation with the Secretary of Homeland Secu-
16 rity, and after appropriate consultation, may des-
17 ignate specifically defined groups of aliens—

18 “(i) whose resettlement in the United
19 States is justified by humanitarian concerns or
20 is otherwise in the national interest; and

21 “(ii) who—

22 “(I) share common characteristics
23 that identify them as targets of—

24 “(aa) persecution on account of
25 race, religion, nationality, membership

1 in a particular social group, or polit-
2 ical opinion; or

3 “(bb) other serious harm; or

4 “(II) having been identified as targets
5 as described in subclause (I), share a com-
6 mon need for resettlement due to a specific
7 vulnerability.

8 “(C) MEMBERSHIP IN A DESIGNATED GROUP.—

9 An alien who establishes membership in a group des-
10 igned under this paragraph to the satisfaction of
11 the Secretary of Homeland Security shall be consid-
12 ered a refugee for purposes of admission as a ref-
13 ugee under this paragraph, unless the Secretary de-
14 termines that such alien ordered, incited, assisted, or
15 otherwise participated in the persecution of any per-
16 son on account of race, religion, nationality, mem-
17 bership in a particular social group, or political opin-
18 ion.

19 “(D) REVOCATION.—A designation under this
20 paragraph is for purposes of adjudicatory efficiency
21 and may be revoked by the President at any time
22 after notification to Congress.

23 “(E) EFFECT ON OTHER LAWS.—Categories of
24 aliens established under section 599D of the Foreign
25 Operations, Export Financing, and Related Pro-

1 grams Appropriations Act, 1990 (Public Law 101–
2 167; 8 U.S.C. 1157 note)—

3 “(i) shall be designated under subpara-
4 graph (B) until the end of the first fiscal year
5 commencing after the date of the enactment of
6 this paragraph; and

7 “(ii) shall be eligible for designation there-
8 after at the discretion of the President.

9 “(F) EFFECT ON REFUGEE ADMISSIONS
10 GOAL.—The admission of an alien under this para-
11 graph shall count against the refugee admissions
12 goal under section 207(a).

13 “(G) OTHER FORMS OF PROTECTION.—A des-
14 ignation under this paragraph shall not influence de-
15 cisions to grant to any alien asylum under section
16 208, withholding of removal under section 241(b)(3),
17 or protection under the Convention against Torture
18 and Other Cruel, Inhuman or Degrading Treatment
19 or Punishment, done at New York December 10,
20 1984.

21 “(H) DENIALS.—A decision to deny admission
22 under this paragraph to an alien who establishes to
23 the satisfaction of the Secretary that the alien is a
24 member of a group designated under subparagraph
25 (B)—

1 “(i) shall be in writing; and

2 “(ii) shall cite the specific applicable provi-
3 sion of this Act upon which such denial is
4 based, including—

5 “(I) the facts underlying the deter-
6 mination; and

7 “(II) whether there is a waiver of in-
8 admissibility available to the alien.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the first day of the first
11 fiscal year that begins after the date of the enactment of
12 this Act.

13 **SEC. 1108. EMPLOYMENT AUTHORIZATION FOR ASYLUM**
14 **SEEKERS AND OTHER INDIVIDUALS.**

15 Paragraph (2) of section 208(d) of the Immigration
16 and Nationality Act (8 U.S.C. 1158(d)) is amended to
17 read as follows:

18 “(2) EMPLOYMENT AUTHORIZATION.—

19 “(A) ELIGIBILITY.—The Secretary of
20 Homeland Security shall authorize employment
21 for an applicant for asylum, withholding of re-
22 moval under section 241(b)(3)(B), or with-
23 holding or deferral of removal under the Con-
24 vention against Torture and Other Cruel, Inhu-
25 man or Degrading Treatment or Punishment,

1 done at New York December 10, 1984, not
2 later than 30 days after the date on which such
3 an applicant files an application for such relief.

4 “(B) APPLICATION.—An applicant for asy-
5 lum, withholding of removal under section
6 241(b)(3)(B), or withholding or deferral of re-
7 moval under the Convention against Torture
8 and Other Cruel, Inhuman or Degrading Treat-
9 ment or Punishment, done at New York De-
10 cember 10, 1984, who is prima facie eligible for
11 such relief shall be granted employment author-
12 ization not later than 60 days after the date on
13 which the applicant files an application for em-
14 ployment authorization.

15 “(C) TERM.—Employment authorization
16 under this paragraph shall be valid until the
17 date on which an applicant is issued a final de-
18 nial of the applicable application, including ad-
19 ministrative and judicial review.”.

20 **SEC. 1109. ADMISSION OF REFUGEES AND ASYLEES AS LAW-**
21 **FUL PERMANENT RESIDENTS.**

22 (a) TREATMENT OF ALIENS ADMITTED AS REFU-
23 GEES AND OF ALIENS GRANTED ASYLUM.—Section 209
24 of the Immigration and Nationality Act (8 U.S.C. 1159)
25 is amended to read as follows:

1 **“SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFUGEEES AND OF ALIENS GRANTED ASYLUM.**

3 “(a) IN GENERAL.—

4 “(1) TREATMENT OF REFUGEE FAMILIES.—

5 Any alien may be lawfully admitted to the United
6 States for permanent residence at the time of initial
7 admission to the United States if the alien—

8 “(A) has been approved for admission to
9 the United States—

10 “(i) under section 207 or 208; or

11 “(ii) under section 208(b)(3) as the
12 spouse or child of an alien granted asylum
13 under section 208(b)(1); and

14 “(B) is admissible under section 212 (ex-
15 cept as otherwise provided in subsections (b)
16 and (c)).

17 “(2) ADJUSTMENT OF STATUS.—

18 “(A) IN GENERAL.—The Secretary of
19 Homeland Security or the Attorney General, in
20 the discretion of the Secretary or the Attorney
21 General, and under such regulations as the Sec-
22 retary or the Attorney General may prescribe,
23 may adjust, to the status of an alien lawfully
24 admitted to the United States for permanent
25 residence, the status of any alien who, while in
26 the United States—

1 “(i) is granted—

2 “(I) asylum under section 208(b)
3 (as a principal alien or as the spouse
4 or child of an alien granted asylum);
5 or

6 “(II) refugee status under section
7 207 as the spouse or child of a ref-
8 ugee;

9 “(ii) applies for such adjustment of
10 status at any time after being granted asy-
11 lum or refugee status;

12 “(iii) is not firmly resettled in any
13 foreign country; and

14 “(iv) is admissible (except as other-
15 wise provided under subsections (b) and
16 (c)) as an immigrant under this Act at the
17 time of examination for adjustment of such
18 alien.

19 “(B) APPLICABILITY.—This paragraph
20 shall apply to any alien lawfully admitted for
21 permanent residence under section 207 or 208
22 before the date of the enactment of the Refugee
23 Protection Act of 2022.

24 “(3) RECORD.—Upon approval of an applica-
25 tion under this subsection, the Secretary of Home-

1 land Security or the Attorney General shall establish
2 a record of the alien’s admission for lawful perma-
3 nent residence as of the date such alien was granted
4 asylum or refugee status.

5 “(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY
6 GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM,
7 AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
8 LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5),
9 and (7)(A) of section 212(a) shall not apply to—

10 “(1) any refugee under section 207;

11 “(2) any alien granted asylum under section
12 208; or

13 “(3) any alien seeking admission as a lawful
14 permanent resident pursuant to a grant of refugee
15 or asylum status.

16 “(c) WAIVER OF INADMISSIBILITY OR DEPORT-
17 ABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND
18 SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
19 LAWFUL PERMANENT RESIDENT.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary of Homeland Security or
22 the Attorney General may waive any ground under
23 section 212 or 237 for aliens admitted pursuant to
24 section 207 or 208, or seeking admission as a lawful
25 permanent resident pursuant to subsection (a), if

1 such a waiver is justified by humanitarian purposes,
2 to ensure family unity, or is otherwise in the public
3 interest.

4 “(2) INELIGIBILITY.—Aliens admitted pursuant
5 to section 207 or 208, or seeking admission as a
6 lawful permanent resident pursuant to subsection
7 (a), shall be ineligible for a waiver under paragraph
8 (1) if it has been established that the alien is—

9 “(A) inadmissible under section
10 212(a)(2)(C) or subparagraph (A), (B), (C), or
11 (E) of section 212(a)(3);

12 “(B) deportable under section
13 237(a)(2)(A)(iii) for an offense described in
14 section 101(a)(43)(B); or

15 “(C) deportable under subparagraph (A),
16 (B), (C), or (D) of section 237(a)(4).”.

17 (b) CLARIFICATION.—Aliens admitted for lawful per-
18 manent residence pursuant to paragraph (1) of section
19 209(a) of the Immigration and Nationality Act, as amend-
20 ed by subsection (a), or who adjust their status pursuant
21 to paragraph (2) of such section, as amended by sub-
22 section (a), shall be considered to be refugees and aliens
23 granted asylum for purposes of sections 402, 403, 412,
24 and 431 of the Personal Responsibility and Work Oppor-

1 tunity Reconciliation Act of 1996 (8 U.S.C. 1612, 1613,
2 1622, and 1641).

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) ALIENS NOT SUBJECT TO DIRECT NUMER-
5 ICAL LIMITATIONS.—Section 201(b)(1)(B) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1151(b)(1)(B)) is amended to read as follows:

8 “(B) Aliens who are admitted to the
9 United States as permanent residents under
10 section 207 or 208 or whose status is adjusted
11 under section 209.”.

12 (2) TRAINING.—Section 207(f)(1) of such Act
13 (8 U.S.C. 1157(f)(1)) is amended by striking “At-
14 torney General” and inserting “Secretary of Home-
15 land Security”.

16 (3) COMMONWEALTH OF THE NORTHERN MAR-
17 IANA ISLANDS.—Section 208(e) of such Act (8
18 U.S.C. 1158(e)) is amended by striking “section
19 209(b)” and inserting “section 209(a)(2)”.

20 (4) TABLE OF CONTENTS.—The table of con-
21 tents for such Act is amended by striking the item
22 relating to section 209 and inserting the following:

“Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asy-
lum.”.

1 (d) EFFECTIVE DATE.—This section, and the amend-
2 ments made by this section, shall take effect on the earlier
3 of—

4 (1) the date that is 180 days after the date of
5 the enactment of this Act; or

6 (2) the date on which a final rule is promul-
7 gated to implement this section and the amendments
8 made by this section.

9 **SEC. 1110. COMPLEMENTARY PROTECTION.**

10 The Secretary of Homeland Security or the Attorney
11 General may grant asylum to an alien who has applied
12 for asylum if the Secretary of Homeland Security or the
13 Attorney General determines that such alien is a refugee
14 within the meaning of section 101(a)(42)(A) of the Immi-
15 gration and Nationality Act (8 U.S.C. 1101(a)(42)(A)) or
16 would face a threat to life or physical integrity if returned
17 because of a reasonable possibility of—

18 (1) violence; or

19 (2) exceptional situations, such as environ-
20 mental or other crises or disasters, including from
21 the effects of climate change, for which there is no
22 adequate remedy in the country of origin.

1 **SEC. 1111. INTERNAL RELOCATION.**

2 (a) BURDEN OF PROOF.— The Government bears the
3 burden of establishing the reasonableness of internal relo-
4 cation.

5 (b) CASE-BY-CASE ANALYSIS.—Consistent with the
6 Convention Relating to the Status of Refugees, done at
7 Geneva July 28, 1951, it shall be considered unreasonable
8 to presume applicants are able to internally relocate with-
9 out first conducting an individualized determination apply-
10 ing a totality of circumstances test on a case-by-case basis.

11 (c) DETERMINATIONS IN MERITS HEARINGS.—Inter-
12 nal relocation determinations—

13 (1) may only be made in asylum merits pro-
14 ceedings; and

15 (2) shall not occur at an earlier stage of proc-
16 essing.

17 (d) PROHIBITION.—The mere possibility of internal
18 relocation shall not be the sole grounds for a discretionary
19 denial of asylum, issuance of a negative credible fear de-
20 termination, or a factor to otherwise bar asylum eligibility.

21 **SEC. 1112. FIRM RESETTLEMENT.**

22 The Government bears the burden of establishing
23 whether an applicant is firmly resettled and applicants
24 may rebut this under a preponderance of the evidence
25 standard. Firm resettlement determinations shall focus ex-
26 clusively on the existence of an offer of permanent resettle-

1 ment and shall not be fulfilled by an offer of temporary,
2 transitory, or unauthorized time in another country.

3 **Subtitle B—Protections for** 4 **Children and Families**

5 **SEC. 1201. KEEPING FAMILIES TOGETHER.**

6 (a) MODIFICATION OF DEFINITION OF CHILD.—Sec-
7 tion 101(b)(1) of the Immigration and Nationality Act (8
8 U.S.C. 1101(b)(1)) is amended—

9 (1) in subparagraph (E)(ii), by striking “; or”
10 and inserting a semicolon;

11 (2) in subparagraph (F)(ii), by striking the pe-
12 riod at the end and inserting a semicolon;

13 (3) in subparagraph (G)(iii)(III), by striking
14 the period at the end and inserting “; or”; and

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

16 “(H)(i) a child under the age of 18 at the time
17 an application is filed to accord a principal alien ref-
18 ugee status—

19 “(I) who is an orphan because of the death
20 or disappearance of, abandonment or desertion
21 by, or separation or loss from, both parents; or

22 “(II) for whom the sole or surviving parent
23 is incapable of providing the proper care and
24 has, in writing, irrevocably released the child
25 for emigration and adoption;

1 “(ii) who has been living in a country of asylum
2 under the care of such principal alien; and

3 “(iii) for whom the Secretary of Homeland Se-
4 curity is satisfied that proper care will be furnished
5 if the child is admitted to the United States.”.

6 (b) ADMISSION OF REFUGEE FAMILIES AND TIMELY
7 ADJUDICATION.—Section 207(c)(2) of the Immigration
8 and Nationality Act (8 U.S.C. 1157(c)(2)) is amended to
9 read as follows:

10 “(2)(A)(i) Irrespective of the date on which such ref-
11 ugee was admitted to the United States, the spouse or a
12 child (as defined in section 101(b)(1)) of any refugee, or
13 the parent or de facto guardian (as determined by the Sec-
14 retary of Homeland Security) of such a child who qualifies
15 for admission under paragraph (1), if not otherwise enti-
16 tled to admission under such paragraph and not described
17 in section 101(a)(42)(B), shall be entitled to the same ad-
18 mission status as such refugee if—

19 “(I) accompanying, or following to join, such
20 refugee; and

21 “(II) admissible (except as otherwise provided
22 under paragraph (3)) as an immigrant under this
23 chapter.

24 “(ii) The admission to the United States of a spouse,
25 child, parent, or guardian described in clause (i) shall not

1 be charged against the numerical limitation established in
2 accordance with the appropriate subsection under which
3 the refugee's admission is charged.

4 “(B) A mother or father who seeks to accompany,
5 or follow to join, an alien granted admission as a refugee
6 under this subsection shall continue to be classified as a
7 mother or father for purposes of this paragraph if the
8 alien attained 21 years of age while such application was
9 pending.

10 “(C) The parent or de facto guardian (as determined
11 by the Secretary of Homeland Security) of a refugee child
12 admitted under this section and was admitted under the
13 Unaccompanied Refugee Minors program (as described in
14 subparagraph (D), (E), or (H) of section 101(b)(1)) shall
15 be treated in accordance with subparagraph (A) if such
16 parent or guardian seeks to follow to join such refugee
17 child and the minor consents to being joined by such indi-
18 vidual.

19 “(D)(i) Not later than 1 year after the date on which
20 an application for refugee status is filed under this para-
21 graph—

22 “(I) required screenings and background checks
23 shall be completed; and

24 “(II) the application shall be adjudicated.

1 “(ii) The adjudication of an application may exceed
2 the timeframe under clause (i) only in exceptional cir-
3 cumstances in which additional time to process an applica-
4 tion is necessary to satisfy national security concerns, if
5 the Secretary of Homeland Security has—

6 “(I) made a determination that the applicant
7 meets the requirements for refugee status under this
8 section; and

9 “(II) notified the applicant of such determina-
10 tion.”.

11 (c) TREATMENT OF ASYLEE FAMILIES AND TIMELY
12 ADJUDICATION.—Section 208(b)(3) of the Immigration
13 and Nationality Act (8 U.S.C. 1158(b)(3)), as amended
14 by section 1105(d), is further amended—

15 (1) in subparagraph (A), by striking “or fol-
16 lowing to join, such alien” and inserting, “or fol-
17 lowing to join, such alien, irrespective of the date on
18 which such alien was granted asylum”; and

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

20 “(C) CHILDREN OF ASYLEE SPOUSES.—A
21 child (as defined in subparagraph (A), (B), (C),
22 (D), or (E) of section 101(b)(1)) born to the
23 asylee spouse who qualifies for admission under
24 paragraph (A) shall, if not otherwise eligible for
25 asylum under this section, be granted the same

1 status as such asylee spouse if accompanying,
2 or following to join, such asylee spouse.

3 “(D) APPLICATION PROCESS.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the date on which an application
6 for refugee status is filed under this para-
7 graph—

8 “(I) required screenings and
9 background checks shall be completed;
10 and

11 “(II) the application shall be ad-
12 judicated.

13 “(ii) EXCEPTION.—The adjudication
14 of an application may exceed the time-
15 frame under clause (i) only in exceptional
16 circumstances in which additional time to
17 process an application is necessary to sat-
18 isfy national security concerns, if the Sec-
19 retary of Homeland Security has—

20 “(I) made a determination that
21 the applicant meets the requirements
22 for refugee status under this section;
23 and

24 “(II) notified the applicant of
25 such determination.

1 “(iii) PROHIBITION ON DENIALS DUE
2 TO PROCESSING DELAYS.—An application
3 for asylum under this paragraph shall not
4 be denied, in whole or in part, on the basis
5 that processing could not be completed
6 within the timeframe under clause (i).”.

7 **SEC. 1202. PROTECTIONS FOR MINORS SEEKING ASYLUM.**

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

10 (1) in subsection (a)(2), as amended by sections
11 1103 and 1104, by amending subparagraph (E) to
12 read as follows:

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

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

19 “(ii) the date on which any notice to
20 appear is issued.”; and

21 (2) in subsection (b)(4), as added by section
22 1105, by adding at the end the following:

23 “(C) APPLICANTS YOUNGER THAN 18
24 YEARS OF AGE.—An asylum officer (as defined
25 in section 235(b)(1)(E)) shall have initial juris-

1 diction over any asylum application filed by an
2 applicant who is younger than 18 years of age
3 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) TREATMENT OF SPOUSE, CHILDREN, MOTHER,
9 AND FATHER SEEKING ASYLUM.—Section 208(b)(3) of
10 the Immigration and Nationality Act (8 U.S.C. 1158), as
11 amended by section 1105, is further amended—

12 (1) in the paragraph heading, by striking “AND
13 CHILDREN” and inserting “, CHILDREN, MOTHERS,
14 AND FATHERS”;

15 (2) in subparagraph (A), by striking “(as de-
16 fined in section 101(b)(1)(A), (B), (C), (D), or (E))
17 of an alien” and inserting “(as defined in subpara-
18 graph (A), (B), (C), (D), (E), or (H) of section
19 101(b)(1)) of an alien, or the mother or father of an
20 alien who is such a child,”; and

21 (3) by amending subparagraph (B) to read as
22 follows:

23 “(B) CONTINUED CLASSIFICATION OF CER-
24 TAIN ALIENS AS CHILDREN.—

1 “(i) UNMARRIED ALIENS.—An un-
2 married alien who seeks to accompany, or
3 follow to join, a mother or father granted
4 asylum under this subsection, and any
5 child of such unmarried alien, shall con-
6 tinue to be classified as a child for pur-
7 poses of this paragraph and shall be con-
8 sidered a refugee, if—

9 “(I) the alien was younger than
10 21 years of age on the date on which
11 such mother or father applied for asy-
12 lum under this section; and

13 “(II) the alien attained 21 years
14 of age while such application was
15 pending.

16 “(ii) EFFECT ON MOTHERS AND FA-
17 THERS.—A mother or father who seeks to
18 accompany, or follow to join, an alien
19 granted asylum under this subsection shall
20 continue to be classified as a mother or fa-
21 ther for purposes of this paragraph, and
22 together with the spouse or child of such
23 mother or father, be considered a refugee,
24 if the alien attained 21 years of age while
25 such application was pending.”.

1 (c) REPEAL OF CONTIGUOUS COUNTRY EXCEP-
2 TION.—

3 (1) IN GENERAL.—Section 235(a) of the Wil-
4 liam Wilberforce Trafficking Victims Protection Re-
5 authorization Act of 2008 (8 U.S.C. 1232(a)) is
6 amended—

7 (A) by striking paragraph (2);

8 (B) by amending paragraph (3) to read as
9 follows:

10 “(3) RULE FOR ALL UNACCOMPANIED CHIL-
11 DREN.—The custody of unaccompanied alien chil-
12 dren who are apprehended at the border of the
13 United States or at a United States port of entry
14 shall be treated in accordance with subsection (b).”;

15 (C) by amending paragraph (4) to read as
16 follows:

17 “(4) SCREENING.—

18 “(A) IN GENERAL.—Within 48 hours of
19 the apprehension of a child who is believed to
20 be an unaccompanied alien child, the child shall
21 be transferred to the Secretary of Health and
22 Human Services and treated in accordance with
23 subsection (b).

1 “(B) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph may be construed to preclude
3 an earlier transfer of a child.”;

4 (D) by amending paragraph (5) to read as
5 follows:

6 “(5) PLACEMENT IN REMOVAL PRO-
7 CEEDINGS.—Any unaccompanied alien child sought
8 to be removed by the Department of Homeland Se-
9 curity shall be—

10 “(A) placed in removal proceedings under
11 section 240 of the Immigration and Nationality
12 Act (8 U.S.C. 1229a);

13 “(B) eligible for relief under section 240B
14 of that Act (8 U.S.C. 1229c) at no cost to the
15 child; and

16 “(C) provided access to counsel in accord-
17 ance with subsection (c)(5).”; and

18 (E) by redesignating paragraphs (3)
19 through (5) as paragraphs (2) through (4), re-
20 spectively.

21 (2) CONFORMING AMENDMENTS.—Section 235
22 of the William Wilberforce Trafficking Victims Pro-
23 tection Reauthorization Act of 2008 (8 U.S.C. 1232)
24 is amended—

1 (A) in subsection (e)(5), by striking “, and
2 who are not described in subsection (a)(2)(A),”;
3 and

4 (B) in subsection (e), by striking “, includ-
5 ing children described in subsection (a)(2)”.

6 (d) DURATION OF UNACCOMPANIED CHILD DES-
7 IGNATION.—Section 235(a) of the William Wilberforce
8 Trafficking Victims Protection Reauthorization Act of
9 2008 (8 U.S.C. 1232(a)), as amended by subsection (c),
10 is further amended by adding at the end the following:

11 “(5) DURATION OF UNACCOMPANIED ALIEN
12 CHILD DETERMINATION.—

13 “(A) IN GENERAL.—Upon identification as
14 an unaccompanied alien child, a child shall be
15 afforded all substantive and procedural protec-
16 tions provided for unaccompanied alien children
17 under this section and any other Federal law
18 for the duration of the child’s removal pro-
19 ceedings.

20 “(B) REEVALUATION AND REVOCATION
21 PROHIBITED.—The head of a Federal agency
22 may not—

23 “(i) reevaluate or revoke a determina-
24 tion that an individual is an unaccom-
25 panied alien child; or

1 “(ii) deny or impede access to any
2 protections provided for unaccompanied
3 alien children by Federal law, including on
4 the basis of the individual’s reunification
5 with a parent or legal guardian or the indi-
6 vidual having attained 18 years of age.”.

7 (e) CHILD PROTECTIVE MEASURES FOR ALL CHIL-
8 DREN IN U.S. CUSTOMS AND BORDER PROTECTION CUS-
9 TODAY.—

10 (1) PURPOSE.—The purposes of this subsection
11 are—

12 (A) to ensure the safety and access to pro-
13 tection of children temporarily in the custody of
14 U.S. Customs and Border Protection by requir-
15 ing the Secretary of Homeland Security to hire
16 child welfare professionals; and

17 (B) to prevent unnecessary family separa-
18 tion through the deployment of officials of the
19 Department of Health and Human Services to
20 U.S. Customs and Border Protection facilities
21 to evaluate unaccompanied children arriving
22 with non-parent, adult family members for re-
23 unification within 72 hours.

24 (2) CHILD WELFARE PROFESSIONALS.—

1 (A) DEFINITION OF CHILD WELFARE PRO-
2 FESSSIONAL.—The term “child welfare profes-
3 sional” means an individual who—

4 (i) is State-licensed in social work;

5 (ii) has direct experience working with
6 children;

7 (iii) has expertise in—

8 (I) child development; and

9 (II) culturally competent, trau-
10 ma-centered, and developmentally ap-
11 propriate interviewing skills;

12 (iv) has knowledge of Federal and
13 State child welfare laws and standards;
14 and

15 (v) is proficient in 1 or more of the
16 most common languages spoken by chil-
17 dren apprehended at the southern border
18 of the United States.

