

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the authority to refuse or revoke visas of the Secretary of Homeland Security and the Secretary of State.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1 At the end of subtitle C of title II, add the following:

2 **SEC. 2320. VISA REFUSAL AND REVOCATION.**

3 (a) **AUTHORITY OF THE SECRETARY OF HOMELAND**
4 **SECURITY AND THE SECRETARY OF STATE.—**

5 (1) **IN GENERAL.—**Section 428 of the Home-
6 land Security Act of 2002 (6 U.S.C. 236) is amend-
7 ed by striking subsections (b) and (c) and inserting
8 the following:

9 “(b) **AUTHORITY OF THE SECRETARY OF HOMELAND**
10 **SECURITY.—**

1 “(1) IN GENERAL.—Notwithstanding section
2 104(a) of the Immigration and Nationality Act (8
3 U.S.C. 1104(a)) or any other provision of law, and
4 except as provided in subsection (c) of this section
5 and for the authority of the Secretary of State under
6 subparagraphs (A) and (G) of section 101(a)(15) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1101(a)(15)), the Secretary—

9 “(A) shall have exclusive authority to issue
10 regulations, establish policy, and administer and
11 enforce the provisions of the Immigration and
12 Nationality Act (8 U.S.C. 1101 et seq.) and all
13 other immigration or nationality laws relating
14 to the functions of consular officers of the
15 United States in connection with the granting
16 and refusal of a visa; and

17 “(B) may refuse or revoke any visa to any
18 alien or class of aliens if the Secretary, or des-
19 ignee, determines that such refusal or revoca-
20 tion is necessary or advisable in the security in-
21 terests of the United States.

22 “(2) EFFECT OF REVOCATION.—The revocation
23 of any visa under paragraph (1)(B)—

24 “(A) shall take effect immediately; and

1 “(B) shall automatically cancel any other
2 valid visa that is in the alien’s possession.

3 “(3) JUDICIAL REVIEW.—Notwithstanding any
4 other provision of law, including section 2241 of title
5 28, United States Code, or any other habeas corpus
6 provision, and sections 1361 and 1651 of such title,
7 no court shall have jurisdiction to review a decision
8 by the Secretary to refuse or revoke a visa, and no
9 court shall have jurisdiction to hear any claim arising
10 from, or any challenge to, such a refusal or revocation.
11 ocation.

12 “(c) AUTHORITY OF THE SECRETARY OF STATE.—

13 “(1) IN GENERAL.—The Secretary of State may
14 direct a consular officer to refuse a visa requested
15 by an alien if the Secretary of State determines such
16 refusal to be necessary or advisable in the interests
17 of the United States.

18 “(2) LIMITATION.—No decision by the Secretary
19 of State to approve a visa may override a decision
20 by the Secretary under subsection (b).”.

21 “(2) CONFORMING AMENDMENT.—Section
22 237(a)(1)(B) (8 U.S.C. 1227(a)(1)(B)) is amended
23 by striking “revoked under section 221(i),” and inserting
24 “revoked,”.

1 (3) EFFECTIVE DATE AND APPLICATION.—The
2 amendment made by paragraph (1) shall take effect
3 on the date of the enactment of this Act and shall
4 apply to visa refusals and revocations occurring be-
5 fore, on, or after such date.

6 (b) TECHNICAL CORRECTIONS TO THE HOMELAND
7 SECURITY ACT.—Section 428(a) of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 236) is amended by—

9 (1) striking “subsection,” and inserting “sec-
10 tion,”; and

11 (2) striking “‘consular office’” and inserting
12 “‘consular officer’”.