19 (B) STAFFING OF CHILD WELFARE PRO-
20 FESSSIONALS AT U.S. CUSTOMS AND BORDER
21 PROTECTION FACILITIES.—The Secretary of
22 Homeland Security shall ensure that 1 or more
23 child welfare professionals is available at each
24 port of entry and Border Patrol station along
25 the southern land border of the United States

1 to accomplish the duties described in this sub-
2 section.

3 (i) HIRING.—The Secretary of Home-
4 land Security, in consultation with the Sec-
5 retary of Health and Human Services,
6 shall hire, or seek to enter into contracts
7 with, child welfare professionals who
8 shall—

9 (I) work on site on a full-time
10 basis at ports of entry or Border Pa-
11 trol stations that have had not fewer
12 than 25 children in custody—

13 (aa) on any day during the
14 preceding fiscal year; or

15 (bb) during the fiscal year in
16 which this Act is enacted based
17 on a review of monthly statistical
18 reports during the such fiscal
19 year;

20 (II) remain available by tele-
21 phone and videoconference on an on-
22 call basis to U.S. Customs and Border
23 Protection personnel at ports of entry
24 or Border Patrol stations that are not
25 described in subclause (I).

1 (ii) INTERPRETER REQUIRED.—In the
2 case of a child welfare professional who
3 does not speak the best language of a child
4 in the custody of U.S. Customs and Bor-
5 der Protection at a port of entry or Border
6 Patrol station along the southern land bor-
7 der of the United States, the Secretary of
8 Homeland Security shall provide an inter-
9 preter.

10 (C) DUTIES.—In accordance with the
11 timeframe under subsections (a)(4) and (b)(3)
12 of section 235 of the William Wilberforce Traf-
13 ficking Victims Protection Reauthorization Act
14 of 2008 (8 U.S.C. 1232), as amended by this
15 Act, child welfare professionals placed as ports
16 of entry and Border Patrol stations under sub-
17 paragraph (B) shall—

18 (i) conduct screening of each child in
19 the custody of U.S. Customs and Border
20 Protection in accordance with such sub-
21 section (a)(4);

22 (ii) ensure appropriate care of each
23 child in the custody of U.S. Customs and
24 Border Protection;

1 (iii) ensure that any allegation of
2 abuse or mistreatment of a child in the
3 custody of U.S. Customs and Border Pro-
4 tection is referred to the appropriate Fed-
5 eral and State authorities;

6 (iv) with respect to a child who may
7 meet the notification and transfer require-
8 ments under subsections (a) and (b) of sec-
9 tion 235 of the William Wilberforce Traf-
10 ficking Victims Protection Reauthorization
11 Act of 2008 (8 U.S.C. 1232), including a
12 child for whom a determination cannot be
13 made, notify the Secretary of Homeland
14 Security and the Assistant Secretary of the
15 Office of Refugee Resettlement of the pres-
16 ence of such child at the port of entry or
17 Border Patrol station;

18 (v) conduct an initial family relation-
19 ship and trafficking assessment for each
20 child in the custody of U.S. Customs and
21 Border Protection; and

22 (vi) perform other duties as appro-
23 priate.

24 (D) REPORT.—Not later than 180 days
25 after the date of the enactment of this Act, and

1 every quarter thereafter, the Secretary of
2 Homeland Security shall submit to the Com-
3 mittee on the Judiciary, the Committee on
4 Homeland Security and Governmental Affairs,
5 and the Committee on Health, Education,
6 Labor, and Pensions of the Senate and the
7 Committee on the Judiciary, the Committee on
8 Homeland Security, the Committee on Over-
9 sight and Reform, and the Committee on Edu-
10 cation and Labor of the House of Representa-
11 tives a report that, for the preceding fiscal
12 quarter—

13 (i) describes the activities carried out
14 by child welfare professionals under this
15 subsection;

16 (ii) assesses the effectiveness of such
17 activities; and

18 (iii) includes non-personally identifi-
19 able data on all children screened by child
20 welfare professionals under this subsection,
21 including—

22 (I) the number and location of
23 children in the physical custody of the
24 Department of Homeland Security;

1 (II) the number of children
2 transferred to the custody of the Sec-
3 retary of Health and Human Services;
4 and

5 (III) the number of children re-
6 moved from the United States, and
7 the countries of nationality of such
8 children.

9 (3) EXPEDITED REUNIFICATION AT THE BOR-
10 DER.—

11 (A) IN GENERAL.—Unaccompanied chil-
12 dren encountered by the Commissioner of U.S.
13 Customs and Border Protection together with 1
14 or more adult family members who are not their
15 parents or legal guardians shall be—

16 (i) transferred, along with those adult
17 family members, to the nearest U.S. Cus-
18 toms and Border Protection reception cen-
19 ter where field staff of the Department of
20 Health and Human Services are on site;
21 and

22 (ii) screened, along with the 1 or more
23 adult family members, by such field staff
24 to assess—

1 (I) the validity of the relationship
2 between the child and 1 or more adult
3 family members;

4 (II) the ability of the 1 or more
5 adult family members to care for the
6 child; and

7 (III) any risk of trafficking or
8 abuse from the 1 or more adult family
9 members.

10 (B) INTERVIEW.—In conducting the
11 screening under subparagraph (A)(ii), the field
12 staff of the Department of Health and Human
13 Services shall interview the child—

14 (i) together with the 1 or more adult
15 family members; and

16 (ii) separately from the adult family
17 member(s).

18 (C) OBSERVATION.—In the case of young
19 children and infants screened under this para-
20 graph, in addition to evaluating the documen-
21 tary evidence of relationship provided, the field
22 staff of the Department of Health and Human
23 Services shall observe the interactions between
24 the children and their 1 or more adult family
25 members.

1 (D) U.S. CUSTOMS AND BORDER PROTEC-
2 TION CUSTODY.—During the screening required
3 by this paragraph, an unaccompanied child de-
4 scribed in subparagraph (A) shall remain in the
5 legal custody of the Commissioner of U.S. Cus-
6 toms and Border Protection for not more than
7 72 hours.

8 (E) SAFE SPONSOR DETERMINATION.—

9 (i) IN GENERAL.—If field staff of the
10 Health and Human Services determine
11 that an adult family member is a safe
12 sponsor, the Commissioner of U.S. Cus-
13 toms and Border Protection, absent exi-
14 gent circumstances, shall approve the spon-
15 sor for release and transfer custody of the
16 child from the Commissioner to the Sec-
17 retary of Health and Human Services in a
18 designated space so that the Office of Ref-
19 ugee Resettlement may promptly reunify
20 the child directly with the adult sponsor.

21 (ii) REFERRAL FOR LEGAL SERV-
22 ICES.—The Assistant Secretary of the Of-
23 fice of Refugee Resettlement shall ensure
24 that any child approved for release with
25 their family sponsor under this subpara-

1 graph is referred to a legal services pro-
2 vider funded by the Department of Health
3 and Human Services to represent the child
4 post-release.

5 (F) DEPARTMENT OF HEALTH AND
6 HUMAN SERVICES CUSTODY.—In any case in
7 which Department of Health and Human Serv-
8 ices field staff cannot approve a child’s reunifi-
9 cation not later than 72 hours after the time at
10 which the child is apprehended—

11 (i) the Commissioner of U.S. Customs
12 and Border Protection shall transfer cus-
13 tody of the child to the Secretary of Health
14 and Human Services for placement in Of-
15 fice of Refugee Resettlement care in the
16 least restrictive setting in the child’s best
17 interest, as required by section 235 of the
18 William Wilberforce Trafficking Victims
19 Protection Reauthorization Act of 2008;
20 and

21 (ii) the Secretary of Health and
22 Human Services shall appoint an inde-
23 pendent child advocate to the child upon
24 the child’s arrival in Office of Refugee Re-
25 settlement care.

1 (G) LEGAL ORIENTATION PRESENTATIONS
2 IN RECEPTION CENTERS.—The Secretary of
3 Health and Human Services shall work with
4 stakeholders to ensure that legal staff are de-
5 tailed to U.S. Customs and Border Protection
6 reception centers sites to provide legal orienta-
7 tion presentations to unaccompanied children
8 while their 1 or more adult family members are
9 evaluated by Department of Health and Human
10 Services field staff.

11 (4) RULE OF CONSTRUCTION.—Nothing in this
12 subsection may be construed to modify—

13 (A) the definition of the term “unaccom-
14 panied alien child” under section 462(g)(2) of
15 the Homeland Security Act of 2002 (6 U.S.C.
16 279(g)(2));

17 (B) the obligation of the Secretary of
18 Health and Human Services to take a child into
19 custody, and if the child cannot be reunified
20 with the adult family member as set forth in
21 paragraph (3)(E) to place the child in the least
22 restrictive setting in their best interests, con-
23 sistent with section 279(g) of the Homeland Se-
24 curity Act of 2002 (6 U.S.C. 279(g)) or section
25 235 of the William Wilberforce Trafficking Vic-

1 tims Protection Reauthorization Act of 2008 (8
2 U.S.C. 1232); or

3 (C) the duration of the unaccompanied
4 alien child determination and associated legal
5 protections under section 235 of the William
6 Wilberforce Trafficking Victims Protection Re-
7 authorization Act of 2008 (8 U.S.C. 1232).

8 (f) **ELIMINATION OF SPECIAL IMMIGRANT JUVENILE**
9 **VISA CAP.**—

10 (1) **ALIENS NOT SUBJECT TO DIRECT NUMER-**
11 **ICAL LIMITATIONS.**—Section 201(b)(1)(A) of the Im-
12 migration and Nationality Act (8 U.S.C.
13 1151(b)(1)(A)) is amended by striking “subpara-
14 graph (A) or (B)” and inserting “subparagraph (A),
15 (B), or (J)”.

16 (2) **PREFERENCE ALLOCATION FOR EMPLOY-**
17 **MENT-BASED IMMIGRANTS.**—Section 203(b)(4) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1153(b)(4)) is amended by striking “subparagraph
20 (A) or (B)” and inserting “subparagraph (A), (B),
21 or (J)”.

22 **SEC. 1203. FAIR DAY IN COURT FOR KIDS.**

23 (a) **IMPROVING IMMIGRATION COURT EFFICIENCY**
24 **AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL**
25 **INFORMATION.**—

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

6 (A) in paragraph (4)—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “, or in the case of
9 an unaccompanied alien child (as defined
10 in section 462(g)(2) of the Homeland Se-
11 curity Act of 2002 (6 U.S.C. 279(g)(2))),
12 under regulations of the Secretary of
13 Health and Human Services” after “Attor-
14 ney General”;

15 (ii) in subparagraph (A)—

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

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

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

23 (iv) by inserting after subparagraph
24 (A) the following:

1 “(B) the Attorney General, or in the case
2 of an unaccompanied alien child, the Secretary
3 of Health and Human Services, may appoint or
4 provide counsel, at Government expense, to the
5 alien;

6 “(C) the alien, at the beginning of such
7 proceedings or as expeditiously as possible, shall
8 automatically receive a complete copy of all rel-
9 evant documents in the possession of the De-
10 partment of Homeland Security (unless the
11 alien waives the right to receive such documents
12 by executing a knowing and voluntary written
13 waiver in a language that he or she under-
14 stands fluently), including—

15 “(i) all documents (other than docu-
16 ments protected from disclosure by privi-
17 lege and documents containing national se-
18 curity information referred to in subpara-
19 graph (D), law enforcement sensitive infor-
20 mation, or information prohibited from dis-
21 closure pursuant to any other provision of
22 law) contained in the file maintained by
23 the Government that includes information
24 with respect to all transactions involving

1 the alien during the immigration process
2 (commonly referred to as an ‘A-file’); and

3 “(ii) all documents pertaining to the
4 alien that the Department of Homeland
5 Security has obtained or received from
6 other government agencies;”; and

7 (v) in subparagraph (D), as redesign-
8 nated, by striking “, and” and inserting “;
9 and”; and

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

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

15 “(A) has received the documents required
16 under such paragraph; and

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

19 (2) CLARIFICATION REGARDING THE AUTHOR-
20 ITY OF THE ATTORNEY GENERAL AND THE SEC-
21 RETARY OF HEALTH AND HUMAN SERVICES TO AP-
22 POINT COUNSEL TO ALIENS IN IMMIGRATION PRO-
23 CEEDINGS.—Section 292 of the Immigration and
24 Nationality Act (8 U.S.C. 1362) is amended—

1 (A) by striking “In any” and inserting the
2 following:

3 “(a) IN GENERAL.—In any proceeding conducted
4 under section 235, 236, 238, 240, or 241, or under any
5 other section of this Act, including”;

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

7 (i) by striking “(at no expense to the
8 Government)”;

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

11 (iii) by adding at the end the fol-
12 lowing:

13 “(b) ACCESS TO COUNSEL.—

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

18 “(2) UNACCOMPANIED ALIEN CHILDREN.—The
19 Secretary of Health and Human Services may ap-
20 point or provide counsel to unaccompanied alien chil-
21 dren (as defined in section 462(g)(2) of the Home-
22 land Security Act of 2002 (6 U.S.C. 279(g)(2))) in
23 any applicable proceeding conducted pursuant to any
24 section of this Act.

1 “(3) IMMIGRATION DETENTION AND BORDER
2 FACILITIES.—The Secretary of Homeland Security
3 shall ensure that aliens have access to counsel inside
4 all immigration detention and border facilities.”.

5 (3) APPOINTMENT OF COUNSEL FOR CHILDREN
6 AND VULNERABLE ALIENS.—

7 (A) IN GENERAL.—Section 292 of the Im-
8 migration and Nationality Act, as amended by
9 subsection (b), is further amended by adding at
10 the end the following:

11 “(c) UNACCOMPANIED ALIEN CHILDREN.—Notwith-
12 standing subsection (b), the Secretary of Health and
13 Human Services shall appoint or provide counsel at Gov-
14 ernment expense, if necessary, at the beginning of immi-
15 gration proceedings, or as expeditiously as possible, to rep-
16 resent in such proceedings unaccompanied alien children.

17 “(d) OTHER VULNERABLE ALIENS.—Notwith-
18 standing subsection (b), the Attorney General shall ap-
19 point or provide counsel at Government expense, if nec-
20 essary, at the beginning of immigration proceedings or as
21 expeditiously as possible, to represent in such proceedings
22 any alien who has been determined by the Secretary of
23 Homeland Security or the Attorney General to be—

24 “(1) a child who is not an unaccompanied alien
25 child;

1 “(2) a person with a disability;

2 “(3) a victim of abuse, torture, or violence;

3 “(4) an individual whose income is at or below
4 200 percent of the poverty line (as defined by the
5 Office of Management and Budget and revised an-
6 nually in accordance with section 673(2) of the
7 Community Services Block Grant Act (42 U.S.C.
8 9902(2))) applicable to a family of the size involved;
9 or

10 “(5) an individual whose circumstances require
11 the appointment of counsel to help ensure the fair
12 resolution and efficient adjudication of the pro-
13 ceedings.

14 “(e) EXTENSION TO CONSOLIDATED CASES.—If the
15 Attorney General has consolidated the case of an alien for
16 whom counsel was appointed under subsection (c) or (d)
17 with the case of another alien who does not have counsel,
18 the counsel appointed under subsection (c) or (d), as appli-
19 cable, shall be appointed to represent such other alien.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to the Office of Refugee
22 Resettlement of the Department of Health and Human
23 Services and to the Executive Office for Immigration Re-
24 view of the Department of Justice, such sums as may be
25 necessary to carry out this section.”.

1 (B) RULEMAKING.—

2 (i) UNACCOMPANIED ALIEN CHIL-
3 DREN.—The Secretary of Health and
4 Human Services shall promulgate regula-
5 tions to implement section 292(c) of the
6 Immigration and Nationality Act, as added
7 by subparagraph (A), in accordance with
8 the requirements set forth in section
9 3006A of title 18, United States Code.

10 (ii) OTHER VULNERABLE ALIENS.—
11 The Attorney General shall promulgate
12 regulations to implement section 292(d) of
13 the Immigration and Nationality Act, as
14 added by subparagraph (A), in accordance
15 with the requirements set forth in section
16 3006A of title 18, United States Code.

17 (b) ACCESS BY COUNSEL AND LEGAL ORIENTATION
18 AT DETENTION FACILITIES.—

19 (1) ACCESS TO COUNSEL.—The Secretary of
20 Homeland Security shall facilitate access to counsel
21 for all aliens detained in facilities under the super-
22 vision of U.S. Immigration and Customs Enforce-
23 ment or of U.S. Customs and Border Protection, in-
24 cluding providing information to such aliens regard-
25 ing legal services programs at detention facilities.

1 (2) ACCESS TO LEGAL ORIENTATION PRO-
2 GRAMS.—

3 (A) PROCEDURES.—The Secretary of
4 Homeland Security, in consultation with the At-
5 torney General, shall establish procedures—

6 (i) to ensure that legal orientation
7 programs are available for all detained
8 aliens, including aliens held in U.S. Cus-
9 toms and Border Protection facilities; and

10 (ii) to inform such aliens of—

11 (I) the basic procedures of immi-
12 gration hearings;

13 (II) their rights relating to such
14 hearings under Federal immigration
15 laws;

16 (III) information that may deter
17 such aliens from filing frivolous legal
18 claims; and

19 (iii) any other information that the
20 Attorney General considers appropriate,
21 such as a contact list of potential legal re-
22 sources and providers.

23 (B) UNIVERSAL AVAILABILITY.—Access to
24 legal orientation programs under subparagraph
25 (A) may not be limited by the alien's current

1 immigration status, prior immigration history,
2 or potential for immigration relief.

3 (c) REPORT ON ACCESS TO COUNSEL.—

4 (1) REPORT.—Not later than December 31
5 each year, the Secretary of Homeland Security, in
6 consultation with the Attorney General and the Sec-
7 retary of Health and Human Services, shall submit
8 a report to the Committee on the Judiciary of the
9 Senate and the Committee on the Judiciary of the
10 House of Representatives regarding the extent to
11 which aliens described in subsections (c) and (d) of
12 section 292 of the Immigration and Nationality Act,
13 as added by subsection (a)(3)(A), have been pro-
14 vided access to counsel.

15 (2) CONTENTS.—Each report submitted pursu-
16 ant to paragraph (1) shall include, for the imme-
17 diately preceding 1-year period—

18 (A) the number and percentage of aliens
19 described in section 292(c) of the Immigration
20 and Nationality Act and in paragraphs (1), (2),
21 (3), and (4), respectively, of section 292(d) of
22 such Act who were represented by counsel, in-
23 cluding information specifying—

24 (i) the stage of the legal process at
25 which the alien was represented; and

1 (ii) whether the alien was in govern-
2 ment custody; and

3 (B) the number and percentage of aliens
4 who received legal orientation presentations.

5 (d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1229a(c)(7)(C)) is amended by adding at the end the fol-
8 lowing:

9 “(v) SPECIAL RULE FOR ALIENS EN-
10 TITLED TO APPOINTMENT OF COUNSEL.—
11 If the Secretary of Health and Human
12 Services or the Attorney General fail to ap-
13 point counsel for an alien in accordance
14 with subsection (c) or (d) of section 292,
15 as applicable—

16 “(I) no limitation under this
17 paragraph pertaining to the filing of
18 any motion under this paragraph by
19 such alien shall apply; and

20 “(II) the filing of such a motion
21 shall stay the removal of the alien.”.

1 **Subtitle C—Protections for Other**
2 **Vulnerable Individuals**

3 **CHAPTER 1—STATELESS PROTECTION**

4 **SEC. 1311. PROTECTION OF STATELESS PERSONS IN THE**
5 **UNITED STATES.**

6 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
7 gration and Nationality Act (8 U.S.C. 1255 et seq.) is
8 amended by inserting after section 245A the following:

9 **“SEC. 245B. PROTECTION OF STATELESS PERSONS IN THE**
10 **UNITED STATES.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) COMPETENT AUTHORITY.—With respect to
13 a foreign country, the term ‘competent authority’—

14 “(A) means the authority responsible for—

15 “(i) conferring nationality on, or with-
16 drawing nationality from, individuals; or

17 “(ii) in the case of nationality having
18 been acquired or withdrawn automatically,
19 clarifying the nationality status of an indi-
20 vidual; and

21 “(B) includes a Federal, local, or regional
22 government entity, a consular official, and a
23 government official at any level, notwith-
24 standing any process by which a decision by

1 such an entity or official may later be over-
2 ridden.

3 “(2) NATIONAL; NATIONALITY.—The terms ‘na-
4 tional’ and ‘nationality’—

5 “(A) refer to a formal link, of a political
6 and legal character, between an individual and
7 a country; and

8 “(B) do not include the concept of nation-
9 ality relating to membership in a religious, lin-
10 guistic, or ethnic group.

11 “(3) NONCITIZEN.—The term ‘noncitizen’ has
12 the meaning given the term ‘alien’ in section 101(a).

13 “(4) OPERATION OF LAW; OPERATION OF ITS
14 LAW.—The terms ‘operation of law’ and ‘operation
15 of its law’—

16 “(A) refer to the consideration by a com-
17 petent authority of a country with respect to an
18 individual in practice, including under the legis-
19 lation, ministerial decrees, regulations, orders,
20 judicial case law, and customary practices of
21 the competent authority; and

22 “(B) include situations in which the posi-
23 tion of the competent authority differs from the
24 law as written, if the position of the competent

1 authority that an individual is not a national of
2 the country is determinative.

3 “(5) RELEVANT ASSOCIATION.—The term ‘rel-
4 evant association’ means a natural person’s connec-
5 tion to a country through—

6 “(A) birth on the territory of the country;

7 “(B) descent from 1 or more individuals
8 who are nationals of the country;

9 “(C) marriage to an individual who is a
10 national of the country;

11 “(D) adoption by an individual who is a
12 national of the country; or

13 “(E) habitual residence in the country.

14 “(6) STATELESS PERSON.—The term ‘stateless
15 person’ means an individual who is not considered as
16 a national by any state under the operation of its
17 law.

18 “(b) MECHANISMS FOR REGULARIZING THE STATUS
19 OF STATELESS PERSONS.—

20 “(1) STATELESS PROTECTED STATUS.—

21 “(A) PRINCIPAL APPLICANTS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of Homeland Security shall provide
24 stateless protected status to a noncitizen who—

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

3 “(ii) applies for such relief;

4 “(iii) has not formally renounced his
5 or her nationality as a result of voluntary,
6 affirmative, and intentional action after ar-
7 rival in the United States and after the
8 date of the enactment of this section, un-
9 less the renunciation was the result of du-
10 ress, coercion, or a reasonable expectation
11 that the noncitizen had acquired or would
12 acquire another nationality or citizenship;
13 and

14 “(iv) is not inadmissible under section
15 212(a)(3), except as provided in paragraph
16 (2) of this subsection; and

17 “(v) is not described in section
18 241(b)(3)(B)(i).

19 “(B) TREATMENT OF SPOUSE AND CHIL-
20 DREN.—Notwithstanding any other provision of
21 law, the Secretary of Homeland Security shall
22 provide stateless protected status to a noncit-
23 izen who—

24 “(i) is the spouse or child of a noncit-
25 izen described in subparagraph (A), if such

1 spouse or child is not otherwise eligible for
2 admission under that subparagraph;

3 “(ii) is accompanying, or following to
4 join, such noncitizen;

5 “(iii) established the qualifying rela-
6 tionship to such noncitizen before the date
7 on which such noncitizen applied for state-
8 less protected status;

9 “(iv) is not inadmissible under section
10 212(a)(3), except as provided in paragraph
11 (2) of this subsection; and

12 “(v) is not described in section
13 241(b)(3)(B)(i).

14 “(C) STATELESS PROTECTED STATUS.—

15 Noncitizens with stateless protected status—

16 “(i) shall—

17 “(I) receive relevant protections
18 against deportation, removal, and de-
19 tention, as described in paragraph (3);

20 “(II) be authorized for employ-
21 ment, as described in paragraph (4);
22 and

23 “(III) be eligible to apply for a
24 travel document, as described in para-
25 graph (5); and

1 “(ii) shall not face limitations from
2 immigration enforcement officials on their
3 domestic travel.

4 “(D) CONCURRENT GRANT OF LAWFUL
5 PERMANENT RESIDENCE.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), notwithstanding any
8 other provision of law, immediately on
9 granting stateless protected status to a
10 noncitizen, the Secretary of Homeland Se-
11 curity shall adjust the status of the noncit-
12 izen to that of a noncitizen lawfully admit-
13 ted for permanent residence.

14 “(ii) EXCEPTION.—The Secretary of
15 Homeland Security may not adjust the sta-
16 tus of a noncitizen with stateless protected
17 status who is inadmissible under section
18 212(a)(2).

19 “(2) WAIVERS.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law, the Secretary of Home-
22 land Security may, for humanitarian purposes,
23 in the interests of access to fundamental or en-
24 abling rights, to ensure family unity, or when it
25 is otherwise in the public interest, waive the op-

1 eration of the grounds of inadmissibility set
2 forth in paragraphs (2) and (3) of section
3 212(a), for relief under this section.

4 “(B) FACTORS.—In making a determina-
5 tion under subparagraph (A), the Secretary of
6 Homeland Security shall consider all relevant
7 factors, including—

8 “(i) mitigating and aggravating fac-
9 tors of the basis for inadmissibility;

10 “(ii) the duration of the noncitizen’s
11 residence in the United States; and

12 “(iii) the degree to which the nonciti-
13 zen’s removal, or denial of the noncitizen’s
14 application, would adversely affect the non-
15 citizen or the noncitizen’s United States
16 citizen or lawful permanent resident family
17 members.

18 “(3) RELEASE FROM POST-REMOVAL DETEN-
19 TION.—A grant of stateless protected status under
20 this section shall—

21 “(A) trigger immediate release of an indi-
22 vidual from post-removal detention;

23 “(B) be considered to establish that there
24 is no significant likelihood of the individual’s re-
25 moval in the reasonably foreseeable future; and

1 “(C) establish a presumption that travel
2 documents are not available for the individual.

3 “(4) EMPLOYMENT AUTHORIZATION.—

4 “(A) IN GENERAL.—An individual granted
5 stateless protected status under this section
6 shall receive employment authorization for a re-
7 newable period not less than 5 years.

8 “(B) PENDING APPLICATION.—

9 “(i) IN GENERAL.—During the 150-
10 day period after the date on which an ap-
11 plication for status under this section is
12 submitted, the Secretary of Homeland Se-
13 curity may authorize the applicant to en-
14 gage in employment in the United States.

15 “(ii) MANDATORY EMPLOYMENT AU-
16 THORIZATION.—If the Secretary of Home-
17 land Security has not issued a decision
18 within the 150-day period beginning on the
19 date on which an application for status
20 under this section is submitted, the Sec-
21 retary of Homeland Security shall author-
22 ize the applicant to engage in employment
23 in the United States until the date on
24 which a decision is issued on the applica-

1 tion for lawful permanent residence or
2 stateless protected status.

3 “(5) TRAVEL DOCUMENTS.—

4 “(A) IN GENERAL.—On request, the Sec-
5 retary of Homeland Security shall provide to
6 any noncitizen granted relief under this section,
7 a travel document that facilitates the nonciti-
8 zen’s ability to travel abroad and to be admitted
9 to the United States upon return.

10 “(B) VALIDITY.—The minimum period of
11 validity for a document issued under subpara-
12 graph (A) shall be 10 years.

13 “(6) NATURALIZATION.—Notwithstanding any
14 other provision of law, an individual granted lawful
15 permanent residence status under paragraph (1)(D)
16 may apply for naturalization after having resided
17 continuously in the United States for at least 3
18 years beginning on the date on which such individual
19 is granted lawful permanent resident status.

20 “(c) EVIDENTIARY MATTERS.—

21 “(1) IN GENERAL.—In determining if an indi-
22 vidual is a stateless person under this section, the
23 Secretary of Homeland Security shall consider and
24 obtain any credible evidence relevant to the applica-
25 tion, including information from—

1 “(A) the Department of State, particularly
2 the Bureau of Population, Refugees, and Mi-
3 gration and the Bureau of Democracy, Human
4 Rights, and Labor; and

5 “(B) relevant international and foreign
6 bodies, such as the United Nations High Com-
7 missioner for Refugees, nongovernmental orga-
8 nizations, and the competent authorities of
9 other countries.

10 “(2) DESIGNATION OF SPECIFIC GROUPS OF
11 STATELESS PERSONS.—The Secretary of Homeland
12 Security, in consultation with the Secretary of State,
13 may designate 1 or more specific groups of individ-
14 uals who shall be considered stateless persons for
15 purposes of this section, and a noncitizen who be-
16 longs to a group so designated shall be considered
17 a stateless person.

18 “(3) BURDEN OF PROOF.—The burden of proof
19 with respect to evidentiary matters relating to an
20 application under this section shall be shared be-
21 tween the Secretary of Homeland Security and the
22 applicant.

23 “(4) STANDARD OF PROOF.—

24 “(A) IN GENERAL.—A noncitizen shall be
25 considered to be a stateless person if it is estab-

1 lished to a reasonable degree that the noncitizen
2 meets the definition of the term ‘stateless
3 person’ under this section.

4 “(B) ASSESSMENT OF NATIONALITY.—The
5 nationality of an individual shall be assessed as
6 of the date on which a determination of eligi-
7 bility under this section is made.

8 “(5) SUBMISSION OF DOCUMENTARY EVI-
9 DENCE.—

10 “(A) SUPPORTING DOCUMENTS FROM AP-
11 PLICANT.—An applicant for relief under this
12 section shall submit, as part of the application
13 for such relief—

14 “(i) a full and truthful account, to the
15 best of the noncitizen’s knowledge, of such
16 noncitizen’s legal status with regard to any
17 country in which the applicant was born or
18 resided before entering the United States
19 or to which the applicant has a relevant as-
20 sociation; and

21 “(ii) all evidence reasonably available,
22 including any valid or expired travel docu-
23 ment.

24 “(B) EVIDENCE AVAILABLE TO SEC-
25 RETARY OF HOMELAND SECURITY.—The Sec-

1 retary of Homeland Security shall obtain and
2 submit to the immigration officer or immigra-
3 tion judge and the applicant or, as applicable,
4 the applicant’s counsel, all available evidence re-
5 garding the legal status of the applicant in the
6 applicant’s country of birth or prior residence
7 or any country to which the applicant has a rel-
8 evant association, including information on the
9 relevant laws and practices of the countries con-
10 cerned.

11 “(C) CONSIDERATION OF RESPONSE.—The
12 Secretary of Homeland Security may consider
13 as substantial evidence that an individual is not
14 considered by a country to be a national of the
15 country the following:

16 “(i) After 120 days have elapsed after
17 the Secretary of Homeland Security has
18 requested information from the country
19 with respect to the nationality status of the
20 individual, the lack of response from the
21 competent authority of the country.

22 “(ii) A pro forma response from the
23 country that lacks an application of the
24 law or facts to the particular individual.

1 “(iii) The refusal of the country to ac-
2 cept the individual for deportation or re-
3 moval.

4 “(d) FEES.—The Secretary of Homeland Security
5 may not charge a noncitizen any fee in connection with
6 an application for, or issuance of, lawful status under this
7 section, employment authorization, or travel documents.

8 “(e) JURISDICTION AND REVIEW.—

9 “(1) IN GENERAL.—The Director of U.S. Citi-
10 zenship and Immigration Services shall have juris-
11 diction over an application for stateless protected
12 status and adjustment of status filed by a noncitizen
13 under this section.

14 “(2) REVIEW.—A denial by the Secretary of
15 Homeland Security of an application for relief under
16 this section shall be subject to review by the Admin-
17 istrative Appeals Office of U.S. Citizenship and Im-
18 migration Services.

19 “(f) EFFECT ON REMOVAL PROCEEDINGS.—With re-
20 spect to a noncitizen in removal proceedings who files an
21 application for relief under this section, the Attorney Gen-
22 eral shall postpone the removal proceedings pending the
23 adjudication of the application.

24 “(g) APPLICANTS WITH FINAL ORDERS OF RE-
25 MOVAL.—

1 “(1) MOTIONS TO REOPEN.—

2 “(A) IN GENERAL.—A noncitizen whose
3 removal, deportation, or exclusion proceedings
4 were concluded before the date of the enact-
5 ment of this section, and who is eligible for re-
6 lief under this section, may file 1 motion to re-
7 open proceedings to apply for such relief not
8 later than 1 year after the date of the enact-
9 ment of this section.

10 “(B) EFFECT OF LIMITATIONS.—A time or
11 numerical limitation on motions to reopen re-
12 moval, deportation, or exclusion proceedings
13 may not be construed to restrict the filing of a
14 motion to reopen under this paragraph if such
15 limitation is based on previously unavailable evi-
16 dence or facts, or on changed facts or cir-
17 cumstances, including a discovery by a noncit-
18 izen that the noncitizen may be a stateless per-
19 son.

20 “(2) STAY OF REMOVAL.—

21 “(A) IN GENERAL.—An applicant for relief
22 under this section who has been issued a final
23 order of removal, deportation, or exclusion may
24 request a stay of removal, deportation, or exclu-
25 sion.

1 “(B) CONSIDERATION OF REQUEST.—With
2 respect to an individual who requests a stay
3 under subparagraph (A), if the Secretary of
4 Homeland Security determines that the applica-
5 tion for relief is bona fide, the Secretary shall
6 automatically stay the execution of the final
7 order of deportation, exclusion, or removal, and
8 the stay will remain in effect until a final deci-
9 sion is made on the applications.

10 “(C) EFFECT OF DENIAL.—If the applica-
11 tion is denied, the stay of the final order is
12 deemed lifted as of the date of such denial,
13 without regard to whether the noncitizen ap-
14 peals the decision.

15 “(3) TERMINATION.—On the grant of an appli-
16 cation for relief under this section to a noncitizen
17 with a final order of removal, deportation, or exclu-
18 sion, the final order shall be deemed canceled by op-
19 eration of law as of the date of the approval.

20 “(h) EXCLUSION FROM NUMERICAL LIMITATIONS.—
21 Individuals provided status under this section shall not be
22 counted against any numerical limitation under sections
23 201(d), 202(a), or 203(b)(4).

1 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to authorize or require the admis-
3 sion of any noncitizen to the United States.

4 “(j) REPORTS.—

5 “(1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this section, and
7 every 90 days thereafter, the Secretary of Homeland
8 Security shall submit to the Committee on the Judi-
9 ciary of the Senate and the Committee on the Judi-
10 ciary of the House of Representatives a report on—

11 “(A) the number of applications submitted
12 under each of paragraphs (1), (4), and (5) of
13 subsection (b) since the date of the enactment
14 of this section, disaggregated by the country of
15 birth of the applicants; and

16 “(B) average timelines for processing each
17 such application.

18 “(2) PUBLIC AVAILABILITY.—The Secretary of
19 Homeland Security shall publish each report sub-
20 mitted under paragraph (1) on the internet website
21 of the Department of Homeland Security, respec-
22 tively.

23 “(k) PUBLICATION OF GUIDANCE.—Not later than
24 120 days after the date of the enactment of this section,
25 the Secretary of Homeland Security shall publish all policy

1 manuals, guidance, and application instructions relating
2 to applications under this section on the internet website
3 of the Department of Homeland Security.

4 “(l) REGULATIONS.—The Secretary of Homeland Se-
5 curity may issue such regulations as the Secretary of
6 Homeland Security considers appropriate to carry out this
7 section.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) TABLE OF CONTENTS.—The table of con-
10 tents for the Immigration and Nationality Act (8
11 U.S.C. 1101 et seq.) is amended by inserting after
12 the item relating to section 245A the following:

“Sec. 245B. Protection of stateless persons in the United States.”.

13 (2) EXCEPTION FOR UNLAWFUL PRESENCE OF
14 STATELESS PERSONS.—Section 212(a)(9)(B)(iii) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1182(a)(9)(B)(iii)) is amended by adding at the end
17 the following:

18 “(V) STATELESS PERSONS.—
19 Clause (i) shall not apply to a noncit-
20 izen who demonstrates that he or she
21 is a stateless person (as defined in
22 section 245B(a)).”.

1 **SEC. 1312. PREVENTION OF STATELESSNESS.**

2 (a) BIRTHS TO UNITED STATES CITIZENS OVER-
3 SEAS.—Section 301 of the Immigration and Nationality
4 Act (8 U.S.C. 1401) is amended—

5 (1) in subsection (g), by striking “; and” and
6 inserting a semicolon;

7 (2) in subsection (h), by striking the period at
8 the end and inserting “; and”; and

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

10 “(i) a person born to a citizen of the United States
11 outside the United States or in an outlying possession of
12 the United States, if such person is born as a stateless
13 person (as defined in section 245B(a)).”.

14 (b) FOUNDLINGS.—Section 301 of the Immigration
15 and Nationality Act (8 U.S.C. 1401) is further amended
16 by striking subsection (f) and inserting the following:

17 “(f) a person of unknown parentage found in the
18 United States while under the age of 18 years, until
19 shown, prior to the person attaining the age of 21 years,
20 not to have been born in the United States;”.

21 (c) STATELESS SAFEGUARDS FOR DERIVATIVE CITI-
22 ZENSHIP AND INTERNATIONAL ADOPTIONS.—

23 (1) STATELESS SAFEGUARDS.—Section 320 of
24 the Immigration and Nationality Act (8 U.S.C.
25 1431) is amended by adding at the end the fol-
26 lowing:

1 “(e)(1) Notwithstanding any other provision of law,
2 a person born outside the United States or in an outlying
3 possession who is or becomes a stateless person (as defined
4 in section 245B(a)) automatically becomes a citizen of the
5 United States on the date on which one of the following
6 conditions has been fulfilled:

7 “(A) One parent is or was a citizen of the
8 United States.

9 “(B) The person was adopted by—

10 “(i) a citizen of the United States; or

11 “(ii) an individual who became a citizen of
12 the United States after the date of such adop-
13 tion.

14 “(2) This subsection applies to any person who meets
15 the criteria under paragraph (1) at any time.”.

16 (2) AGE.—Section 320(a) of the Immigration
17 and Nationality Act (8 U.S.C. 1431(a)) is amended
18 by striking paragraph (2) and inserting the fol-
19 lowing:

20 “(2) The child is under the age of 21 years.”.

21 (3) ENTRY AND CUSTODY.—Section 320(a) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1431(a)) is further amended by striking paragraph
24 (3) and inserting the following:

1 “(3) The child is residing in the United States,
2 and provided such child is under the legal age of
3 adulthood in the State in which the parent of the
4 child or the child resides, is in the legal and physical
5 custody of the citizen parent.”.

6 (d) PROGRAMS TO PREVENT STATELESSNESS.—The
7 Secretary of Homeland Security and Secretary of State
8 shall jointly establish and carry out initiatives to prevent
9 statelessness from occurring, which may include—

10 (1) an assessment of United States citizenship
11 law to determine and amend any provision of law
12 that results in statelessness or a delayed acquisition
13 of nationality that increases the risk of statelessness;

14 (2) studies on the profiles and number of state-
15 less people living in the United States;

16 (3) programs to promote inclusive and non-
17 discriminatory nationality laws and practices in
18 other countries, with particular attention to the pre-
19 vention of atrocity crimes;

20 (4) programs to encourage other countries to
21 establish stateless status determination and protec-
22 tion legislation; and

23 (5) grants to universities and nongovernmental
24 organizations to accelerate research, education, cur-

1 ricula, and knowledge on nationality law and prac-
2 tice and statelessness.

3 **CHAPTER 2—OTHER INDIVIDUALS**

4 **SEC. 1321. PROTECTING VICTIMS OF TERRORISM FROM**
5 **BEING DEFINED AS TERRORISTS.**

6 (a) SECURITY AND RELATED GROUNDS.—Section
7 212(a)(3)(B) of the Immigration and Nationality Act (8
8 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

9 “(B) TERRORIST ACTIVITIES.—

10 “(i) IN GENERAL.—Any alien who—

11 “(I) has engaged in a terrorist
12 activity;

13 “(II) a consular officer, the At-
14 torney General, or the Secretary of
15 Homeland Security knows, or has rea-
16 sonable grounds to believe, is engaged
17 in or is likely to engage after entry in
18 any terrorist activity (as defined in
19 clause (ii));

20 “(III) has, under circumstances
21 indicating an intention to cause death
22 or serious bodily harm, incited ter-
23 rorist activity;

24 “(IV) is a representative (as de-
25 fined in clause (v)) of—

1 “(aa) a terrorist organiza-
2 tion described in subclause (I) or
3 (II) of clause (vi)); and

4 “(bb) a political, social, or
5 other group that endorses or es-
6 pouses terrorist activity;

7 “(V) is a member of a terrorist
8 organization described in subclause (I)
9 or (II) of clause (vi);

10 “(VI) endorses or espouses ter-
11 rorist activity or persuades others to
12 endorse or espouse terrorist activity or
13 to support a terrorist organization de-
14 scribed in subclause (I) or (II) of
15 clause (vi); or

16 “(VII) has received military-type
17 training (as defined in section 2339D
18 (c)(1) of title 18, United States Code)
19 from or on behalf of any organization
20 that, at the time the training was re-
21 ceived, was a terrorist organization
22 described in subclause (I) or (II) of
23 clause (vi)), or was a terrorist organi-
24 zation described in subclause (III) of
25 such clause and there are reasonable

1 grounds for regarding the alien as a
2 danger to the security of the United
3 States,

4 is inadmissible. An alien who is an officer,
5 official, representative, or spokesman of
6 the Palestine Liberation Organization is
7 considered, for purposes of this Act, to be
8 engaged in a terrorist activity.

9 “(ii) TERRORIST ACTIVITY DE-
10 FINED.—In this Act, the term ‘terrorist
11 activity’ means any activity that is unlaw-
12 ful under the laws of the place in which it
13 is committed (or which, if it had been com-
14 mitted in the United States, would be un-
15 lawful under the laws of the United States
16 or any State) and that involves any of the
17 following:

18 “(I) The highjacking or sabotage
19 of any conveyance (including an air-
20 craft, vessel, or vehicle).

21 “(II) The seizing or detaining,
22 and threatening to kill, injure, or con-
23 tinue to detain, another individual in
24 order to compel a third person (in-
25 cluding a governmental organization)

1 to carry out or abstain from carrying
2 out any act as an explicit or implicit
3 condition for the release of the indi-
4 vidual seized or detained.

5 “(III) A violent attack upon an
6 internationally protected person (as
7 defined in section 1116(b)(4) of title
8 18, United States Code) or upon the
9 liberty of such person.

10 “(IV) An assassination.

11 “(V) The use, with the intent to
12 endanger the safety of 1 or more indi-
13 viduals or to cause substantial dam-
14 age to property, of any—

15 “(aa) biological agent, chem-
16 ical agent, or nuclear weapon or
17 device; or

18 “(bb) explosive, firearm, or
19 other weapon or dangerous device
20 (other than for mere personal
21 monetary gain), with intent to
22 endanger, directly or indirectly,
23 the safety of one or more individ-
24 uals or to cause substantial dam-
25 age to property.

1 “(VI) A threat, attempt, or con-
2 spiracy to do any of the foregoing.

3 “(iii) ENGAGE IN TERRORIST ACTIV-
4 ITY DEFINED.—In this Act, the term ‘en-
5 gage in terrorist activity’ means, in an in-
6 dividual capacity or as a member of an or-
7 ganization—

8 “(I) to commit or to incite to
9 commit, under circumstances indi-
10 cating an intention to cause death or
11 serious bodily injury, a terrorist activ-
12 ity;

13 “(II) to prepare or plan a ter-
14 rorist activity;

15 “(III) to gather information on
16 potential targets for terrorist activity;

17 “(IV) to solicit funds or other
18 things of value for—

19 “(aa) a terrorist activity; or

20 “(bb) a terrorist organiza-
21 tion described in subclause (I) or

22 (II) of clause (vi)(II);

23 “(V) to solicit any individual—

1 “(aa) to engage in conduct
2 otherwise described in this sub-
3 section; or

4 “(bb) for membership in a
5 terrorist organization described
6 in subclause (I) or (II) of clause
7 (vi); or

8 “(VI) to commit an act that the
9 actor knows, or reasonably should
10 know, affords material support, in-
11 cluding a safe house, transportation,
12 communications, funds, transfer of
13 funds or other material financial ben-
14 efit, false documentation or identifica-
15 tion, weapons (including chemical, bi-
16 ological, or radiological weapons), ex-
17 plosives, or training—

18 “(aa) for the commission of
19 a terrorist activity;

20 “(bb) to any individual who
21 the actor knows, or reasonably
22 should know, has committed or
23 plans to commit a terrorist activ-
24 ity; or

1 “(cc) to a terrorist organiza-
2 tion described in subclause (I) or
3 (II) of clause (vi) or to any mem-
4 ber of such an organization.

5 “(iv) MATERIAL SUPPORT.—In this
6 Act, the term ‘material support’ means
7 support that is significant and of a kind
8 directly relevant to terrorist activity.

9 “(v) REPRESENTATIVE DEFINED.—In
10 this paragraph, the term ‘representative’
11 includes an officer, official, or spokesman
12 of an organization, and any person who di-
13 rects, counsels, commands, or induces an
14 organization or its members to engage in
15 terrorist activity.

16 “(vi) TERRORIST ORGANIZATION DE-
17 FINED.—In this section, the term ‘terrorist
18 organization’ means an organization—

19 “(I) designated under section
20 219; or

21 “(II) otherwise designated, upon
22 publication in the Federal Register, by
23 the Secretary of State in consultation
24 with or upon the request of the Attor-
25 ney General or the Secretary of

1 Homeland Security, as a terrorist or-
2 ganization, after finding that the or-
3 ganization engages in the activities
4 described in subclauses (I) through
5 (VI) of clause (iv).”.

6 (b) CHILD SOLDIERS.—

7 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1182(a)(3)(G)) is amended—

10 (A) by striking “Any alien” and inserting
11 the following:

12 “(i) IN GENERAL.—Any alien”; and

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

14 “(ii) APPLICABILITY.—Clause (i) shall
15 not apply to an alien who establishes that
16 the actions giving rise to inadmissibility
17 under such clause were committed under
18 duress or carried out while the alien was
19 younger than 18 years of age.”.

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

22 (A) by striking “Any alien” and inserting
23 the following:

24 “(i) IN GENERAL.—Any alien”; and

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

1 “(ii) APPLICABILITY.—Clause (i) shall
2 not apply to an alien who establishes that
3 the actions giving rise to deportability
4 under such clause were committed under
5 duress or carried out while the alien was
6 younger than 18 years of age.”.

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

11 “(B)(i) The Secretary of State, after consulta-
12 tion with the Attorney General and the Secretary of
13 Homeland Security, or the Secretary of Homeland
14 Security, after consultation with the Secretary of
15 State and the Attorney General, may conclude, in
16 such Secretary’s sole, unreviewable discretion, that
17 subsection (a)(3)(B) shall not apply to an alien or
18 that subsection (a)(3)(B)(iii)(V)(cc) shall not apply
19 to a group. The Secretary of State may not exercise
20 discretion under this clause with respect to an alien
21 after removal proceedings against the alien have
22 commenced under section 240.”.

1 **SEC. 1322. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

2 (a) IN GENERAL.—Section 241(b)(3) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1231(b)(3)), as
4 amended by section 1105, is amended—

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

11 (2) in subparagraph (A)—

12 (A) by striking “Notwithstanding” and in-
13 serting the following:

14 “(i) LIFE OR FREEDOM THREAT-
15 ENED.—Notwithstanding”;

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

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

25 “(I) until such alien has been
26 granted a confidential interview by an

1 asylum officer, in a language the alien
2 claims to understand, to determine
3 whether that alien has a well-founded
4 fear of persecution because of the
5 alien's race, religion, nationality,
6 membership in a particular social
7 group, or political opinion, or because
8 the alien would be subject to torture
9 in that country; or

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

16 (3) by redesignating subparagraphs (B), (C),
17 and (D) as subparagraphs (C), (D), and (E), respec-
18 tively; and

19 (4) by inserting after subparagraph (A) the fol-
20 lowing:

21 “(B) PROTECTIONS FOR ALIENS INTER-
22 DICTED IN INTERNATIONAL OR UNITED STATES
23 WATERS.—The Secretary of Homeland Security
24 shall issue regulations establishing a uniform

1 procedure applicable to all aliens interdicted in
2 international or United States waters that—

3 “(i) provides each alien—

4 “(I) a meaningful opportunity to
5 express, through a translator who is
6 fluent in a language the alien claims
7 to understand, a fear of return to his
8 or her country of departure, origin, or
9 last habitual residence; and

10 “(II) in a confidential interview
11 and in a language the alien claims to
12 understand, information concerning
13 the alien’s interdiction, including the
14 ability of the alien to inform United
15 States officers about any fears relat-
16 ing to the alien’s return or repatri-
17 ation;

18 “(ii) provides each alien expressing
19 such a fear of return or repatriation a con-
20 fidential interview conducted by an asylum
21 officer, in a language the alien claims to
22 understand, to determine whether the
23 alien’s return to his or her country of de-
24 parture, origin, or last habitual residence

1 is prohibited because the alien has a well-
2 founded fear of persecution—

3 “(I) because of the alien’s race,
4 religion, nationality, membership in a
5 particular social group, or political
6 opinion; or

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

9 “(iii) ensures that each alien can ef-
10 fectively communicate with United States
11 officers through the use of a translator flu-
12 ent in a language the alien claims to un-
13 derstand; and

14 “(iv) provides each alien who, accord-
15 ing to the determination of an asylum offi-
16 cer, has a well-founded fear of persecution
17 for the reasons specified in clause (ii), or
18 who would be subject to torture, an oppor-
19 tunity to seek protection in—

20 “(I) a country other than the
21 alien’s country of departure, origin, or
22 last habitual residence in which the
23 alien has family or other ties that will
24 facilitate resettlement; or

1 “(II) if the alien has no such
2 ties, a country that will best facilitate
3 the alien’s resettlement, which may in-
4 clude the United States.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 240A(c)(5) of the Immigration and
7 Nationality Act (8 U.S.C. 1229b(c)(5)) is amended
8 by striking “section 241(b)(3)(B)(i)” and inserting
9 “section 241(b)(3)(C)(i)”.

10 (2) Section 242(b)(4) of the Immigration and
11 Nationality Act (8 U.S.C. 1252(b)(4)) is amended,
12 in the undesignated matter following subparagraph
13 (D), by striking “241(b)(3)(C)” and inserting
14 “241(b)(3)(D)”.

15 **SEC. 1323. ENHANCED PROTECTION FOR INDIVIDUALS**
16 **SEEKING U VISAS, T VISAS, AND PROTECTION**
17 **UNDER VAWA.**

18 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-
19 PLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-
20 ed by adding at the end the following:

21 “(8) Notwithstanding any provision of this Act grant-
22 ing eligibility for employment in the United States, the
23 Secretary of Homeland Security shall grant employment
24 authorization to an alien who has filed a petition for non-

1 immigrant status under section 101(a)(15)(T) on the date
2 that is the earlier of—

3 “(A) the date on which the alien’s petition for
4 such status is approved; or

5 “(B) a date determined by the Secretary that
6 is not later than 180 days after the date on which
7 such alien filed such petition.”.

8 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT
9 AUTHORIZATION FOR U VISA APPLICANTS.—Section
10 214(p) of the Immigration and Nationality Act (8 U.S.C.
11 1184(p)) is amended—

12 (1) in paragraph (2)(A), by striking “10,000”
13 and inserting “20,000”;

14 (2) in paragraph (6), by striking the last sen-
15 tence; and

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

17 “(8) EMPLOYMENT AUTHORIZATION.—Notwith-
18 standing any provision of this Act granting eligibility
19 for employment in the United States, the Secretary
20 of Homeland Security shall grant employment au-
21 thorization to an alien who has filed an application
22 for nonimmigrant status under section
23 101(a)(15)(U) on the date that is the earlier of—

24 “(A) the date on which the alien’s applica-
25 tion for such status is approved; or

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

4 (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS
5 WITH PENDING PETITIONS AND APPLICATIONS.—

6 (1) IN GENERAL.—Section 240 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1229a) is amend-
8 ed—

9 (A) by redesignating subsection (e) as sub-
10 section (f); and

11 (B) by inserting after subsection (d) the
12 following:

13 “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-
14 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

15 “(1) IN GENERAL.—An alien described in para-
16 graph (2) shall not be removed from the United
17 States under this section or any other provision of
18 law until there is a final denial of the alien’s applica-
19 tion for status after the exhaustion of administrative
20 and judicial review.

21 “(2) ALIENS DESCRIBED.—An alien described
22 in this paragraph is an alien who—

23 “(A) has a pending application or petition
24 under—

1 “(i) subparagraph (T) or (U) of sec-
2 tion 101(a)(15);

3 “(ii) section 106;

4 “(iii) section 240A(b)(2); or

5 “(iv) section 244(a)(3) (as in effect on
6 March 31, 1997); or

7 “(B) is a VAWA self-petitioner, as defined
8 in section 101(a)(51), and has a pending appli-
9 cation for relief under a provision referred to in
10 any of subparagraphs (A) through (G) of such
11 section.”.

12 (2) CONFORMING AMENDMENT.—Section
13 240(b)(7) of the Immigration and Nationality Act (8
14 U.S.C. 1229a(b)(7)) is amended by striking “sub-
15 section (e)(1)” and inserting “subsection (f)”.

16 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-
17 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—
18 Section 236 of the Immigration and Nationality Act (8
19 U.S.C. 1226) is amended by adding at the end the fol-
20 lowing:

21 “(f) PROHIBITION ON DETENTION OF CERTAIN VIC-
22 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

23 “(1) PRESUMPTION OF RELEASE.—

24 “(A) IN GENERAL.—Notwithstanding any
25 other provision of this Act, there shall be a pre-

1 sumption that an alien described in paragraph
2 (2) should be released from detention.

3 “(B) REBUTTAL.—The Secretary of
4 Homeland Security may rebut the presumption
5 of release based on clear and convincing evi-
6 dence, including credible and individualized in-
7 formation, that—

8 “(i) the use of alternatives to deten-
9 tion will not reasonably ensure the appear-
10 ance of the alien at removal proceedings;
11 or

12 “(ii) the alien is a threat to another
13 person or the community.

14 “(C) PENDING CRIMINAL CHARGE.—A
15 pending criminal charge against an alien may
16 not be the sole factor to justify the continued
17 detention of the alien.

18 “(2) ALIEN DESCRIBED.—An alien described in
19 this paragraph is an alien who—

20 “(A) has a pending application under—

21 “(i) subparagraph (T) or (U) of sec-
22 tion 101(a)(15);

23 “(ii) section 106;

24 “(iii) section 240A(b)(2); or

1 “(iv) section 244(a)(3) (as in effect on
2 March 31, 1997); or

3 “(B) is a VAWA self-petitioner, as defined
4 in section 101(a)(51), and has a pending peti-
5 tion for relief under a provision referred to in
6 any of subparagraphs (A) through (G) of such
7 section.”.

8 **Subtitle D—Protections Relating to**
9 **Removal, Detention, and Pros-**
10 **ecution**

11 **SEC. 1401. PREVENTION OF ERRONEOUS IN ABSENTIA OR-**
12 **DERS OF REMOVAL.**

13 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1229(a)) is amended—

16 (1) in paragraph (1)(F), by inserting “the Sec-
17 retary of Homeland Security or” before “the Attor-
18 ney General” each place such term appears; and

19 (2) in paragraph (2)(A) by striking “the alien
20 or to the alien’s counsel of record” and inserting
21 “the alien and to the alien’s counsel of record.”.

22 (b) REMOVAL IN ABSENTIA AND RESCISSION OF RE-
23 MOVAL ORDERS.—Section 240(b) of the Immigration and
24 Nationality Act (8 U.S.C. 1229a(b)), as amended by sec-
25 tion 1203, is further amended—

1 (1) in paragraph (5)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) REMOVAL IN ABSENTIA.—

5 “(i) IN GENERAL.—Any alien who,
6 after a proceeding under this section is re-
7 scheduled by an immigration judge due to
8 the alien’s failure to attend such pro-
9 ceeding, and written notice required under
10 paragraph (1) or (2) of section 239(a) has
11 been provided to the alien and the alien’s
12 counsel of record, does not attend a pro-
13 ceeding under this section, may be ordered
14 removed in absentia if the Department of
15 Homeland Security establishes by clear,
16 unequivocal, and convincing evidence
17 that—

18 “(I) sufficient written notice was
19 so provided;

20 “(II) the alien is removable; and

21 “(III) in the case of an alien re-
22 quired to periodically report to the
23 Department of Homeland Security,
24 the alien has demonstrated a pattern
25 of failing to report.

1 “(ii) SUFFICIENT NOTICE.—The writ-
2 ten notice by the Secretary of Homeland
3 Security or the Attorney General shall be
4 considered sufficient for purposes of this
5 subparagraph if—

6 “(I) the notice includes—

7 “(aa) the accurate date,
8 time, and court location at which
9 the alien is required to appear;
10 and

11 “(bb) the date on which the
12 notice was issued;

13 “(II) the notice is provided at the
14 most recent complete physical address
15 provided under section 239(a); and

16 “(III) the certificate of service
17 for the notice indicates that oral no-
18 tice and a recitation of the con-
19 sequences of failure to appear were
20 provided—

21 “(aa) in the native language
22 of the alien; or

23 “(bb) in a language the
24 alien understands.”; and

1 (B) by amending paragraph (C) to read as
2 follows:

3 “(C) RESCISSION OF ORDER.—

4 “(i) IN GENERAL.—Such an order
5 may be rescinded only—

6 “(I) upon a motion to reopen
7 filed at any time after the date of the
8 order of removal if the alien dem-
9 onstrates that the failure to appear
10 was because of exceptional cir-
11 cumstances;

12 “(II) upon a motion to reopen
13 filed at any time if the alien dem-
14 onstrates that the alien did not receive
15 notice in accordance with paragraph
16 (1) or (2) of section 239(a) or the
17 alien demonstrates that the alien was
18 in Federal or State custody and the
19 failure to appear was through no fault
20 of the alien;

21 “(III) in the case of an alien who
22 is a minor child, upon a motion to re-
23 open filed at any time; or

24 “(IV) upon a motion to reopen
25 filed at any time if the alien has a

1 pending application for asylum, with-
2 holding of removal, or protection
3 under the Convention against Torture
4 and Other Cruel, Inhuman or Degrad-
5 ing Treatment or Punishment, done
6 at New York December 10, 1984, or
7 demonstrates that he or she has a
8 credible claim to any such protection.

9 “(ii) STAY OF REMOVAL.—The filing
10 of the motion to reopen described in clause
11 (i) shall stay the removal of the alien pend-
12 ing disposition of the motion by the immi-
13 gration judge.”; and

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

15 “(9) CHECK-IN HISTORY.—Before an immigra-
16 tion judge conducts a proceeding under this section,
17 the Secretary of Homeland Security shall report to
18 the immigration judge the extent to which the alien
19 has complied with any requirement to report periodi-
20 cally the whereabouts of the alien to the Secretary
21 of Homeland Security.”.

22 **SEC. 1402. SCOPE AND STANDARD FOR REVIEW OF RE-**
23 **MOVAL ORDERS.**

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

1 (1) in paragraph (1)—

2 (A) by striking “The petition” and insert-
3 ing the following:

4 “(A) IN GENERAL.—The petition”; and

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

6 “(B) PROHIBITION ON REMOVAL.—An
7 alien shall not be removed during such 30-day
8 period unless the alien indicates in writing that
9 he or she wishes to be removed before the expi-
10 ration of such period.”; and

11 (2) by striking paragraph (4) and inserting the
12 following:

13 “(4) SCOPE AND STANDARD FOR REVIEW.—

14 “(A) IN GENERAL.—Except as provided in
15 paragraph (5)(B), the court of appeals shall
16 sustain a final decision ordering removal unless
17 it is contrary to law, an abuse of discretion, or
18 not supported by substantial evidence.

19 “(B) DECISION BASED ON ADMINISTRA-
20 TIVE RECORD.—The court of appeals shall de-
21 cide the petition based solely on the administra-
22 tive record on which the order of removal is
23 based.

24 “(C) AVAILABILITY OF REVIEW.—

1 “(i) IN GENERAL.—The court of ap-
2 peals shall maintain jurisdiction to review
3 discretionary determinations arising in a
4 claim for asylum.

5 “(ii) JURISDICTION OVER DENIALS.—
6 Notwithstanding section 242(a)(2)(C), the
7 court of appeals shall maintain jurisdiction
8 to review all denials of requests for with-
9 holding of removal under section 241(b)(3)
10 or protection under the Convention against
11 Torture and Other Cruel, Inhuman or De-
12 grading Treatment or Punishment, done at
13 New York December 10, 1984.”.

14 **SEC. 1403. PRESUMPTION OF LIBERTY FOR ASYLUM SEEK-**
15 **ERS.**

16 (a) CUSTODY DETERMINATION.—

17 (1) INITIAL DETERMINATION.—

18 (A) IN GENERAL.—With respect to an
19 alien who has expressed fear of returning to his
20 or her home country or an intent to apply for
21 asylum in the United States, the Secretary shall
22 make an initial written custody determination
23 with respect to the alien and provide the deter-
24 mination to the alien not later than 48 hours
25 after, as applicable—

1 (i) the Secretary takes the alien into
2 custody; or

3 (ii) in the case of an alien already in
4 the custody of the Secretary, the alien ex-
5 presses such fear or intent.

6 (B) LEAST RESTRICTIVE CONDITIONS.—A
7 custody determination under this paragraph
8 shall impose the least restrictive conditions if
9 the Secretary determines that the release of an
10 alien—

11 (i) will not reasonably ensure the ap-
12 pearance of the alien as required; or

13 (ii) will endanger the safety of any
14 other person or the community.

15 (C) APPLICABILITY.—This paragraph shall
16 not apply to unaccompanied alien children (as
17 defined in section 462(g) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 279g)).

19 (2) PRESUMPTION OF RELEASE.—

20 (A) IN GENERAL.—In a hearing under this
21 subsection, there shall be a presumption that
22 the alien should be released.

23 (B) REBUTTAL.—The Secretary may rebut
24 the presumption of release based on clear and

1 convincing evidence, including credible and indi-
2 vidualized information, that—

3 (i) the use of alternatives to detention,
4 including release on recognizance or on a
5 reasonable bond, will not reasonably ensure
6 the appearance of the alien at removal pro-
7 ceedings; or

8 (ii) the alien is a threat to another
9 person or the community.

10 (C) PENDING CRIMINAL CHARGE.—A
11 pending criminal charge against an alien may
12 not be the sole factor to justify the continued
13 detention of the alien.

14 (D) EVIDENCE OF IDENTITY.—The inabil-
15 ity of an alien to reasonably provide govern-
16 ment-issued evidence of identity, including the
17 inability of the alien to contact the government
18 of the country of nationality of the alien so as
19 not to alert such government of the where-
20 abouts of the alien, may not be the sole factor
21 to justify the continued detention of the alien.

22 (E) PRE-EXISTING COMMUNITY TIES.—A
23 lack of pre-existing community ties in the
24 United States shall not preclude the release of
25 an alien.

1 (b) LEAST RESTRICTIVE CONDITIONS REQUIRED.—

2 (1) IN GENERAL.—If the Secretary or an immi-
3 gration judge determines, pursuant to a hearing
4 under this section, that the release of an alien will
5 not reasonably ensure the appearance of the alien as
6 required or will endanger the safety of any other
7 person or the community, the Secretary or the immi-
8 gration judge shall order the least restrictive condi-
9 tions or combination of conditions that the Secretary
10 or judge determines will reasonably ensure the ap-
11 pearance of the alien and the safety of any other
12 person and the community, which may include—

13 (A) release on recognizance;

14 (B) secured or unsecured release on bond;

15 or

16 (C) participation in a program described in
17 subsection (d).

18 (2) MONTHLY REVIEW.—Any condition as-
19 signed to an alien under paragraph (1) shall be re-
20 viewed by an immigration judge on a monthly basis.

21 (c) SPECIAL RULE FOR VULNERABLE PERSONS AND
22 PRIMARY CAREGIVERS.—

23 (1) IN GENERAL.—In the case that the alien
24 who is the subject of a custody determination under
25 this section is a vulnerable person or a primary care-

1 giver, the alien may not be detained unless the Sec-
2 retary demonstrates, in addition to the requirements
3 under subsection (a)(2), that it is unreasonable or
4 not practicable to place the individual in a commu-
5 nity-based supervision program.

6 (2) DEFINITIONS.—In this subsection:

7 (A) MATERIAL WITNESS.—The term “ma-
8 terial witness” means an individual who pre-
9 sents a declaration to an attorney investigating,
10 prosecuting, or defending the workplace claim
11 or from the presiding officer overseeing the
12 workplace claim attesting that, to the best of
13 the declarant’s knowledge and belief, reasonable
14 cause exists to believe that the testimony of the
15 individual will be relevant to the outcome of the
16 workplace claim.

17 (B) PRIMARY CAREGIVER.—The term “pri-
18 mary caregiver” means a person who is estab-
19 lished to be a caregiver, parent, or close relative
20 caring for or traveling with a child.

21 (C) VULNERABLE PERSON.—The term
22 “vulnerable person” means an individual who—

23 (i) is under 21 years of age or over 60

24 years of age;

25 (ii) is pregnant;

- 1 (iii) identifies as lesbian, gay, bisexual,
2 ual, transgender, or intersex;
- 3 (iv) is a victim or witness of a crime;
- 4 (v) has filed a nonfrivolous civil rights
5 claim in Federal or State court;
- 6 (vi) has filed, or is a material witness
7 to, a bonafide workplace claim;
- 8 (vii) has a serious mental or physical
9 illness or disability;
- 10 (viii) has been determined by an asy-
11 lum officer in an interview conducted
12 under section 235(b)(1)(B) of the Immi-
13 gration and Nationality Act (8 U.S.C.
14 1225(b)(1)(B)) to have a credible fear of
15 persecution or torture;
- 16 (ix) has limited English language pro-
17 ficiency and is not provided access to ap-
18 propriate and meaningful language services
19 in a timely fashion; or
- 20 (x) has been determined by an immi-
21 gration judge or the Secretary of Home-
22 land Security to be experiencing severe
23 trauma or to be a survivor of torture or
24 gender-based violence, based on informa-
25 tion obtained during intake, from the

1 alien’s attorney or legal service provider, or
2 through credible self-reporting.

3 (D) WORKPLACE CLAIM.—The term
4 “workplace claim” means any written or oral
5 claim, charge, complaint, or grievance filed
6 with, communicated to, or submitted to the em-
7 ployer, a Federal, State, or local agency or
8 court, or an employee representative related to
9 the violation of applicable Federal, State, and
10 local labor laws, including laws concerning
11 wages and hours, labor relations, family and
12 medical leave, occupational health and safety,
13 civil rights, or nondiscrimination.

14 (d) ALTERNATIVES TO DETENTION.—

15 (1) IN GENERAL.—The Secretary shall establish
16 programs that provide alternatives to detaining
17 aliens, which shall offer a continuum of supervision
18 mechanisms and options, including community-based
19 supervision programs and community support.

20 (2) CONTRACTS WITH NONGOVERNMENTAL OR-
21 GANIZATIONS.—The Secretary shall contract with
22 nongovernmental community-based organizations to
23 provide services for programs under paragraph (1),
24 including case management services, appearance as-
25 sistance services, and screenings of detained aliens.

1 (3) INDIVIDUALIZED DETERMINATION RE-
2 QUIRED.—

3 (A) IN GENERAL.—In determining whether
4 to order an alien to participate in a program
5 under this subsection, the Secretary or an im-
6 migration judge, as applicable, shall make an
7 individualized determination with respect to the
8 appropriate level of supervision for the alien.

9 (B) LIMITATION.—Participation in a pro-
10 gram under this subsection may not be ordered
11 for an alien for whom it is determined that re-
12 lease on reasonable bond or recognizance—

13 (i) will reasonably ensure the appear-
14 ance of the alien as required; and

15 (ii) will not pose a threat to any other
16 person or the community.

17 (e) REGULAR REVIEW OF CUSTODY DETERMINA-
18 TIONS AND CONDITIONS OF RELEASE.—

19 (1) TIMING.—In the case of an alien who seeks
20 to challenge the initial custody determination under
21 subsection (a)(1), not later than 72 hours after the
22 initial custody determination, the alien shall be pro-
23 vided with the opportunity for a hearing before an
24 immigration judge to determine whether the alien
25 should be detained.

1 (2) SUBSEQUENT DETERMINATIONS.—An alien
2 who is detained under this section shall be provided
3 with a de novo custody determination hearing under
4 this subsection—

5 (A) every 60 days; and

6 (B) on a showing of—

7 (i) changed circumstances; or

8 (ii) good cause for such a hearing.

9 **SEC. 1404. PROCEDURES FOR ENSURING ACCURACY AND**
10 **VERIFIABILITY OF SWORN STATEMENTS**
11 **TAKEN PURSUANT TO EXPEDITED REMOVAL**
12 **AUTHORITY.**

13 (a) IN GENERAL.—The Secretary shall establish
14 quality assurance procedures to ensure the accuracy and
15 verifiability of signed or sworn statements taken by em-
16 ployees of the Department exercising expedited removal
17 authority under section 235(b) of the Immigration and
18 Nationality Act (8 U.S.C. 1225(b)).

19 (b) RECORDING OF INTERVIEWS.—

20 (1) IN GENERAL.—Any sworn or signed written
21 statement taken from an alien as part of the record
22 of a proceeding under section 235(b)(1)(A) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1225(b)(1)(A)) shall be accompanied by a recording

1 of the interview that served as the basis for such
2 sworn statement.

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

4 (A) a reading of the entire written state-
5 ment to the alien in a language that the alien
6 claims to understand; and

7 (B) the verbal affirmation by the alien of
8 the accuracy of—

9 (i) the written statement; or

10 (ii) a corrected version of the written
11 statement.

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

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

17 (c) EXEMPTION AUTHORITY.—

18 (1) EXEMPTED FACILITIES.—Subsection (b)
19 shall not apply to interviews that occur at detention
20 facilities exempted by the Secretary under this sub-
21 section.

22 (2) CRITERIA.—The Secretary, or a designee of
23 the Secretary, may exempt any detention facility if
24 compliance with subsection (b) at that facility would
25 impair operations or impose undue burdens or costs.

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

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

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

9 (1) the interviewing officer is not certified by
10 the Department to speak a language understood by
11 the alien; and

12 (2) there is no other Federal Government em-
13 ployee available who is able to interpret effectively,
14 accurately, and impartially.

15 **SEC. 1405. INSPECTIONS BY IMMIGRATION OFFICERS.**

16 Section 235(a)(3) of the Immigration and Nationality
17 Act (8 U.S.C. 1225(a)(3)) is amended—

18 (1) by striking “All aliens” and inserting the
19 following:

20 “(A) IN GENERAL.—All aliens;”; and

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

22 “(B) An immigration officer shall accept
23 for inspection, and may not turn back, expel,
24 instruct to return at a later time, refuse to in-
25 spect, or otherwise reject in any manner what-

1 soever, an applicant for admission who indi-
2 cates—

3 “(i) an intent to apply for asylum
4 under section 208; or

5 “(ii) a fear of persecution.

6 “(C) SPECIAL RULE FOR ASYLUM SEEK-
7 ERS.—A noncitizen may not be returned to a
8 contiguous country if the noncitizen indicates
9 an intent to apply for asylum or a fear of perse-
10 cution.”.

11 **SEC. 1406. STUDY ON EFFECT ON ASYLUM CLAIMS OF EXPE-**
12 **DITED REMOVAL PROVISIONS, PRACTICES,**
13 **AND PROCEDURES.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Commission shall con-
16 duct a study to determine whether immigration offi-
17 cers are engaging in conduct described in paragraph
18 (2).

19 (2) CONDUCT DESCRIBED.—The conduct de-
20 scribed in this paragraph is the following:

21 (A) Improperly encouraging an alien to
22 withdraw or retract an asylum claim.

23 (B) Incorrectly failing to refer an alien for
24 an interview by an asylum officer to determine
25 whether the alien has a credible fear of persecu-

1 tion, including failing to record the expression
2 of an alien of fear of persecution or torture.

3 (C) Incorrectly removing an alien to a
4 country in which the alien may be persecuted.

5 (D) Detaining an alien improperly or
6 under inappropriate conditions.

7 (E) Improperly separating a family unit
8 after a member of the family unit has expressed
9 a credible fear of persecution.

10 (F) Improperly referring an alien for proc-
11 essing under an enforcement or deterrence pro-
12 gram, such as the consequence delivery system.

13 (b) REPORT.—Not later than 2 years after the date
14 on which the Commission initiates the study under sub-
15 section (a), the Commission shall submit to the appro-
16 priate committees of Congress a report describing the re-
17 sults of the study.

18 (c) STAFFING.—

19 (1) AGENCY EMPLOYEES.—

20 (A) IDENTIFICATION.—The Commission
21 may identify employees of the Department of
22 Homeland Security, the Department of Justice,
23 and the Government Accountability Office who
24 have significant expertise and knowledge of ref-
25 ugee and asylum issues.

1 (B) DESIGNATION.—At the request of the
2 Commission, the Secretary, the Attorney Gen-
3 eral, and the Comptroller General of the United
4 States shall authorize the employees identified
5 under subparagraph (A) to assist the Commis-
6 sion in conducting the study under subsection
7 (a).

8 (2) ADDITIONAL STAFF.—The Commission may
9 hire additional staff and consultants to conduct the
10 study under subsection (a).

11 (3) ACCESS TO PROCEEDINGS.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Secretary and the Attor-
14 ney General shall provide staff designated
15 under paragraph (1)(B) or hired under para-
16 graph (2) with unrestricted access to all stages
17 of all proceedings conducted under section
18 235(b) of the Immigration and Nationality Act
19 (8 U.S.C. 1225(b)).

20 (B) EXCEPTIONS.—The Secretary and the
21 Attorney General may not permit unrestricted
22 access under subparagraph (A) if—

23 (i) the alien subject to a proceeding
24 under such section 235(b) objects to such
25 access; or

1 (ii) the Secretary or Attorney General
2 determines that the security of a particular
3 proceeding would be threatened by such
4 access.

5 (d) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Homeland Security
10 and Governmental Affairs, the Committee on
11 the Judiciary, and the Committee on Foreign
12 Relations of the Senate; and

13 (B) the Committee on Homeland Security,
14 the Committee on the Judiciary, and the Com-
15 mittee on Foreign Affairs of the House of Rep-
16 resentatives.

17 (2) COMMISSION.—The term “Commission”
18 means the United States Commission on Inter-
19 national Religious Freedom.

20 (3) CREDIBLE FEAR OF PERSECUTION.—The
21 term “credible fear of persecution” has the meaning
22 given the term in section 235(b)(1)(B)(v) of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1225(b)(1)(B)(v)).

1 (4) IMMIGRATION OFFICER.—The term “immi-
2 gration officer” means an immigration officer per-
3 forming duties under section 235(b) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1225(b)) with re-
5 spect to aliens who—

6 (A) are apprehended after entering the
7 United States;

8 (B) may be eligible to apply for asylum
9 under section 208 of that Act (8 U.S.C. 1158);
10 or

11 (C) may have a credible fear of persecu-
12 tion.

13 **SEC. 1407. ALIGNMENT WITH REFUGEE CONVENTION OBLI-**
14 **GATIONS BY PROHIBITING CRIMINAL PROS-**
15 **ECUTION OF REFUGEES.**

16 (a) IN GENERAL.—An alien who has expressed a
17 credible or reasonable fear of persecution, filed an applica-
18 tion for asylum, withholding of removal, or protection
19 under the Convention against Torture and Other Cruel,
20 Inhuman or Degrading Treatment or Punishment, done
21 at New York December 10, 1984, or expressed an intent
22 to file such an application, may not be prosecuted under
23 section 275(a) or 276(a) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1325(a), 1326(a)) until the earlier
25 of—

1 (1) the date on which any such application has
2 been finally adjudicated and denied, including any
3 appeals of such denial; or

4 (2) in the case of an alien who expresses an in-
5 tent to file such an application, the date on which
6 any applicable time limitation for the filing of such
7 an application under section 208 of such Act has
8 ended with an application being filed.

9 (b) AFFIRMATIVE DEFENSE.—If an alien is pros-
10 ecuted under section 275(a) or 276(a) of the Immigration
11 and Nationality Act (8 U.S.C. 1325(a) and 1326(a)) in
12 violation of subsection (a), it shall be a defense that the
13 alien has expressed a credible or reasonable fear of perse-
14 cution, has filed an application for asylum or another form
15 of protection, and such application has not been finally
16 adjudicated and denied, including any appeals of such de-
17 nial.

18 (c) TREATY OBLIGATIONS.—In accordance with the
19 treaty obligations of the United States under Article 31
20 of the Convention Relating to the Status of Refugees, done
21 at Geneva July 28, 1951 (as made applicable by the Pro-
22 tocol Relating to the Status of Refugees, done at New
23 York January 31, 1967 (19 UST 6223)), an alien who
24 has been granted asylum or withholding of removal under
25 the Immigration and Nationality Act (8 U.S.C. 1101 et

1 seq.) may not be prosecuted under section 275(a) or
2 276(a) of that Act (8 U.S.C. 1325(a) and 1326(a)).

3 **Subtitle E—Refugee Resettlement**

4 **SEC. 1501. SENSE OF CONGRESS ON COORDINATION OF** 5 **REFUGEE PROGRAM AGENCIES.**

6 It is the sense of the Congress that—

7 (1) the President should appoint a White House
8 Coordinator on Refugee Protection and grant such
9 official the authority and staff necessary to coordi-
10 nate, prioritize, and lead efforts to address refugee
11 protection issues that involve multiple agencies, in-
12 cluding the refugee admissions program, and to re-
13 solve interagency differences in a timely, efficient,
14 and effective manner; and

15 (2) such position should be at a senior level and
16 require as a condition for appointment a significant
17 level of prior experience in the refugee protection
18 field.

19 **CHAPTER 1—REFUGEE ADMISSIONS**

20 **SEC. 1511. NUMERICAL GOALS FOR ANNUAL REFUGEE AD-** 21 **MISSIONS.**

22 Section 207 of the Immigration and Nationality Act
23 (8 U.S.C. 1157) is amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (1);

1 (B) by redesignating paragraphs (2) and
2 (4) as paragraphs (1) and (6), respectively;

3 (C) in paragraph (1), as so redesignated—

4 (i) by inserting (A) before “Except as
5 provided”;

6 (ii) by striking “after fiscal year
7 1982”;

8 (iii) by striking “is justified” and all
9 that follows through “interest.” and insert-
10 ing the following:

11 “(i) justified by humanitarian con-
12 cerns or otherwise in the national interest;
13 and

14 “(ii) not fewer than 125,000.”; and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(B) If the President does not issue a de-
18 termination under this paragraph before the be-
19 ginning of a fiscal year, the number of refugees
20 who may be admitted under this section shall
21 be 125,000.

22 “(2) Each officer of the Federal Government
23 responsible for refugee admissions or refugee reset-
24 tlement shall treat a determination under paragraph
25 (1) and subsection (b) as the numerical goals for

1 refugee admissions under this section for the appli-
2 cable fiscal year.”;

3 (D) by inserting after paragraph (3) the
4 following:

5 “(4) In making a determination under para-
6 graph (1), the President shall consider the number
7 of refugees who, during the calendar year beginning
8 immediately after the beginning of the applicable fis-
9 cal year, are in need of resettlement in a third coun-
10 try, as determined by the United Nations High
11 Commissioner for Refugees in the most recently
12 published projected global resettlement needs report.

13 “(5) The President shall determine regional al-
14 locations for admissions under this subsection,
15 that—

16 “(A) shall consider the projected needs
17 identified by the United Nations High Commis-
18 sioner for Refugees in the projected global re-
19 settlement needs report for the calendar year
20 beginning immediately after the beginning of
21 the applicable fiscal year; and

22 “(B) shall include an unallocated reserve
23 that the Secretary of State, after notifying the
24 Committee on the Judiciary of the Senate and
25 the Committee on the Judiciary of the House of

1 Representatives, may use for 1 or more regions
2 in which the need for additional refugee admis-
3 sions arises.”;

4 (E) in paragraph (6), as so redesignated,
5 by striking “(beginning with fiscal year 1992)”;
6 and

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

8 “(7) All officers of the Federal Government re-
9 sponsible for refugee admissions or refugee resettle-
10 ment shall treat the determinations made under this
11 subsection and subsection (b) as the refugee admis-
12 sions goal for the applicable fiscal year.”; and

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

14 “(g) QUARTERLY REPORTS ON ADMISSIONS.—Not
15 later than 15 days after the last day of each quarter, the
16 President shall submit to the Committee on the Judiciary
17 of the Senate and the Committee on the Judiciary of the
18 House of Representatives a report that includes the fol-
19 lowing:

20 “(1) REFUGEES ADMITTED.—

21 “(A) The number of refugees admitted to
22 the United States during the preceding quarter.

23 “(B) The number of refugees admitted to
24 the United States during the preceding quarter,
25 expressed as a percentage of the number of ref-

1 ugees authorized to be admitted in accordance
2 with the determinations under subsections (a)
3 and (b) for the applicable fiscal year.

4 “(C) The cumulative number of refugees
5 admitted to the United States during the appli-
6 cable fiscal year, as of the last day of the pre-
7 ceding quarter.

8 “(D) The number of refugees to be admit-
9 ted to the United States during the remainder
10 of the applicable fiscal year so as to achieve the
11 numerical goals set forth in the determinations
12 under subsections (a) and (b) for such fiscal
13 year.

14 “(E) The number of refugees from each
15 region admitted to the United States during the
16 preceding quarter, expressed as a percentage of
17 the allocation for each region under subsection
18 (a)(5) for the applicable fiscal year.

19 “(2) ALIENS WITH SECURITY ADVISORY OPIN-
20 IONS.—

21 “(A) The number of aliens, by nationality,
22 for whom a Security Advisory Opinion has been
23 requested who were security-cleared during the
24 preceding quarter, expressed as a percentage of
25 all cases successfully adjudicated by the Direc-

1 tor of U.S. Citizenship and Immigration Serv-
2 ices in the applicable fiscal year.

3 “(B) The number of aliens, by nationality,
4 for whom a Security Advisory Opinion has been
5 requested who were admitted to the United
6 States during the preceding quarter.

7 “(3) CIRCUIT RIDES.—

8 “(A) For the preceding quarter—

9 “(i) the number of Refugee Corps of-
10 ficers deployed on circuit rides, expressed
11 as a percentage of the overall number of
12 Refugee Corps officers;

13 “(ii) the number of individuals inter-
14 viewed—

15 “(I) on each circuit ride; and

16 “(II) at each circuit ride location;

17 “(iii) the number of circuit rides; and

18 “(iv) for each circuit ride—

19 “(I) the duration of the circuit
20 ride;

21 “(II) the average number of
22 interviews conducted daily on the cir-
23 cuit ride; and

24 “(III) the percentages of inter-
25 views conducted for—

1 “(aa) individuals who re-
2 quire Security Advisory Opinions;
3 and

4 “(bb) individuals who do not
5 require Security Advisory Opin-
6 ions.

7 “(B) For the subsequent quarter—

8 “(i) the number of circuit rides sched-
9 uled; and

10 “(ii) the number of circuit rides
11 planned.

12 “(4) PROCESSING.—For the preceding quar-
13 ter—

14 “(A) the average number of days be-
15 tween—

16 “(i) the date on which an individual is
17 identified by the United States Govern-
18 ment as a refugee; and

19 “(ii) the date on which such individual
20 is interviewed by the Secretary of Home-
21 land Security;

22 “(B) the average number of days be-
23 tween—

24 “(i) the date on which an individual
25 identified by the United States Govern-

1 ment as a refugee is interviewed by the
2 Secretary of Homeland Security; and

3 “(ii) the date on which such individual
4 is admitted to the United States; and

5 “(C) with respect to individuals identified
6 by the United States Government as refugees
7 who have been interviewed by the Secretary of
8 Homeland Security, the approval, denial, and
9 hold rates for the applications for admission of
10 such individuals, by nationality.

11 “(5) PLAN AND ADDITIONAL INFORMATION.—

12 “(A) A plan that describes the procedural
13 or personnel changes necessary to ensure the
14 admission of the number of refugees authorized
15 to be admitted to the United States in accord-
16 ance with determinations under subsections (a)
17 and (b), including a projection of the number of
18 refugees to be admitted to the United States
19 each month so as to achieve the numerical goals
20 set forth in such determinations.

21 “(B) Additional information relating to the
22 pace of refugee admissions, as determined by
23 the President.

24 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed—

1 “(1) to inhibit the expeditious processing of ref-
2 ugee and asylum applications;

3 “(2) to restrict the authority of the Secretary of
4 Homeland Security to admit aliens to the United
5 States under any other Act; or

6 “(3) to prevent the executive branch from in-
7 creasing the numerical goal of refugee admissions or
8 regional allocations based on emerging or identified
9 resettlement needs during and throughout the fiscal
10 year.”.

11 **SEC. 1512. REFORM OF REFUGEE ADMISSIONS CONSULTA-**
12 **TION PROCESS.**

13 Section 207(e) of the Immigration and Nationality
14 Act (8 U.S.C. 1157(e)) is amended—

15 (1) by redesignating paragraphs (1) through
16 (7) as subparagraphs (A) through (G), respectively;

17 (2) in the matter preceding subparagraph (A),
18 as so redesignated—

19 (A) by inserting “(1)” after “(e)”; and

20 (B) by inserting “, which shall be com-
21 menced not later than May 1 of each year and
22 continue periodically throughout the remainder
23 of the year, if necessary,” after “discussions in
24 person”;

1 (3) in the undesignated matter following sub-
2 paragraph (G), as so redesignated, by striking “To
3 the extent possible,” and inserting the following:

4 “(2) To the extent possible”; and

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

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

8 “(i) the number of refugees the President ex-
9 pects to have ready to travel to the United States
10 at the beginning of the fiscal year;

11 “(ii) the number of refugees and the stipulated
12 populations the President expects to admit to the
13 United States in each quarter of the fiscal year; and

14 “(iii) the number of refugees the President ex-
15 pects to have ready to travel to the United States
16 at the end of the fiscal year.

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

21 “(C) In fulfilling the requirements of this subsection,
22 the President shall—

23 “(i) establish specific objectives or measure-
24 ments for the integration of refugees admitted to the
25 United States; and

1 “(ii) submit an annual report to Congress on
2 the integration of resettled refugees on the basis of
3 such objectives or measurements.”.

4 **SEC. 1513. UNITED STATES EMERGENCY REFUGEE RESET-**
5 **TLEMENT CONTINGENCY FUND.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Treasury of the United States a fund, to be known as the
8 “Domestic Emergency Refugee Resettlement Contingency
9 Fund” (referred to in this section as the “Fund”), to be
10 administered by the Assistant Secretary of the Office of
11 Refugee Resettlement (referred to in this section as the
12 “Assistant Secretary”) for the purpose described in sub-
13 section (b) and to remain available until expended.

14 (b) **PURPOSE.**—Amounts from the Fund shall be
15 used to enable the Assistant Secretary to operate pro-
16 grams and carry out efforts and initiatives to respond to
17 urgent, unanticipated, or underfunded refugee and entrant
18 assistance activities under—

19 (1) the Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.);

21 (2) section 602(b) of the Afghan Allies Protec-
22 tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101
23 note);

1 (3) section 501 of the Refugee Education As-
2 sistance Act of 1980 (Public Law 96–422; 8 U.S.C.
3 1522 note);

4 (4) the Torture Victims Relief Act of 1998
5 (Public Law 105–320; 22 U.S.C. 2152 note);

6 (5) the Trafficking Victims Protection Act of
7 2000 (22 U.S.C. 7101 et seq.);

8 (6) section 1244 of the Refugee Crisis in Iraq
9 Act of 2007 (Public Law 110–181; 8 U.S.C. 1157
10 note);

11 (7) section 235 of the William Wilberforce
12 Trafficking Victims Protection Reauthorization Act
13 of 2008 (8 U.S.C. 1232); and

14 (8) section 462 of the Homeland Security Act
15 of 2002 (6 U.S.C. 279).

16 (c) USE OF FUNDS.—Amounts from the Fund—

17 (1) shall be subject to the same limitations set
18 forth in title V of division H of the Consolidated Ap-
19 propriations Act, 2021 (Public Law 116–260; 134
20 Stat. 1619) as are applicable to funds appropriated
21 for the Department of Health and Human Services
22 under such Act; and

23 (2) may only be used for initiatives that—

24 (A) replenish any previously appropriated
25 funds that have been reprogrammed, trans-

1 ferred, or withheld from programs, projects, or
2 activities that serve refugees and entrants
3 under the authorities described in subsection
4 (b);

5 (B) stabilize existing programs, projects,
6 and activities that serve such refugees and en-
7 trants by augmenting funds previously appro-
8 priated to serve such refugees and entrants;

9 (C) identify unmet resettlement or integra-
10 tion needs of such refugees and entrants and
11 implement solutions for such needs; and

12 (D) meet such other needs as the Assistant
13 Secretary considers appropriate, consistent with
14 the purpose under subsection (b).

15 (d) PROTECTION FROM REPROGRAMMING.—Notwith-
16 standing any other provision of law, none of the amounts
17 deposited into or made available from the Fund may be
18 transferred, reprogrammed, or otherwise made available
19 for any purpose or use not specified in this section.

20 (e) AVAILABILITY OF FUNDS.—Amounts in the Fund
21 shall be available to the Assistant Secretary to meet the
22 purpose described in subsection (b) in the national interest
23 of the United States, as determined by the Assistant Sec-
24 retary.

25 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 there is authorized to be appropriated to the Assist-
3 ant Secretary from time to time such amounts as
4 may be necessary for the Fund to carry out the pur-
5 pose described in subsection (b).

6 (2) LIMITATION.—No amount of funds may be
7 appropriated that, when added to amounts pre-
8 viously appropriated but not yet obligated, would
9 cause such amount to exceed \$300,000,000.

10 (3) JUSTIFICATION TO CONGRESS.—The Presi-
11 dent shall provide to the appropriate committees of
12 Congress a justification for each request for appro-
13 priations under this section.

14 **SEC. 1514. COMPLEMENTARY PATHWAYS.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that any complementary pathways program de-
17 scribed in subsection (b) should be in addition to, and not
18 in lieu of, the United States Refugee Admissions Program.

19 (b) STUDY.—Not later than 1 year after the date of
20 the enactment of this Act, the Comptroller General of the
21 United States shall conduct a study on, and make rec-
22 ommendations pertaining to, complementary pathways to
23 protection in the United States, including scholastic reset-
24 tlement and labor mobility programs or other parallel sys-

1 tems for admitting refugees and individuals fleeing vio-
2 lence and persecution.

3 **CHAPTER 2—RESETTLEMENT PROGRAM**
4 **AND SUPPORT**

5 **SEC. 1521. ELEVATION OF OFFICE OF REFUGEE RESETTLE-**
6 **MENT.**

7 (a) IN GENERAL.—Section 411(a) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1521(a)) is amended
9 by striking the second sentence and inserting the fol-
10 lowing: “The head of the Office of Refugee Resettlement
11 in the Department of Health and Human Services shall
12 be an Assistant Secretary of Health and Human Services
13 for Refugee and Asylee Resettlement (hereinafter in this
14 chapter referred to as the ‘Assistant Secretary’), to be ap-
15 pointed by the President, and to report directly to the Sec-
16 retary.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 411(b) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1521(b)) is amended by
20 striking “Director” and inserting “Assistant Sec-
21 retary”.

22 (2) Section 412 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1522) is amended by striking
24 “Director” each place it appears and inserting “As-
25 sistant Secretary”.

1 **SEC. 1523. STUDY AND REPORT ON CONTRIBUTIONS BY**
2 **REFUGEES TO THE UNITED STATES.**

3 (a) **IN GENERAL.**—Not later than 2 years after the
4 date of the enactment of this Act, and not less frequently
5 than every 5 years thereafter, the Comptroller General of
6 the United States shall conduct a study on the economic,
7 social, and other contributions that refugees make to the
8 United States.

9 (b) **MATTERS TO BE INCLUDED.**—The study con-
10 ducted under subsection (a) shall include the following:

11 (1) An assessment of economic contributions
12 made by refugees, including—

13 (A) during the first year, 5 years, 10
14 years, and 20 years following the arrival of a
15 refugee in the United States—

16 (i) a description of industries in which
17 the most refugees work;

18 (ii) an analysis of the economic and
19 spending power of refugees;

20 (iii) the rate of home ownership of
21 refugees;

22 (iv) the estimated net amount of rev-
23 enue refugees contribute to the United
24 States, as compared to the cost of govern-
25 ment benefits accessed by refugees; and

1 (v) the estimated gross amount of
2 taxes refugees contribute;

3 (B) the estimated rate of entrepreneurship
4 of refugees during the first year, 5 years, 10
5 years, and 20 years after the arrival of a ref-
6 ugee;

7 (C) the number of jobs created by refugee
8 businesses; and

9 (D) the labor markets for which refugees
10 fill critical gaps.

11 (2) An assessment of the rate of refugee self-
12 sufficiency and a description of unmet needs and
13 outcomes, including—

14 (A) the manner in which the Office of Ref-
15 ugee Resettlement defines self-sufficiency;

16 (B) an assessment as to whether such defi-
17 nition is adequate in addressing refugee needs
18 in the United States;

19 (C) an analysis of the unmet needs and
20 outcomes of refugees; and

21 (D) an evaluation of the budgetary re-
22 sources of the Office of Refugee Resettlement
23 and a projection of the amount of additional re-
24 sources necessary to fully address the unmet
25 needs of refugees and all other populations

1 count for unanticipated needs of refugees, such as for eco-
2 nomic and public health crises that necessitate additional
3 support.

4 **SEC. 1526. RESETTLEMENT DATA.**

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

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

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

11 “(11)(A) The Assistant Secretary of Health
12 and Human Services for Refugee and Asylee Reset-
13 tlement (referred to in this section as the ‘Assistant
14 Secretary’) shall expand the data analysis, collection,
15 and sharing activities of the Office of Refugee Reset-
16 tlement.

17 “(B) The Assistant Secretary shall coordinate
18 with the Centers for Disease Control, national reset-
19 tlement agencies, community-based organizations,
20 and State refugee health programs to track national
21 and State trends with respect to refugees arriving
22 with Class A medical conditions and other urgent
23 medical needs. In collecting information under this
24 paragraph, the Assistant Secretary shall use initial
25 refugee health screening data (including any history

1 of severe trauma, torture, mental health symptoms,
2 depression, anxiety, and post-traumatic stress dis-
3 order) recorded during domestic and international
4 health screenings, and data on the rate of use of ref-
5 ugee medical assistance. The Assistant Secretary
6 shall examine the information sharing process from
7 country of arrival through refugee resettlement to
8 determine if access to additional mental health data
9 could help determine placements and enable agencies
10 to better prepare to meet refugee mental health
11 needs.

12 “(C) The Assistant Secretary shall partner with
13 State refugee programs, community-based organiza-
14 tions, and national resettlement agencies to collect
15 data relating to the housing needs of refugees, in-
16 cluding—

17 “(i) the number of refugees who rent
18 apartments or houses and who own condomin-
19 iums or houses; and

20 “(ii) the number of refugees who have be-
21 come homeless and the number at severe risk of
22 becoming homeless.

23 “(D)(i) Beginning on the fifth year after arrival
24 of a refugee and every 5 years thereafter until the
25 end of the 20th year after arrival, the Assistant Sec-

1 retary shall, to the extent practicable, gather longi-
2 tudinal information relating to refugee self-suffi-
3 ciency and economic contributions to the United
4 States including employment status, earnings and
5 advancement.

6 “(ii) The longitudinal study shall consider addi-
7 tional factors related to self-sufficiency and integra-
8 tion, including family self-sufficiency and caretaking,
9 barriers to and opportunities for integration of the
10 children of refugees and their descendants, and el-
11 derly resettled refugees.

12 “(E) Not less frequently than annually, the As-
13 sistant Secretary shall—

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

16 “(ii) submit to Congress a report on such
17 data; and

18 “(iii) not later than 270 days after the end
19 of the fiscal year following the year for which
20 the data were collected, make the data available
21 to the public on the website of the Office of
22 Refugee Resettlement.”.

23 **SEC. 1527. REFUGEE ASSISTANCE.**

24 (a) AMENDMENTS TO SOCIAL SERVICES FUNDING.—

25 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 of 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, projec-
19 tions on regional allocations, and information
20 on the nature of incoming refugees and other
21 populations, such as demographics, case man-
22 agement or medical needs, served by the Office
23 during the subsequent fiscal year.”.

24 (b) REPORT ON SECONDARY MIGRATION.—Section
25 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

1 (1) in the first sentence, by striking “a peri-
2 odic” and inserting “an annual”; and

3 (2) by adding at the end the following: “At the
4 end of each fiscal year, the Assistant Secretary shall
5 submit to Congress a report that describes the find-
6 ings of the assessment, including a list of States and
7 localities experiencing departures and arrivals due to
8 secondary migration, likely reasons for migration,
9 the impact of secondary migration on States receiv-
10 ing secondary migrants, availability of social services
11 for secondary migrants in such States, and unmet
12 needs of those secondary migrants.”.

13 (c) ASSISTANCE MADE AVAILABLE TO SECONDARY
14 MIGRANTS.—Section 412(a)(1) of the Immigration and
15 Nationality Act (8 U.S.C. 1522(a)(1)) is amended by add-
16 ing at the end the following:

17 “(C) In providing assistance under this section,
18 the Assistant Secretary shall ensure that such assist-
19 ance is also provided to refugees who are secondary
20 migrants and meet all other eligibility requirements
21 for such services.”.

22 (d) REFUGEES NEEDING SPECIALIZED MEDICAL
23 CARE OR PREPARATION.—Section 412(b)(4)(B) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1522(b)(4)(B)) is amended by inserting “requiring spe-

1 cialized care or preparation before the arrival of such refu-
2 gees in the United States, or” after “medical conditions”.

3 (e) LEGAL ASSISTANCE FOR REFUGEES AND
4 ASYLEES.—Section 412(c)(1)(A) of the Immigration and
5 Nationality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

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

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

8 and

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

10 “(iii) to provide legal services for refu-
11 gees to assist the refugees in obtaining im-
12 migration benefits for which the refugees
13 are eligible; and”.

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

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

22 and

23 (2) solicit public comment.

24 (g) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on the first day of the first

1 fiscal year that begins after the date of the enactment of
2 this Act.

3 **SEC. 1528. STABILIZING RESETTLEMENT SITE CAPACITY**
4 **FOR VOLUNTEER COORDINATION, HOUSING**
5 **COORDINATION, AND AOR PROCESSING.**

6 In consultation with the Assistant Secretary of the
7 Office of Refugee Resettlement, the Assistant Secretary
8 for the Bureau of Population, Refugees, and Migration
9 shall develop and implement methods for improving volun-
10 teer coordination, housing coordination, and Affidavit of
11 Relationship processing to ensure resettlement sites have
12 the resources and capacity they need. The Assistant Sec-
13 retary is authorized to make grants to implement this sec-
14 tion.

15 **SEC. 1529. COMMUNITY PARTNERSHIPS, CIVIC ENGAGE-**
16 **MENT, AND REFUGEE LEADERSHIP DEVELOP-**
17 **MENT.**

18 (a) IN GENERAL.—The Assistant Secretary for the
19 Bureau of Population, Refugees, and Migration shall fund
20 a full-time employee, to be known as a “Community Rela-
21 tions Officer”, with each State contracted for resettlement
22 whose position will focus on building community partner-
23 ships, encouraging diverse attendance at community con-
24 sultations, and organizing community consultations.

1 (b) GRANTS AUTHORIZED.—The Assistant Secretary
2 for the Bureau of Population, Refugees, and Migration is
3 authorized to make grants to, and enter into contracts
4 with, State and local governments to implement this sec-
5 tion.

6 (c) RESPONSIBILITIES.—The responsibilities of a
7 Community Relations Officer shall be—

8 (1) to consider opportunities to encourage reg-
9 ular consultation among diverse stakeholders, such
10 as by refugees, State Refugee Coordinators and
11 health coordinators, resettlement agencies, and other
12 service organizations and Ethnic Community Based
13 Organizations;

14 (2) to support civic engagement of refugees and
15 refugee leadership development; and

16 (3) to consider methods to expand outreach to
17 asylees to ensure asylee access to services.

18 **CHAPTER 3—ACCESS TO SERVICES AND**
19 **BENEFITS**

20 **SEC. 1531. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**
21 **SECURITY BENEFITS FOR CERTAIN REFU-**
22 **GEES.**

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 clause (i) of section 402(a)(2)(M) of such Act is
9 amended by striking “TWO-YEAR EXTENSION” and
10 inserting “EXTENSION”.

11 (3) EFFECTIVE DATE.—The amendments made
12 by this subsection shall take effect as of October 1,
13 2023.

14 **SEC. 1532. IN-STATE TUITION RATES FOR REFUGEES,**
15 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
16 **GRANTS.**

17 (a) IN GENERAL.—The Higher Education Act of
18 1965 is amended by inserting after section 135 (20 U.S.C.
19 1015d) the following:

20 **“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES,**
21 **ASYLEES, AND CERTAIN SPECIAL IMMI-**
22 **GRANTS.**

23 “(a) REQUIREMENT.—In the case of an alien de-
24 scribed in subsection (b) whose domicile is in a State that
25 receives assistance under this Act, such State shall not

1 charge such alien tuition for attendance at a public insti-
2 tution of higher education in the State at a rate that is
3 greater than the rate charged for residents of the State.

4 “(b) ALIENS DESCRIBED.—An alien is described in
5 this subsection if the alien was granted—

6 “(1) refugee status and admitted to the United
7 States under section 207 of the Immigration and
8 Nationality Act (8 U.S.C. 1157);

9 “(2) asylum under section 208 of such Act (8
10 U.S.C. 1158); or

11 “(3) special immigrant status under section
12 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pur-
13 suant to—

14 “(A) section 1244 of the National Defense
15 Authorization Act for Fiscal Year 2008 (Public
16 Law 110–181; 8 U.S.C. 1157 note);

17 “(B) section 1059 of the National Defense
18 Authorization Act for Fiscal Year 2006 (Public
19 Law 109–163; 8 U.S.C. 1101 note); or

20 “(C) section 602 of the Afghan Allies Pro-
21 tection Act of 2009 (Public Law 111–8; 8
22 U.S.C. 1101 note).

23 “(c) LIMITATIONS.—The requirement under sub-
24 section (a) shall apply with respect to an alien only until
25 the alien has established residency in the State, and only

1 with respect to the first State in which the alien was first
 2 domiciled after being admitted into the United States as
 3 a refugee or special immigrant or being granted asylum.

4 “(d) EFFECTIVE DATE.—This section shall take ef-
 5 fect at each public institution of higher education in a
 6 State that receives assistance under this Act for the first
 7 period of enrollment at such institution that begins after
 8 July 1, 2024.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
 10 tents for the Higher Education Act of 1965 is amended
 11 by inserting after the item relating to section 135 the fol-
 12 lowing:

“Sec. 135A. In-State tuition rates for refugees, asylees, and certain special im-
 migrants.”.

13 **CHAPTER 4—TRAINING, ORIENTATION,**
 14 **AND INCLUSION**

15 **SEC. 1541. PRE-DEPARTURE TRAINING FOR APPROVED**
 16 **REFUGEE APPLICANTS.**

17 (a) TRAINING PROGRAMS.—

18 (1) IN GENERAL.—The Assistant Secretary for
 19 the Bureau of Population, Refugees, and Migration,
 20 in consultation with the directors and heads of office
 21 of the Resettlement Support Centers (or the des-
 22 ignees of such directors and heads of office), shall
 23 develop and implement methods for improving over-
 24 seas refugee training programs administered by the

1 Resettlement Support Centers to offer English as a
2 second language, work orientation training options,
3 cultural orientation, civic engagement, and health
4 and wellness for refugees and Iraqi and Afghan spe-
5 cial immigrant visa holders and their dependents,
6 who have been approved for admission to the United
7 States before their departure for the United States.

8 (2) COMMUNITY INTEGRATION.—The Assistant
9 Secretary for the Bureau of Population, Refugees,
10 and Migration shall develop and implement pre-de-
11 parture programs for achieving community integra-
12 tion of refugees resettled in the United States.

13 (3) GRANTS AUTHORIZED.—The Assistant Sec-
14 retary for the Bureau of Population, Refugees, and
15 Migration is authorized to make grants to implement
16 this subsection.

17 (b) DESIGN AND IMPLEMENTATION.—In designing
18 and implementing the programs referred to in subsection
19 (a), the Secretary of State shall consult with or use—

20 (1) nongovernmental or international organiza-
21 tions with direct ties to the United States refugee
22 resettlement program; and

23 (2) nongovernmental or international organiza-
24 tions with appropriate expertise in developing cur-
25 riculum and teaching English as a second language.

1 (c) IMPACT ON PROCESSING TIMES.—The Secretary
2 of State shall ensure that such training programs are
3 strictly optional, occur within applicable processing times
4 and do not delay or prevent the departure for the United
5 States of refugees who have been approved for admission
6 to the United States.

7 (d) TIMELINE FOR IMPLEMENTATION.—

8 (1) INITIAL IMPLEMENTATION.—Not later than
9 1 year after the date of the enactment of this Act,
10 the Secretary of State shall ensure that the training
11 programs under subsection (a) are fully and contin-
12 ually operational in at least 3 refugee processing re-
13 gions.

14 (2) ADDITIONAL IMPLEMENTATION.—Not later
15 than 2 years after the date of the enactment of this
16 Act, the Secretary of State shall notify the Commit-
17 tees on Appropriations and the Committee on the
18 Judiciary of the Senate and the Committees on Ap-
19 propriations and the Committee on the Judiciary of
20 the House of Representatives that such training pro-
21 grams are fully and consistently operational in 5 ref-
22 ugee processing regions.

23 (e) GAO REPORT.—Not later than 4 years after the
24 date of the enactment of this Act, the Comptroller General
25 of the United States shall conduct a study on the imple-

1 mentation of this section, including an assessment of the
2 quality of English as a second language curriculum and
3 instruction, the benefits of the work orientation and
4 English as a second language training program to refu-
5 gees, and recommendations on whether such programs
6 should be continued, broadened, or modified, and shall
7 submit to the Committee on Appropriations and the Com-
8 mittee on the Judiciary of the Senate and the Committee
9 on Appropriations and the Committee on the Judiciary of
10 the House of Representatives a report on the findings of
11 such study.

12 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
13 tion may be construed to require that a refugee participate
14 in such a training program as a precondition for the ad-
15 mission to the United States of such refugee.

16 **SEC. 1542. DOMESTIC REFUGEE RESETTLEMENT PRO-**
17 **GRAMS ON DIGITAL AND FINANCIAL LIT-**
18 **ERACY; HOUSING AND TRANSPORTATION AC-**
19 **CESS.**

20 (a) **AMENDMENTS TO SOCIAL SERVICES FUNDING.**—
21 Section 412(b) of the Immigration and Nationality Act (8
22 U.S.C. 1522(b)) is amended to read as follows:

23 “(b) **PROGRAMS FOR DIGITAL AND FINANCIAL LIT-**
24 **ERACY AND HOUSING AND TRANSPORTATION ACCESS.**—

1 “(1) IN GENERAL.—The Assistant Secretary of
2 the Office of Refugee Resettlement, in consultation
3 with the Assistant Secretary for the Bureau of Pop-
4 ulation, Refugees, and Migration, shall develop and
5 implement methods—

6 “(A) for improving the digital literacy of
7 refugees, and strengthening their access to dig-
8 ital devices and broadband;

9 “(B) to support refugees with bereavement
10 costs and financial literacy, such as life insur-
11 ance, retirement, banking, and other forms of
12 financial independence;

13 “(C) to support refugees’ access to afford-
14 able housing, home ownership, public housing,
15 legal orientation, and public transportation; and

16 “(D) to support refugees’ driving orienta-
17 tion with respect to laws, defensive driving, and
18 vehicle maintenance classes.

19 “(2) GRANTS AUTHORIZED.—The Assistant
20 Secretary of the Office of Refugee Resettlement is
21 authorized to make grants to, and enter into con-
22 tracts with, State and local governments and reset-
23 tlement agencies to implement this section.”.

1 (b) IMMEDIATE ELIGIBILITY FOR DRIVER'S LI-
2 CENSES FOR REFUGEES, ASYLEES, AND CERTAIN SPE-
3 CIAL IMMIGRANTS.—

4 (1) IN GENERAL.—Any State in which an alien
5 described in paragraph (2) is domiciled shall waive
6 residency requirements for obtaining a driver's li-
7 cense or an identification card in a manner that en-
8 sures that such an alien is immediately eligible for
9 a driver's license or identification card, including
10 under section 202 of the REAL ID Act of 2005 (di-
11 vision B of Public Law 109–13; 49 U.S.C. 30301
12 note), notwithstanding subsection (c)(2)(B) of such
13 Act.

14 (2) ALIEN DESCRIBED.—An alien is described
15 in this subsection if the alien was granted—

16 (A) refugee status and admitted to the
17 United States under section 207 of the Immi-
18 gration and Nationality Act (8 U.S.C. 1157);

19 (B) asylum under section 208 of such Act
20 (8 U.S.C. 1158); or

21 (C) special immigrant status under section
22 101(a)(27) of such Act (8 U.S.C. 1101(a)(27))
23 pursuant to section 1244 of the National De-
24 fense Authorization Act for Fiscal Year 2008
25 (Public Law 111–84; 8 U.S.C. 1157 note); sec-

1 tion 1059 of the National Defense Authoriza-
2 tion Act for Fiscal Year 2006 (Public Law
3 109–163; 8 U.S.C. 1101 note); or section 602
4 of the Afghan Allies Protection Act of 2009
5 (Public Law 111–8; 8 U.S.C. 1101 note).

6 (c) ADDITIONAL PROGRAMS.—

7 (1) IN GENERAL.—The Assistant Secretary for
8 the Bureau of Population, Refugees, and Migration,
9 in consultation with the Assistant Secretary of the
10 Office of Refugee Resettlement, shall develop and
11 implement methods—

12 (A) for improving the digital literacy of
13 refugees, and strengthening their access to dig-
14 ital devices and broadband;

15 (B) to support refugees with bereavement
16 costs and financial literacy, such as life insur-
17 ance, retirement, banking, and other forms of
18 financial independence; and

19 (C) to support refugees’ access to afford-
20 able housing, home ownership, public housing,
21 legal orientation, and public transportation.

22 (2) GRANTS AUTHORIZED.—The Assistant Sec-
23 retary for the Bureau of Population, Refugees, and
24 Migration is authorized to make grants to, and enter

1 into contracts with, State and local governments and
2 resettlement agencies to implement this subsection.

3 **SEC. 1543. STUDY AND REPORT ON DIGITAL LITERACY, EQ-**
4 **UITY, AND INCLUSION AMONG REFUGEES IN**
5 **THE UNITED STATES.**

6 (a) DEFINITIONS.—In this section:

7 (1) DIGITAL EQUITY.—The term “digital eq-
8 uity” means the condition in which individuals and
9 communities have the information technology capac-
10 ity that is needed for full participation in the soci-
11 ety, democracy, and economy of the United States.

12 (2) DIGITAL INCLUSION.—The term “digital in-
13 clusion”—

14 (A) means the activities that are necessary
15 to ensure that all individuals in the United
16 States have access to, and the use of, affordable
17 information and communication technologies,
18 such as—

19 (i) reliable broadband internet service;

20 (ii) internet-enabled devices that meet
21 the needs of the user; and

22 (iii) applications and online content
23 designed to enable and encourage self-suf-
24 ficiency, participation, and collaboration,
25 including applications and online content

1 that can be rendered accessible in the
2 user's preferred language; and

3 (B) includes—

4 (i) obtaining access to digital literacy
5 training;

6 (ii) the provision of quality technical
7 support; and

8 (iii) obtaining basic awareness of
9 measures to ensure online privacy and cy-
10 bersecurity.

11 (3) DIGITAL LITERACY.—The term “digital lit-
12 eracy” means the skills associated with using tech-
13 nology to enable learners to find, evaluate, organize,
14 create, communicate, and understand information in
15 the learner's preferred language.

16 (b) STUDY.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of the enactment of this Act, the Comp-
19 troller General of the United States shall conduct a
20 study on the status of digital literacy among refu-
21 gees resettled to the United States.

22 (2) MATTERS TO BE INCLUDED.—The study
23 conducted under paragraph (1) shall include the fol-
24 lowing:

1 (A) An assessment of refugee digital lit-
2 eracy, equity, and inclusion outcomes including
3 an analysis of—

4 (i) access to internet service subscrip-
5 tions as measured by the rates at which
6 households subscribe to service plans, the
7 quality of service plans, and the afford-
8 ability of service plans;

9 (ii) device access as measured by type,
10 and number per members of household
11 school-age and older;

12 (iii) digital literacy as measured by a
13 continuum of proficiency rates and ability
14 to overcome language barriers;

15 (iv) availability of technical assistance
16 and training services;

17 (v) digital usage patterns (such as
18 school, work, job applications, or coding);
19 and

20 (vi) awareness of, availability of, and
21 ability to navigate to public access points
22 (such as schools, libraries and other com-
23 munity access).

24 (B) The results of the assessment under
25 subparagraph (A) disaggregated by socio-

1 economic factors, including income level, race
2 and ethnicity, gender, preferred language, age,
3 disability, and level of education.

4 (C) An assessment of how digital literacy,
5 equity, and inclusion limitations impact refugee
6 integration outcomes across—

- 7 (i) employment;
8 (ii) participation in financial systems;
9 (iii) participation in democracy;
10 (iv) civic engagement;
11 (v) adult education;
12 (vi) children’s education; and
13 (vii) access to health services.

14 (D) An assessment of whether and how
15 digital literacy training, free internet service,
16 and technical support should be incorporated as
17 part of cultural orientation programs offered to
18 refugees before their arrival in the United
19 States and to refugees recently arrived in the
20 United States.

21 (E) An assessment of whether and how re-
22 lated costs to support digital literacy, equity,
23 and inclusion, should be factored into reception
24 and placement per capita grant amounts, in-
25 cluding for—

1 (i) the 1-time cost of digital device
2 purchases, ensuring adequate and gender-
3 equitable distribution of devices per house-
4 hold; and

5 (ii) ongoing internet service subscrip-
6 tion costs.

7 (F) An assessment of whether and how to
8 include a measure of digital literacy in the self-
9 sufficiency metrics used by the Office of Ref-
10 ugee Resettlement to assess refugee integration
11 outcomes.

12 (G) A survey of existing digital literacy,
13 equity, and inclusion programming across reset-
14 tlement agency offices and existing best prac-
15 tices, including—

- 16 (i) technology mentorship programs;
17 (ii) digital literacy workshops;
18 (iii) digitally related career pathways;
19 (iv) device ownership programs;
20 (v) digital navigator programs; and
21 (vi) home broadband support.

22 (H) An evaluation of the budgetary re-
23 sources of the Office of Refugee Resettlement
24 and a projection of the amount of additional re-
25 sources necessary to fully address the unmet

1 needs of refugees and all other populations
2 within the mandate of the Office of Refugee Re-
3 settlement, with respect to digital literacy, eq-
4 uity, and inclusion.

5 (I) Recommendations on ways in which the
6 Office of Refugee Resettlement may improve
7 digital literacy outcomes and the domestic ref-
8 ugee resettlement program with respect to dig-
9 ital literacy, equity, and inclusion.

10 (J) Recommendations for metrics and cri-
11 teria for evaluating digital literacy, equity, and
12 inclusion in populations within the mandate of
13 the Office of Refugee Resettlement.

14 (c) REPORT.—Not later than 30 days after the date
15 on which a study under subsection (a) is completed, the
16 Comptroller General shall submit a report to the Com-
17 mittee on the Judiciary of the Senate and the Committee
18 on the Judiciary of the House of Representatives that de-
19 scribes the results of the study.

20 **CHAPTER 5—DOMESTIC REFUGEE RESET-**
21 **TLEMENT REFORM AND MODERNIZA-**
22 **TION ACT**

23 **SEC. 1551. SHORT TITLE.**

24 This chapter may be cited as the “Domestic Refugee
25 Resettlement Reform and Modernization Act of 2022”.

1 **SEC. 1552. DEFINITIONS.**

2 In this chapter:

3 (1) ASSISTANT SECRETARY.—The term “Assist-
4 ant Secretary” means the Assistant Secretary of the
5 Office of Refugee Resettlement in the Department of
6 Health and Human Services.

7 (2) COMMUNITY-BASED ORGANIZATION.—The
8 term “community-based organization” means a non-
9 profit organization providing a variety of social,
10 health, educational and community services to a pop-
11 ulation that includes refugees resettled into the
12 United States.

13 (3) NATIONAL RESETTLEMENT AGENCIES.—
14 The term “national resettlement agencies” means
15 voluntary agencies contracting with the Department
16 of State to provide sponsorship and initial resettle-
17 ment services to refugees entering the United States.

18 **SEC. 1553. ASSESSMENT OF REFUGEE DOMESTIC RESET-**
19 **TLEMENT PROGRAMS.**

20 (a) IN GENERAL.—As soon as practicable after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall conduct a study regarding the
23 effectiveness of the domestic refugee resettlement pro-
24 grams operated by the Office of Refugee Resettlement.

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

4 (1) how the Office of Refugee Resettlement de-
5 fines self-sufficiency and integration and if these
6 definitions adequately represent refugees' needs in
7 the United States;

8 (2) the effectiveness of Office of Refugee Reset-
9 tlement programs in helping refugees to meet self-
10 sufficiency and integration;

11 (3) technological solutions for consistently
12 tracking secondary migration, including opportuni-
13 ties for interagency data sharing;

14 (4) the Office of Refugee Resettlement's budg-
15 etary resources and project the amount of additional
16 resources needed to fully address the unmet needs of
17 refugees with regard to self-sufficiency and integra-
18 tion;

19 (5) the role of community-based organizations
20 in serving refugees in areas experiencing a high
21 number of new refugee arrivals;

22 (6) how community-based organizations can be
23 better utilized and supported in the Federal domes-
24 tic resettlement process;

1 ugee coordinators and disseminate such best practices to
2 such agencies and coordinators.

3 **CHAPTER 6—OVERSEAS PROCESSING AND**
4 **PREPARATION**

5 **SEC. 1561. REFUGEE BIOMETRIC DATA AND REPORTING.**

6 (a) The Department of State, in consultation with the
7 Department of Homeland Security, shall permit United
8 States Government staff already in-country to travel to
9 collect the fingerprints and biometric data of refugees, in
10 absence of circuit rides.

11 (b) The Secretary of State, in consultation with the
12 Secretary of Homeland Security, shall develop and imple-
13 ment methods to enhance virtual citizenship and virtual
14 adjudication of citizenship applications, including remote
15 interviews and ceremonies to expedite the process.

16 (c) The Secretary of Homeland Security shall
17 robustly implement the plan to permit the use of video
18 and audio teleconferencing to conduct refugee interviews
19 and establish the necessary infrastructure to do so. The
20 Department of Homeland Security is directed to issue a
21 report within 90 days of enactment that details how many
22 interviews were conducted remotely or by video, what in-
23 frastructure was created to do so, and what the Depart-
24 ment needs to expand the use of remote interviews. The
25 report shall also include challenges and best practices in

1 conducting remote interviews and factors that informed
2 the Department's decisions around which applicants were
3 eligible for a remote interview. The report shall further
4 include recommendations for a significant investment in
5 internet infrastructure solutions, such as Wi-Fi and
6 broadband access, in remote processing locations, as fail-
7 ure to do so will disproportionately impact processing and
8 departures from certain parts of the world.

9 **SEC. 1562. PRIORITIZATION OF FAMILY REUNIFICATION IN**
10 **REFUGEE RESETTLEMENT PROCESS.**

11 (a) IN GENERAL.—The Secretary of State shall
12 prioritize the cases of persons referred by the United Na-
13 tions High Commissioner for Refugees, groups of special
14 humanitarian concern to the United States under section
15 207(a)(1) of the Immigration and Nationality Act (8
16 U.S.C. 1157(a)(1)), and refugees seeking reunification
17 with relatives living in the United States, regardless of the
18 nationality of such refugees.

19 (b) REGULATIONS.—

20 (1) IN GENERAL.—The Secretary of State, in
21 consultation with the Secretary of Homeland Secu-
22 rity, shall promulgate regulations to ensure that an
23 individual seeking admission to the United States as
24 a refugee shall not be excluded from being inter-
25 viewed for refugee status based on—

1 (A) a close family relationship to a citizen
2 or lawful permanent resident of the United
3 States;

4 (B) a potential qualification of the indi-
5 vidual for an immigrant visa; or

6 (C) a pending application by the individual
7 for admission to the United States.

8 (2) SIMULTANEOUS CONSIDERATION.—The reg-
9 ulations promulgated under paragraph (1) shall en-
10 sure that an applicant for admission as a refugee is
11 permitted to pursue simultaneously admission to the
12 United States—

13 (A) as a refugee; and

14 (B) under any visa category for which the
15 applicant may be eligible.

16 (c) NOTICE OF SEPARATE TRAVEL.—In the case of
17 an applicant for admission under section 207 of the Immi-
18 gration and Nationality Act (8 U.S.C. 1157) the applica-
19 tion of whom is placed on hold for more than three months
20 and one or more members of the family of the applicant
21 have separate pending applications for admission under
22 such section, the Secretary of Homeland Security shall—

23 (1) notify any individual on that case who is eli-
24 gible to travel separately of the option to separate
25 the case of the individual from the family unit; and

1 (2) permit the individual to travel based on the
2 satisfaction by the individual of all security and
3 other requirements for a refugee application.

4 (d) USE OF EMBASSY REFERRALS.—

5 (1) IN GENERAL.—The Secretary of State shall
6 set forth a plan to ensure that each United States
7 embassy and consulate is equipped and enabled to
8 refer individuals in need of resettlement to the
9 United States refugee admissions program.

10 (2) TRAINING.—The Secretary of State shall
11 undertake training for embassy personnel to ensure
12 that each embassy and consulate has sufficient
13 knowledge and expertise to carry out this paragraph.

14 **SEC. 1563. PRIORITY 3 FAMILY REUNIFICATION CASES.**

15 (a) IN GENERAL.—Because of the importance of re-
16 uniting immediate refugee families who have been sepa-
17 rated while fleeing from persecution, Priority 3 processing
18 shall be made available to individuals of all nationalities,
19 including stateless individuals.

20 (b) UNIVERSAL ELIGIBILITY FOR ALL NATIONALI-
21 TIES.—

22 (1) IN GENERAL.—Eligible Priority 3 Affidavit
23 of Relationship filers will include those admitted in
24 asylum, refugee, or Afghan and Iraqi special immi-
25 grants admitted under section 1059 of the National

1 Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109–163; 8 U.S.C. 1101 note), section
3 1244 of the Refugee Crisis in Iraq Act of 2007
4 (Public Law 110–181; 8 U.S.C. 1157 note), and sec-
5 tion 602 of the Afghan Allies Protection Act of 2009
6 (Public Law 111–8; 8 U.S.C. 1101 note).

7 (2) ELIGIBLE AFFIDAVIT OF RELATIONSHIP
8 FILES.—Eligible Affidavit of Relationship (referred
9 to in this section as “AOR”) filers include individ-
10 uals who are lawful permanent residents of the
11 United States or United States citizens who initially
12 were admitted to the United States in a status de-
13 scribed in paragraph (1).

14 (c) REQUIREMENTS.—The United States-based filer
15 shall be at least 18 years of age at the time that the AOR
16 is filed. The filer shall file the AOR not later than 5 years
17 after the date they were admitted as a refugee or special
18 immigrant or were granted asylum. The Secretary of State
19 may reject any AOR for a relationship that does not com-
20 port with public policy, such as under-age or plural mar-
21 riages.

22 (d) FAMILY MEMBERS INCLUDED.—

23 (1) IN GENERAL.—The following family mem-
24 bers of the United States-based family members are
25 qualified for Priority 3 access:

1 (A) Spouse.

2 (B) Unmarried children who are younger
3 than 21 years of age.

4 (C) Parents.

5 (2) PARTNERS.—The Secretary of State may
6 allow a qualifying individual to file for Priority 3 ac-
7 cess for a partner of any gender if the filer can pro-
8 vide evidence of a relationship with the partner for
9 at least one year overseas prior to the submission of
10 the AOR and considered that person to be his or her
11 spouse or life partner, and that the relationship is
12 ongoing, together with evidence that legal marriage
13 was not an obtainable option due to social or legal
14 prohibitions.

15 (e) DERIVATIVE REFUGEE STATUS.—In addition to
16 the qualifying family members of a United States-based
17 individual identified above, the qualifying family member's
18 spouse and unmarried children younger than 21 years of
19 age may derive refugee status from the principal applicant
20 for refugee status.

21 (f) ADDITIONAL QUALIFYING FAMILY MEMBERS.—

22 (1) IN GENERAL.—On a case-by-case basis, an
23 individual may be added to a qualifying family mem-
24 ber's Priority 3 case if that individual—

1 (A) lived in the same household as the
2 qualifying family member in the country of na-
3 tionality or, if stateless, last habitual residence;

4 (B) was part of the same economic unit as
5 the qualifying family member in the country of
6 nationality or, if stateless, last habitual resi-
7 dence; and

8 (C) demonstrates exceptional and compel-
9 ling humanitarian circumstances that justify in-
10 clusion on the qualifying family member's case.

11 (2) REFUGEE STATUS INDEPENDENT FROM
12 PRINCIPAL APPLICANT.—To be added to a qualifying
13 family member's case under paragraph (1), an indi-
14 vidual described in paragraph (1) shall independ-
15 ently establish that they are refugees.

16 (g) REPORT.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary of Homeland
18 Security, in collaboration with the Secretary of State, shall
19 submit a report to Congress that—

20 (1) describes the steps taken by the administra-
21 tion to re-examine and expedite Priority 3 proc-
22 essing, including—

23 (A) reducing lengthy delays in the initial
24 paper review by the U.S. Citizenship and Immi-
25 gration Services Refugee Access Verification

1 Unit (referred to in this subsection as
2 “RAVU”) of the relationship between the an-
3 chor relative and overseas family member listed
4 on the Affidavit of Relationship;

5 (B) reducing inefficiencies in DNA testing;
6 and

7 (C) making more efficient other processing
8 steps that are required only for Priority 3
9 cases;

10 (2) details the resources necessary to improve
11 RAVU so as to improve Priority 3 processing and
12 ensure that the number of U.S. Citizenship and Im-
13 migration Services employees dedicated to RAVU is
14 consistently not less than 4 full-time dedicated per-
15 sonnel so as to maintain a capacity to complete
16 RAVU within 30 days of receipt of each case; and

17 (3) includes the following data as of the first
18 day of each fiscal year and each of the 6 fiscal years
19 preceding the date of the enactment of this Act,
20 for—

21 (A) Priority 3 refugee applicants who had
22 submitted an AOR and were waiting for an ini-
23 tial interview with the resettlement support cen-
24 ter;

1 (B) Priority 3 refugee applicants who had
2 completed the initial interview at the Refugee
3 Processing Center and whose applications were
4 not yet submitted by the Refugee Processing
5 Center to RAVU;

6 (C) Priority 3 refugee applicants whose ap-
7 plications were submitted by the Refugee Proc-
8 essing Center to RAVU and were pending a de-
9 cision by RAVU;

10 (D) Priority 3 refugee applicants whose
11 applications were decided by RAVU and were
12 pending a pre-screening interview at the Ref-
13 ugee Processing Center;

14 (E) Priority 3 refugee applicants who com-
15 pleted a pre-screening interview at the Refugee
16 Processing Center and who were pending inter-
17 views with U.S. Citizenship and Immigration
18 Services;

19 (F) Priority 3 refugee applicants who had
20 completed interviews and were pending security
21 clearance;

22 (G) Priority 3 refugee applicants who were
23 ready for departure; and

24 (H) Priority 3 refugee applicants who have
25 died or gone missing while in the Priority appli-

1 cation process without ever being reunited with
2 their families.

3 **SEC. 1564. CREATING A ROVING RESETTLEMENT SUPPORT**
4 **CENTER.**

5 (a) **IN GENERAL.**—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of State
7 shall establish a Roving Resettlement Support Center to
8 increase overall operational agility and responsiveness of
9 the United States Refugee Admissions Program.

10 (b) **DUTIES.**—The Roving Resettlement Support
11 Center shall—

12 (1) coordinate and manage refugee processing
13 for the United States Refugee Admissions Program,
14 including—

15 (A) receive and process cases referred to
16 the United States Refugee Admissions program
17 by the United Nations High Commissioner for
18 Refugees, nongovernmental organizations, and
19 United States embassies;

20 (B) receive and process resettlement appli-
21 cations under all Priority categories; and

22 (2) build the operational capacity for the rapid
23 deployment of single-site resettlement processing
24 during unanticipated refugee crises; and

1 (3) provide support and technical assistance to
2 the United Nations High Commissioner for Refugees
3 to expand and improve referral capacity as needed.

4 **Subtitle F—Authorization of** 5 **Appropriations**

6 **SEC. 1601. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this title, including, in
9 addition to annual funds derived from fee accounts of U.S.
10 Citizenship and Immigration Services, such sums as may
11 be necessary to reduce the humanitarian backlog of ref-
12 ugee, asylum, and other humanitarian applications to the
13 Refugee, Asylum and International Operations Direc-
14 torate.

15 **TITLE II—REFUGEE AND ASY-** 16 **LUM SEEKER PROCESSING IN** 17 **WESTERN HEMISPHERE**

18 **SEC. 2101. EXPANSION OF REFUGEE AND ASYLUM SEEKER** 19 **PROCESSING.**

20 (a) **STRENGTHENING PROCESSING AND ADJUDICA-**
21 **TION CAPACITY.—**

22 (1) **IN GENERAL.—**The Secretary of State, in
23 consultation with the Secretary, shall collaborate
24 with international partners, including the United
25 Nations High Commissioner for Refugees, to sup-

1 port and strengthen the domestic capacity of coun-
2 tries in the Western Hemisphere—

3 (A) to process and accept refugees for re-
4 settlement; and

5 (B) to adjudicate asylum claims.

6 (2) SUPPORT AND TECHNICAL ASSISTANCE.—

7 The Secretary of State, in consultation with the Sec-
8 retary, shall provide support and technical assistance
9 to countries in the Western Hemisphere to help such
10 countries—

11 (A) expand and improve their capacity to
12 identify, process, and adjudicate refugee claims,
13 adjudicate applications for asylum, or otherwise
14 accept refugees referred for resettlement by the
15 United Nations High Commissioner for Refu-
16 gees or host nations, including by increasing the
17 number of refugee and asylum officers (as de-
18 fined in section 235(b)(1)(E) of the Immigra-
19 tion and Nationality Act (8 U.S.C.
20 1225(b)(1)(E))) who are trained in the relevant
21 legal standards for adjudicating claims for pro-
22 tection;

23 (B) establish and expand safe and secure
24 refugee reception centers to facilitate the safe

1 and orderly movement of individuals and fami-
2 lies seeking international protection;

3 (C) improve national refugee and asylum
4 registration systems to ensure that any person
5 seeking refugee status, asylum, or other human-
6 itarian protections—

7 (i) receives due process and meaning-
8 ful access to existing humanitarian protec-
9 tions;

10 (ii) is provided with adequate informa-
11 tion about his or her rights, including the
12 right to seek protection;

13 (iii) is properly screened for security,
14 including biographic and biometric capture;
15 and

16 (iv) receives appropriate documents to
17 prevent fraud and ensure freedom of move-
18 ment and access to basic social services;
19 and

20 (D) develop the capacity to conduct best
21 interest determinations for unaccompanied chil-
22 dren with international protection needs to en-
23 sure that—

24 (i) such children are properly reg-
25 istered; and

1 (ii) their claims are appropriately con-
2 sidered.

3 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
4 TION.—The Secretary of State, in coordination with the
5 Secretary, as appropriate, shall—

6 (1) carry out diplomatic engagement to secure
7 commitments from governments to resettle refugees
8 from Central America; and

9 (2) take all necessary steps to ensure effective
10 cooperation among governments resettling refugees
11 from Central America.

12 (c) STRENGTHENING OF REFERRAL PATHWAYS.—
13 The Secretary of State, in consultation with the Secretary,
14 shall—

15 (1) certify and partner with local and national
16 nongovernmental organizations that operate overseas
17 to make Priority 1 referrals to the United States
18 Refugee Admissions Program—

19 (A) to increase referral pathways for the
20 United States Refugee Admissions Program;

21 (B) to diversify referral pathways and pre-
22 vent program impacts due to operational delays
23 and capacity limitations in the referral proc-
24 esses of the United Nations High Commissioner
25 for Refugees; and

1 (C) to expand access to the United States
2 Refugee Admissions Program to particularly
3 vulnerable refugees, including—

4 (i) individuals with urgent protection
5 needs who might otherwise be overlooked;

6 (ii) individuals who are at risk in
7 camps, such as LGBTQI individuals; and

8 (iii) individuals living in noncamp set-
9 tings;

10 (2) work with national nongovernmental organi-
11 zations to identify referrals from smaller nongovern-
12 mental organizations to the United States Refugee
13 Admissions Program;

14 (3) direct resettlement support centers to facili-
15 tate and accept such referrals;

16 (4) provide training for new referral partners to
17 encourage new nongovernmental organizations to
18 participate in resettlement;

19 (5) ensure coordination with partners already
20 working with refugees in the region; and

21 (6) continue to implement robust fraud-preven-
22 tion measures as part of the establishment of refer-
23 ral structures under this subsection—

1 (A) to continue to safeguard the integrity
2 of the United States Refugee Admissions Pro-
3 gram; and

4 (B) to prevent corruption through manipu-
5 lation of the resettlement system.

6 **SEC. 2102. STRENGTHENING REGIONAL HUMANITARIAN RE-**
7 **SPONSES.**

8 The Secretary of State, in consultation with the Sec-
9 retary, and in coordination with international partners, in-
10 cluding the United Nations High Commissioner for Refu-
11 gees, shall support and coordinate with the government
12 of each country hosting a significant population of refu-
13 gees and asylum seekers from El Salvador, Guatemala,
14 and Honduras—

15 (1) to establish and expand temporary shelter
16 and shelter network capacity to meet the immediate
17 protection and humanitarian needs of refugees and
18 asylum seekers, including shelters for families,
19 women, unaccompanied children, and other vulner-
20 able populations;

21 (2) to deliver to refugees and asylum seekers
22 humanitarian assistance that—

23 (A) is sensitive to gender identity and sex-
24 ual orientation, trauma, and age; and

1 (B) includes access to accurate informa-
2 tion, legal representation, education, livelihood
3 opportunities, cash assistance, mental and phys-
4 ical health care, and other services;

5 (3) to establish and expand sexual, gender-
6 based, intimate partner, and intra-family violence
7 prevention, recovery, and humanitarian program-
8 ming;

9 (4) to fund national and community humani-
10 tarian organizations in humanitarian response; and

11 (5) to support local integration initiatives to
12 help refugees and asylum seekers rebuild their lives
13 and contribute in a meaningful way to the local
14 economy in their host country.

15 **SEC. 2103. INFORMATION CAMPAIGN ON DANGERS OF IR-**
16 **REGULAR MIGRATION.**

17 (a) IN GENERAL.—The Secretary of State, in con-
18 sultation with the Secretary, shall design and implement
19 public information campaigns in El Salvador, Guatemala,
20 and Honduras—

21 (1) to disseminate information about the poten-
22 tial dangers of travel to the United States;

23 (2) to provide accurate information about
24 United States immigration law and policy; and

1 (3) to provide accurate information about the
2 availability of asylum and other humanitarian pro-
3 tections in countries in the Western Hemisphere.

4 (b) ELEMENTS.—To the greatest extent possible, the
5 information campaigns implemented pursuant to sub-
6 section (a)—

7 (1) shall be targeted at regions with high rates
8 of violence, high levels of out-bound migration, or
9 significant populations of internally displaced per-
10 sons;

11 (2) shall use local languages;

12 (3) shall employ a variety of communications
13 media; and

14 (4) shall be developed in consultation with pro-
15 gram officials at the Department of Homeland Secu-
16 rity, the Department of State, and other govern-
17 ment, nonprofit, or academic entities in close contact
18 with migrant populations from El Salvador, Guate-
19 mala, and Honduras, including repatriated migrants.

20 **SEC. 2104. REPORTING REQUIREMENT.**

21 Not later than 90 days after the date of the enact-
22 ment of this Act, the Secretary of State, in consultation
23 with the Secretary, shall submit a report describing the
24 plans of the Secretary of State to assist in developing the

1 (A) registering, screening, and processing
2 refugees and other eligible individuals in North
3 America and Central America; and

4 (B) resettling or relocating such individ-
5 uals to the United States or to other countries.

6 (2) LOCATIONS.—Not fewer than 1 designated
7 processing center shall be established in a safe and
8 secure location identified by the United States and
9 the host government in—

10 (A) El Salvador;

11 (B) Guatemala;

12 (C) Honduras;

13 (D) Mexico;

14 (E) Costa Rica; and

15 (F) any other country that the Secretary
16 of State determines can accept and process re-
17 quests and applications under this title, includ-
18 ing any country in North America or Central
19 America that is hosting significant numbers of
20 refugees or other displaced individuals.

21 (b) ASSISTANT DIRECTOR OF REGIONAL PROC-
22 ESSING.—

23 (1) IN GENERAL.—The Director of U.S. Citi-
24 zenship and Immigration Services shall appoint an
25 Assistant Director of Regional Processing, who shall

1 oversee the establishment and operation of all des-
2 ignated processing centers.

3 (2) DUTIES.—The Assistant Director of Re-
4 gional Processing, in coordination with the Secretary
5 and the Director of U.S. Citizenship and Immigra-
6 tion Services, shall—

7 (A) coordinate with the Secretary of State
8 and the host country to ensure that each des-
9 ignated processing center is safe, secure, and
10 reasonably accessible to the public to facilitate
11 the registration, screening, and processing of
12 individuals under this title;

13 (B) establish standard operating proce-
14 dures for the registration, screening, and proc-
15 essing of individuals under this title;

16 (C) oversee the administration of the pro-
17 cedures established pursuant to subparagraph
18 (B); and

19 (D) carry out other duties and powers pre-
20 scribed by the Director of U.S. Citizenship and
21 Immigration Services.

22 (c) PERSONNEL.—

23 (1) REFUGEE OFFICERS AND RELATED PER-
24 SONNEL.—The Secretary, in consultation with the
25 Director of U.S. Citizenship and Immigration Serv-

1 ices and the Assistant Director of Regional Proc-
2 essing, shall ensure that sufficient numbers of ref-
3 ugee officers and other personnel are assigned to
4 each designated processing center to fulfill the re-
5 quirements under this title.

6 (2) SUPPORT PERSONNEL.—The Secretary and
7 the Attorney General shall hire and assign sufficient
8 personnel to ensure that all security and law en-
9 forcement background checks required under this
10 title are completed not later than 180 days after a
11 relevant application is submitted, absent exceptional
12 circumstances.

13 (d) OPERATIONS.—

14 (1) IN GENERAL.—Each designated processing
15 center established pursuant to subsection (a)(2)
16 shall commence operations not later than 270 days
17 after the date of the enactment of this Act, absent
18 extraordinary circumstances.

19 (2) PRODUCTIVITY.—The Secretary, in coordi-
20 nation with the Secretary of State, shall—

21 (A) monitor the activities of each des-
22 ignated processing center; and

23 (B) establish metrics and criteria for eval-
24 uating the productivity of each designated proc-
25 essing center.

1 (3) CONTINUING OPERATIONS.—Each des-
2 ignated processing center—

3 (A) shall remain in operation for not less
4 than 5 fiscal years; and

5 (B) shall continue operating until the Sec-
6 retary determines, in consultation with the Sec-
7 retary of State, and using the metrics and cri-
8 teria established pursuant to paragraph (2)(B),
9 that the designated processing center has failed
10 to maintain sufficient productivity for at least 4
11 consecutive calendar quarters.

12 (4) REGISTRATION.—Each designated proc-
13 essing center shall receive and register individuals
14 seeking to apply for benefits under this title.

15 (5) INTAKE.—Consistent with this title, reg-
16 istered individuals shall be assessed to determine the
17 benefits for which they may be eligible, including—

18 (A) refugee resettlement pursuant to the
19 Central American Refugee Program described
20 in section 2106;

21 (B) the Central American Minors Program
22 described in section 2107; and

23 (C) the Central American Family Reunifi-
24 cation Parole Program described in section
25 2108.

1 (6) EXPEDITED PROCESSING.—The Secretary
2 may grant expedited processing of applications and
3 requests under this title in emergency situations, for
4 humanitarian reasons, or if other circumstances war-
5 rant expedited treatment.

6 (e) CONGRESSIONAL REPORTS.—Not later than Jan-
7 uary 31 of the first fiscal year immediately following the
8 conclusion of the fiscal year during which the first des-
9 ignated processing center commences operations, and
10 every January 31 thereafter, the Secretary, in consulta-
11 tion with the Secretary of State, shall submit a report to
12 the Committee on the Judiciary of the Senate, the Com-
13 mittee on Foreign Relations of the Senate, the Committee
14 on the Judiciary of the House of Representatives, and the
15 Committee on Foreign Affairs of the House of Representa-
16 tives that identifies, with respect to each designated proc-
17 essing center during the previous fiscal year—

18 (1) the number of individuals who were reg-
19 istered, screened, and processed for benefits under
20 this title;

21 (2) the number of benefits requests that were
22 approved; and

23 (3) the number of benefits requests that were
24 denied.

1 **SEC. 2106. CENTRAL AMERICAN REFUGEE PROGRAM.**

2 (a) IN GENERAL.—

3 (1) MINIMUM ANNUAL NUMBER OF CENTRAL
4 AMERICAN REFUGEES.—In addition to any refugees
5 designated for admission under section 207 of the
6 Immigration and Nationality Act (8 U.S.C. 1157),
7 in each of the fiscal years 2023, 2024, 2025, 2026,
8 and 2027, not fewer than 100,000 nationals of El
9 Salvador, Guatemala, or Honduras shall be admitted
10 into the United States under this section.

11 (2) ELIGIBILITY.—Any alien described in para-
12 graph (1) shall be admitted under this section if—

13 (A) the alien registers at a designated
14 processing center on or before September 30,
15 2027; and

16 (B) the Secretary of State, in consultation
17 with the Secretary, determines that the alien is
18 admissible as a refugee of special humanitarian
19 concern to the United States in accordance with
20 this section.

21 (b) INITIAL PROCESSING.—

22 (1) IN GENERAL.—Any alien who, while reg-
23 istering at a designated processing center, expresses
24 a fear of persecution or an intention to apply for ref-
25 ugee status may apply for refugee resettlement
26 under this section. Each applicant who files a com-

1 pleted application shall be referred to a refugee offi-
2 cer for further processing in accordance with this
3 section.

4 (2) SUBMISSION OF BIOGRAPHIC AND BIOMET-
5 RIC DATA.—An applicant described in paragraph (1)
6 shall submit biographic and biometric data in ac-
7 cordance with procedures established by the Assist-
8 ant Director of Regional Processing appointed pur-
9 suant to section 2105(b), who shall provide an alter-
10 native procedure for applicants who are unable to
11 provide all required biographic and biometric data
12 due to a physical or mental impairment.

13 (3) BACKGROUND CHECKS.—The Assistant Di-
14 rector of Regional Processing shall utilize biometric,
15 biographic, and other appropriate data to conduct
16 security and law enforcement background checks of
17 applicants to determine whether there is any crimi-
18 nal, national security, or other ground that would
19 render the applicant ineligible for admission as a
20 refugee under section 207 of the Immigration and
21 Nationality Act (8 U.S.C. 1157).

22 (4) ORIENTATION.—The Assistant Director of
23 Regional Processing shall provide prospective appli-
24 cants for refugee resettlement with information on
25 applicable requirements and legal standards. All ori-

1 entation materials, including application forms and
2 instructions, shall be made available in English and
3 Spanish.

4 (5) INTERNATIONAL ORGANIZATIONS.—The
5 Secretary of State, in consultation with the Sec-
6 retary, shall enter into agreements with international
7 organizations, including the United Nations High
8 Commissioner for Refugees, to facilitate the proc-
9 essing and preparation of case files for applicants
10 under this section.

11 (c) ADJUDICATION OF APPLICATIONS.—

12 (1) IN GENERAL.—Not later than 60 days after
13 the date on which an applicant is referred for fur-
14 ther processing pursuant to subsection (b)(1), the
15 applicant shall be interviewed by a refugee officer,
16 who shall determine whether the applicant is a ref-
17 ugee of special humanitarian concern to the United
18 States (as defined in paragraph (5)).

19 (2) DECISION.—Not later than 14 days after
20 the date on which an applicant is interviewed under
21 paragraph (1), the refugee officer shall issue a writ-
22 ten decision regarding the application.

23 (3) APPROVAL OF APPLICATION.—If a refugee
24 officer approves an application under this section,
25 the applicant shall be processed for resettlement to

1 the United States as a refugee in accordance with
2 section 207 of the Immigration and Nationality Act
3 (8 U.S.C. 1157). The security and law enforcement
4 background checks required under subsection (b)(3)
5 shall be completed, to the satisfaction of the Assist-
6 ant Director of Regional Processing, before the date
7 on which an approved applicant may be admitted to
8 the United States.

9 (4) DENIAL OF APPLICATION.—If the refugee
10 officer denies an application under this section, the
11 officer shall include a reasoned, written explanation
12 for the denial and refer the applicant for a deter-
13 mination of eligibility for other benefits under this
14 title in accordance with section 2105(d)(5). An ap-
15 plicant who has been denied status as a refugee of
16 special humanitarian concern under this section may
17 request review of such decision by a supervisory ref-
18 ugee officer not later than 30 days after the date of
19 such denial. The supervisory refugee officer shall
20 issue a final written decision not later than 30 days
21 after such request for review.

22 (5) REFUGEE OF SPECIAL HUMANITARIAN CON-
23 CERN.—In this section, the term “refugee of special
24 humanitarian concern to the United States” means
25 any individual who, in his or her country of nation-

1 ality has suffered (or in the case of an individual
2 who remains in his or her country of nationality, has
3 a well-founded fear of suffering)—

4 (A) domestic, sexual, or other forms of
5 gender-based violence, including forced mar-
6 riage and persecution based on sexual orienta-
7 tion or gender identity;

8 (B) violence, extortion, or other forms of
9 persecution (including forced recruitment) com-
10 mitted by gangs or other organized criminal or-
11 ganizations;

12 (C) a severe form of trafficking in persons;

13 (D) a threat to life, physical or psycho-
14 logical integrity, including from adverse impacts
15 on livelihoods and exceptional situations, such
16 as environmental disasters, (including from the
17 effects of climate change) for which there is no
18 adequate remedy in the country of origin; or

19 (E) other serious human rights abuses.

20 (6) SPOUSES AND MINOR CHILDREN.—The
21 spouse or child of any applicant who qualifies for ad-
22 mission under section 207(c) of the Immigration and
23 Nationality Act (8 U.S.C. 1157(c)) shall be granted
24 the same status as the applicant if accompanying or

1 following to join such applicant, in accordance with
2 such section.

3 (7) REFUGEE STATUS.—An individual who is
4 admitted to the United States as a refugee of special
5 humanitarian concern to the United States under
6 this section shall enjoy the same rights and privi-
7 leges, and shall be subject to the same grounds for
8 termination of refugee status, as provided in sections
9 207 and 209 of the Immigration and Nationality Act
10 (8 U.S.C. 1157 and 1159).

11 (8) FEES.—No fee shall be imposed for the fil-
12 ing, processing, or adjudication of an application
13 under this section.

14 (d) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

15 (1) IN GENERAL.—Notwithstanding subsection
16 (b), an applicant for refugee resettlement under this
17 section may be referred to another country for the
18 processing of the applicant’s refugee claim if—

19 (A) another country agrees to immediately
20 process the applicant’s refugee claim in accord-
21 ance with the terms and procedures of a bilat-
22 eral agreement under paragraph (2); and

23 (B) the applicant lacks substantial ties to
24 the United States as defined in paragraph (3)

1 or requests resettlement to a country other than
2 the United States.

3 (2) BILATERAL AGREEMENTS FOR REFERRAL
4 OF REFUGEES.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), the Secretary of State, in consulta-
7 tion with the Secretary, shall enter into bilat-
8 eral agreements with other countries for the re-
9 ferral, processing, and resettlement of individ-
10 uals who—

11 (i) register at a designated processing
12 center; and

13 (ii) seek to apply for refugee resettle-
14 ment under this section.

15 (B) LIMITATION.—Agreements required
16 under subparagraph (A) may only be entered
17 into with countries that have the demonstrated
18 capacity—

19 (i) to accept and adjudicate applica-
20 tions for refugee status and other forms of
21 international protection; and

22 (ii) to resettle refugees consistent with
23 obligations under the United Nations Con-
24 vention Relating to the Status of Refugees,
25 done at Geneva July 28, 1951, as made

1 applicable by the Protocol Relating to the
2 Status of Refugees, done at New York
3 January 31, 1967 (19 UST 6223).

4 (C) INTERNATIONAL ORGANIZATIONS.—
5 The Secretary of State, in consultation with the
6 Secretary, shall enter into agreements with
7 international organizations, including the
8 United Nations High Commissioner for Refu-
9 gees, to facilitate the referral, processing, and
10 resettlement of individuals covered under this
11 paragraph.

12 (3) DEFINED TERM.—In this subsection, an in-
13 dividual has “substantial ties to the United States”
14 if the individual—

15 (A) has a spouse, parent, son, daughter,
16 sibling, grandparent, aunt, or uncle who resides
17 in the United States;

18 (B) can demonstrate previous residence in
19 the United States for not less than 2 years; or

20 (C) can otherwise demonstrate substantial
21 ties to the United States, as defined by the Sec-
22 retary.

23 (e) EMERGENCY RELOCATION COORDINATION.—

24 (1) IN GENERAL.—The Secretary of State, in
25 consultation with the Secretary, shall enter into bi-

1 lateral or multilateral agreements with other coun-
2 tries in the Western Hemisphere to establish safe
3 and secure emergency transit centers for individuals
4 who—

5 (A) register at a designated processing
6 center;

7 (B) face an imminent risk of harm; and

8 (C) require temporary placement in a safe
9 location, pending a final decision on an applica-
10 tion under this section.

11 (2) CONSULTATION REQUIREMENT.—Agree-
12 ments required under paragraph (1)—

13 (A) shall be developed in consultation with
14 the United Nations High Commissioner for
15 Refugees; and

16 (B) shall conform to international humani-
17 tarian standards.

18 (f) EXPANSION OF REFUGEE CORPS.—Not later than
19 60 days after the date of the enactment of this Act, and
20 subject to the availability of amounts provided in advance
21 in appropriations Acts, the Secretary shall appoint such
22 additional refugee officers as may be necessary to carry
23 out this section.

1 **SEC. 2107. CENTRAL AMERICAN MINORS PROGRAM.**

2 (a) SPECIAL IMMIGRANTS.—Section 101(a)(27) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1101(a)(27)) is amended—

5 (1) in subparagraph (L)(iii), by inserting a
6 semicolon at the end;

7 (2) in subparagraph (M), by striking the period
8 at the end and inserting “; or”; and

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

10 “(N) an immigrant (and any of his or her
11 children who are accompanying or following to
12 join such immigrant) who is—

13 “(i) a national of El Salvador, Hon-
14 duras, or Guatemala;

15 “(ii) an unmarried child of an indi-
16 vidual who is lawfully present in the
17 United States;

18 “(iii) otherwise eligible to receive an
19 immigrant visa; and

20 “(iv) otherwise admissible to the
21 United States (excluding the grounds of
22 inadmissibility specified in section
23 212(a)(4)).”.

24 (b) NUMERICAL LIMITATIONS.—

25 (1) IN GENERAL.—The total number of aliens
26 described in section 101(a)(27)(N) of the Immigra-

1 tion and Nationality Act, as added by subsection
2 (a)(3), who may be granted special immigrant status
3 under this section may not exceed 10,000 during
4 any of the 5 consecutive fiscal years beginning with
5 the fiscal year during which the first designated
6 processing center commences operations.

7 (2) EXCLUSION FROM NUMERICAL LIMITA-
8 TIONS.—Aliens granted special immigrant status
9 under this section shall not be counted against any
10 numerical limitation under section 201, 202, or 203
11 of the Immigration and Nationality Act (8 U.S.C.
12 1151 et seq.).

13 (3) CARRY FORWARD.—If the numerical limita-
14 tion described in paragraph (1) is not reached dur-
15 ing any fiscal year, the numerical limitation under
16 such paragraph for the following fiscal year shall be
17 increased by a number equal to the difference be-
18 tween—

19 (A) the total number of aliens who may be
20 granted special immigrant status under this
21 section during the first fiscal year; and

22 (B) the number of aliens who were granted
23 such special immigrant status during the first
24 fiscal year.

1 (c) PETITIONS.—If an alien is determined to be eligi-
2 ble for special immigrant status pursuant to an assess-
3 ment under section 205(d)(5), the alien, or a parent or
4 legal guardian of the alien, may submit a petition for spe-
5 cial immigrant status under this section at a designated
6 processing center.

7 (d) ADJUDICATION.—

8 (1) IN GENERAL.—If an alien who submits a
9 completed petition under subsection (c) is deter-
10 mined to be eligible for special immigrant status
11 under section 101(a)(27)(N) of the Immigration and
12 Nationality Act, as added by subsection (a)(3), the
13 Secretary shall grant such status to such alien.

14 (2) DEADLINE.—Absent exceptional cir-
15 cumstances, petitions submitted under this section
16 shall be adjudicated not later than 180 days after
17 the date on which they are submitted at a des-
18 ignated processing center.

19 (3) APPLICANTS UNDER PRIOR PROGRAM.—

20 (A) IN GENERAL.—The Secretary of
21 Homeland Security shall deem an application
22 filed under the Central American Minors Ref-
23 ugee Program, established on December 1,
24 2014, and terminated on August 16, 2017, and
25 which was not the subject of a final disposition

1 before January 31, 2018, to be a petition filed
2 under this section.

3 (B) NOTIFICATION.—The Secretary
4 shall—

5 (i) promptly notify all relevant parties
6 of the conversion of applications described
7 in subparagraph (A) into special immi-
8 grant petitions under this section; and

9 (ii) provide instructions for with-
10 drawing such petitions to such parties if
11 the alien no longer desires the requested
12 relief.

13 (C) DEADLINE.—Absent exceptional cir-
14 cumstances, the Secretary shall make a final
15 determination on each petition described in sub-
16 paragraph (A) that is not withdrawn pursuant
17 to subparagraph (B)(ii) not later than 180 days
18 after the date of the enactment of this Act.

19 (4) BIOMETRICS AND BACKGROUND CHECKS.—

20 (A) SUBMISSION OF BIOMETRIC AND BIO-
21 GRAPHIC DATA.—Petitioners for special immi-
22 grant status under this section shall submit bio-
23 metric and biographic data in accordance with
24 procedures established by the Assistant Direc-
25 tor of Regional Processing. The Assistant Di-

1 rector shall provide an alternative procedure for
2 applicants who are unable to provide all of the
3 required biometric data due to a physical or
4 mental impairment.

5 (B) BACKGROUND CHECKS.—The Assist-
6 ant Director shall utilize biometric, biographic,
7 and other appropriate data to conduct security
8 and law enforcement background checks of peti-
9 tioners to determine whether there is any crimi-
10 nal, national security, or other ground that
11 would render the applicant ineligible for special
12 immigrant status under this section.

13 (C) COMPLETION OF BACKGROUND
14 CHECKS.—The security and law enforcement
15 background checks required under subpara-
16 graph (B) shall be completed, to the satisfac-
17 tion of the Assistant Director, before the date
18 on which a petition for special immigrant status
19 under this section may be approved.

20 **SEC. 2108. CENTRAL AMERICAN FAMILY REUNIFICATION**
21 **PAROLE PROGRAM.**

22 (a) IN GENERAL.—If an alien is determined to be eli-
23 gible for parole under subsection (b) pursuant to an as-
24 sessment under section 2105(d)(5)—

1 (1) the designated processing center shall ac-
2 cept a completed application for parole filed by the
3 alien, or on behalf of the alien by a parent or legal
4 guardian of the alien; and

5 (2) the Secretary shall grant parole to the alien,
6 in accordance with section 212(d)(5) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1182(d)(5)).

8 (b) ELIGIBILITY.—An alien shall be eligible for parole
9 under this subsection if the alien—

10 (1) is a national of El Salvador, Guatemala, or
11 Honduras;

12 (2) is the beneficiary of an approved immigrant
13 visa petition under section 203(a) of the Immigra-
14 tion and Nationality Act (8 U.S.C. 1153(a));

15 (3) does not have an immigrant visa; and

16 (4) expects to obtain an immigrant visa not
17 later than 5 years after the date on which the alien
18 registers with a designated processing center.

19 (c) APPLICATION AND ADJUDICATION.—

20 (1) IN GENERAL.—An alien described in sub-
21 section (b) may submit an application for parole
22 under this section during the 90-day period begin-
23 ning on the date on which the alien is determined
24 to be eligible for parole pursuant to an assessment
25 under section 205(d)(5).

1 (2) ADJUDICATION DEADLINES.—Absent excep-
2 tional circumstances, applications submitted under
3 this section shall be adjudicated not later than 180
4 days after the date of submission.

5 (3) BIOMETRICS AND BACKGROUND CHECKS.—

6 (A) SUBMISSION OF BIOMETRIC AND BIO-
7 GRAPHIC DATA.—Applicants for parole under
8 this section shall submit biometric and bio-
9 graphic data in accordance with procedures es-
10 tablished by the Assistant Director of Regional
11 Processing. The Assistant Director shall provide
12 an alternative procedure for applicants who are
13 unable to provide all required biometric data
14 due to a physical or mental impairment.

15 (B) BACKGROUND CHECKS.—The Assist-
16 ant Director of Regional Processing shall utilize
17 biometric, biographic, and other appropriate
18 data to conduct security and law enforcement
19 background checks of applicants to determine
20 whether there is any criminal, national security,
21 or other ground that would render the applicant
22 ineligible for parole under this section.

23 (C) COMPLETION OF BACKGROUND
24 CHECKS.—The security and law enforcement
25 background checks required under subpara-

1 graph (B) shall be completed to the satisfaction
2 of the Assistant Director before the date on
3 which an application for parole may be ap-
4 proved.

5 (4) APPROVAL.—Each designated processing
6 center shall issue appropriate travel documentation
7 to aliens granted parole under this section. Such
8 aliens shall present such documentation to U.S. Cus-
9 toms and Border Protection personnel at a port of
10 entry for parole into the United States not later
11 than 120 days after such documentation is issued.

12 **SEC. 2109. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**
13 **LINE.**

14 (a) INFORMATIONAL CAMPAIGN.—The Secretary
15 shall implement an informational campaign, in English
16 and Spanish, in the United States, El Salvador, Guate-
17 mala, and Honduras to increase awareness of the provi-
18 sions set forth in this title.

19 (b) CASE STATUS HOTLINE.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 shall establish a case status hotline providing confidential
22 processing information on pending cases.

1 **TITLE III—SPECIAL IMMIGRANT**
2 **VISA PROGRAMS**

3 **SEC. 3101. SPECIAL IMMIGRANT VISA PROGRAM REPORT-**
4 **ING REQUIREMENT.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Inspector General
7 of the Department of State, in consultation with the In-
8 spector General of the Department of Defense, shall sub-
9 mit a report, with a classified annex if necessary, to—

10 (1) the Committee on the Judiciary of the Sen-
11 ate;

12 (2) the Committee on Foreign Relations of the
13 Senate;

14 (3) the Committee on Armed Services of the
15 Senate;

16 (4) the Committee on the Judiciary of the
17 House of Representatives;

18 (5) the Committee on Foreign Affairs of the
19 House of Representatives; and

20 (6) the Committee on Armed Services of the
21 House of Representatives.

22 (b) PUBLICATION.—The Department of State shall
23 publish the report submitted under subsection (a) on the
24 website of the Department of State.

1 (c) CONTENTS.—The report submitted under sub-
2 section (a) shall evaluate—

3 (1) the obstacles to effective protection of Af-
4 ghan and Iraqi allies through the special immigrant
5 visa program between 2009 and the present;

6 (2) measures to improve efficient processing in
7 the special immigrant visa programs; and

8 (3) suggestions for improvements in future pro-
9 grams, including information relating to—

10 (A) the hiring of locally employed staff and
11 contractors;

12 (B) documenting the identity and employ-
13 ment of locally employed staff and contractors
14 of the United States Government, including the
15 possibility of establishing a central database of
16 employees of the United States Government
17 and its contractors;

18 (C) the protection in and safety of employ-
19 ees of locally employed staff and contractors;

20 (D) means of expediting processing at all
21 stages of the process for applicants, including
22 consideration of reducing required forms;

23 (E) appropriate staffing levels for expe-
24 dited processing domestically and abroad;

1 (F) the effect of uncertainty of visa avail-
2 ability on visa processing;

3 (G) the cost and availability of medical ex-
4 aminations; and

5 (H) means to reduce delays in interagency
6 processing and security checks.

7 (d) CONSULTATION.—In preparing the report under
8 subsection (a), the Inspector General shall consult with—

9 (1) the Visa Office of the Bureau of Consular
10 Affairs Visa Office of the Department of State;

11 (2) the Executive Office of the Bureau of Near
12 Eastern Affairs and South and Central Asian Af-
13 fairs of the Department of State;

14 (3) the Consular Section of the United States
15 Embassy in Kabul, Afghanistan;

16 (4) the Consular Section of the United States
17 Embassy in Baghdad, Iraq;

18 (5) U.S. Citizenship and Immigration Services
19 of the Department of Homeland Security;

20 (6) the Department of Defense;

21 (7) nongovernmental organizations providing
22 legal aid in the special immigrant visa application
23 process; and

1 (8) wherever possible, current and former em-
2 ployees of the offices referred to in paragraphs (1)
3 through (6).

4 **SEC. 3102. INCLUSION OF CERTAIN SPECIAL IMMIGRANTS**
5 **IN THE ANNUAL REFUGEE SURVEY.**

6 Section 413(b)(1) of the Immigration and Nationality
7 Act (8 U.S.C. 1523(b)(1)) is amended by inserting “and
8 individuals who have opted to receive refugee benefits and
9 who were admitted pursuant to section 1059 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2006
11 (Public Law 109–163; 8 U.S.C. 1101 note), section 1244
12 of the Refugee Crisis in Iraq Act of 2007 (Public Law
13 110–181; 8 U.S.C. 1157 note), section 602 of the Afghan
14 Allies Protection Act of 2009 (Public Law 111–8; 8
15 U.S.C. 1101 note), or section 308 of the Refugee Protec-
16 tion Act of 2022” after “who have entered the United
17 States,”.

18 **TITLE IV—NONDISCRIMINATION**

19 **SEC. 4101. EXPANSION OF NONDISCRIMINATION PROVI-**
20 **SION.**

21 Section 202(a)(1)(A) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

23 (1) by striking “Except as specifically provided
24 in paragraph (2) and in sections 101(a)(27),
25 201(b)(2)(A)(i), and 203, no” and inserting “No”;

1 (2) by inserting “or a nonimmigrant visa, ad-
2 mission or other entry into the United States, or the
3 approval or revocation of any immigration benefit”
4 after “immigrant visa”;

5 (3) by inserting “religion,” after “sex,”; and

6 (4) by inserting before the period at the end the
7 following: “, except as specifically provided in para-
8 graph (2), in sections 101(a)(27), 201(b)(2)(A)(i),
9 and 203, if otherwise expressly required by statute,
10 or if a statutorily authorized benefit takes into con-
11 sideration such factors”.

12 **SEC. 4102. TRANSFER AND LIMITATIONS ON AUTHORITY TO**
13 **SUSPEND OR RESTRICT THE ENTRY OF A**
14 **CLASS OF ALIENS.**

15 Section 212(f) of the Immigration and Nationality
16 Act (8 U.S.C. 1182(f)) is amended to read as follows:

17 “(f) **AUTHORITY TO SUSPEND OR RESTRICT THE**
18 **ENTRY OF A CLASS OF ALIENS.—**

19 “(1) **IN GENERAL.—**Subject to paragraph (2),
20 if the Secretary of State, in consultation with the
21 Secretary of Homeland Security, determines, based
22 on specific and credible facts, that the entry of any
23 aliens or any class of aliens into the United States
24 would undermine the security or public safety of the
25 United States or the preservation of human rights,

1 democratic processes or institutions, or international
2 stability, the President may temporarily—

3 “(A) suspend the entry of such aliens or
4 class of aliens as immigrants or nonimmigrants;
5 or

6 “(B) impose any restrictions on the entry
7 of such aliens that the President deems appro-
8 priate.

9 “(2) LIMITATIONS.—In carrying out paragraph
10 (1), the President, the Secretary of State, and the
11 Secretary of Homeland Security shall—

12 “(A) only issue a suspension or restriction
13 when required to address specific acts impli-
14 cating a compelling government interest in a
15 factor identified in paragraph (1);

16 “(B) narrowly tailor the suspension or re-
17 striction, using the least restrictive means, to
18 achieve such compelling government interest;

19 “(C) specify the duration of the suspension
20 or restriction;

21 “(D) consider waivers to any class-based
22 restriction or suspension and apply a rebuttable
23 presumption in favor of granting family-based
24 and humanitarian waivers; and

25 “(E) comply with all provisions of this Act.

1 “(3) CONGRESSIONAL NOTIFICATION.—

2 “(A) IN GENERAL.—Prior to the President
3 exercising the authority under paragraph (1),
4 the Secretary of State and the Secretary of
5 Homeland Security shall consult Congress and
6 provide Congress with specific evidence sup-
7 porting the need for the suspension or restric-
8 tion and its proposed duration.

9 “(B) BRIEFING AND REPORT.—Not later
10 than 48 hours after the President exercises the
11 authority under paragraph (1), the Secretary of
12 State and the Secretary of Homeland Security
13 shall provide a briefing and submit a written re-
14 port to Congress that describes—

15 “(i) the action taken pursuant to
16 paragraph (1) and the specified objective
17 of such action;

18 “(ii) the estimated number of individ-
19 uals who will be impacted by such action;

20 “(iii) the constitutional and legislative
21 authority under which such action took
22 place; and

23 “(iv) the circumstances necessitating
24 such action, including how such action

1 complies with paragraph (2), as well as
2 any intelligence informing such actions.

3 “(C) TERMINATION.—If the briefing and
4 report described in subparagraph (B) are not
5 provided to Congress during the 48 hours that
6 begin when the President exercises the author-
7 ity under paragraph (1), the suspension or re-
8 striction shall immediately terminate absent in-
9 tervening congressional action.

10 “(D) CONGRESS.—In this paragraph, the
11 term ‘Congress’ refers to the Select Committee
12 on Intelligence of the Senate, the Committee on
13 Foreign Relations of the Senate, the Committee
14 on the Judiciary of the Senate, the Committee
15 on Homeland Security and Governmental Af-
16 fairs of the Senate, the Permanent Select Com-
17 mittee on Intelligence of the House of Rep-
18 resentatives, the Committee on Foreign Affairs
19 of the House of Representatives, the Committee
20 on the Judiciary of the House of Representa-
21 tives, and the Committee on Homeland Security
22 of the House of Representatives.

23 “(4) PUBLICATION.—The Secretary of State
24 and the Secretary of Homeland Security shall pub-
25 licly announce and publish an unclassified version of

1 the report described in paragraph (3)(B) in the Fed-
2 eral Register.

3 “(5) JUDICIAL REVIEW.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, an individual or entity
6 who is present in the United States and has
7 been harmed by a violation of this subsection
8 may file an action in an appropriate district
9 court of the United States to seek declaratory
10 or injunctive relief.

11 “(B) CLASS ACTION.—Nothing in this Act
12 may be construed to preclude an action filed
13 pursuant to subparagraph (A) from proceeding
14 as a class action.

15 “(6) TREATMENT OF COMMERCIAL AIRLINES.—

16 Whenever the Secretary of Homeland Security finds
17 that a commercial airline has failed to comply with
18 regulations of the Secretary of Homeland Security
19 relating to requirements of airlines for the detection
20 of fraudulent documents used by passengers trav-
21 eling to the United States (including the training of
22 personnel in such detection), the Secretary of Home-
23 land Security may suspend the entry of some or all
24 aliens transported to the United States by such air-
25 line.

1 “(7) RULE OF CONSTRUCTION.—Nothing in
2 this section may be construed as authorizing the
3 President, the Secretary of State, or the Secretary
4 of Homeland Security to act in a manner incon-
5 sistent with the policy decisions expressed in the im-
6 migration laws.”.

7 **SEC. 4103. VISA APPLICANTS REPORT.**

8 (a) INITIAL REPORTS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary
11 of State, in coordination with the Secretary of
12 Homeland Security and the heads of other relevant
13 Federal agencies, shall submit a report to the con-
14 gressional committees referred to in section
15 212(f)(3)(D) of the Immigration and Nationality
16 Act, as amended by section 4102 of this Act, that
17 describes the implementation of Presidential Procla-
18 mations 9645, 9822, and 9983 and Executive Order
19 Nos. 13769, 13780, and 13815, during the effective
20 period of each such proclamation and order.

21 (2) PRESIDENTIAL PROCLAMATION 9645 AND
22 9983.—In addition to the content described in para-
23 graph (1), the report submitted with respect to Pres-
24 idential Proclamation 9645, issued on September 24,
25 2017, and Presidential Proclamation 9983, issued

1 on January 31, 2020, shall include, for each country
2 listed in such proclamation—

3 (A) the total number of individuals who
4 applied for a visa during the time period the
5 proclamation was in effect, disaggregated by
6 country and visa category;

7 (B) the total number of visa applicants de-
8 scribed in subparagraph (A) who were ap-
9 proved, disaggregated by country and visa cat-
10 egory;

11 (C) the total number of visa applicants de-
12 scribed in subparagraph (A) who were refused,
13 disaggregated by country and visa category,
14 and the reasons they were refused;

15 (D) the total number of visa applicants de-
16 scribed in subparagraph (A) whose applications
17 remain pending, disaggregated by country and
18 visa category;

19 (E) the total number of visa applicants de-
20 scribed in subparagraph (A) who were granted
21 a waiver, disaggregated by country and visa
22 category;

23 (F) the total number of visa applicants de-
24 scribed in subparagraph (A) who were denied a
25 waiver, disaggregated by country and visa cat-

1 egory, and the reasons such waiver requests
2 were denied;

3 (G) the total number of refugees admitted,
4 disaggregated by country; and

5 (H) the complete reports that were sub-
6 mitted to the President every 180 days in ac-
7 cordance with section 4 of Presidential Procla-
8 mation 9645 in its original form, and as
9 amended by Presidential Proclamation 9983.

10 (b) ADDITIONAL REPORTS.—Not later than 30 days
11 after the date on which the President exercises the author-
12 ity under section 212(f) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1182(f)), as amended by section 4102
14 of this Act, and every 30 days thereafter, the Secretary
15 of State, in coordination with the Secretary of Homeland
16 Security and heads of other relevant Federal agencies,
17 shall submit a report to the congressional committees re-
18 ferred to in paragraph (3)(D) of such section 212(f) that
19 identifies, with respect to countries affected by a suspen-
20 sion or restriction, the information described in subpara-
21 graphs (A) through (G) of subsection (a)(2) and the spe-
22 cific evidence supporting the need for the continued exer-
23 cise of Presidential authority under such section 212(f),
24 including the information described in paragraph (3)(B)
25 of such section 212(f). If the report described in this sub-

1 section is not provided to such congressional committees
2 in the time specified, the suspension or restriction shall
3 immediately terminate absent intervening congressional
4 action. A final report with such information shall be pre-
5 pared and submitted to such congressional committees not
6 later than 30 days after the suspension or restriction is
7 lifted.

8 (c) FORM; AVAILABILITY.—The reports required
9 under subsections (a) and (b) shall be made publicly avail-
10 able online in unclassified form.

11 **TITLE V—GENERAL PROVISIONS**

12 **SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.**

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

16 **SEC. 5102. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
18 complying with the Statutory Pay-As-You-Go Act of 2010
19 (Public Law 111–139), shall be determined by reference
20 to the latest statement titled “Budgetary Effects of
21 PAYGO Legislation” for this Act, jointly submitted for
22 printing in the Congressional Record by the Chairmen of
23 the Senate Budget Committee, provided that such state-
24 ment has been submitted prior to the vote on passage.

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