

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that all applications for immigration status under the Act and amendments made by the Act are filed electronically, to clarify the national security and law enforcement clearances required for an alien to be granted registered provisional immigrant status, to require interviews of certain applicants for adjustment of status, to require a fraud detection and deterrence plan to be submitted to Congress, and to impose penalties for knowingly committing or aiding fraud.

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

AMENDMENTS intended to be proposed by

Viz:

- 1 Beginning on page 10, strike line 19 and all that fol-
- 2 lows through page 11, line 4, and insert the following:
- 3 (1) PROCESSING OF APPLICATIONS FOR REG-
- 4 ISTERED PROVISIONAL IMMIGRANT STATUS.—The
- 5 Secretary may not commence processing applications
- 6 for registered provisional immigrant status pursuant
- 7 to section 245B of the Immigration and Nationality

1 Act, as added by section 2101 of this Act, for blue
2 card status (as defined in section 2201 of this Act),
3 or for adjustment of status under section 245D(b)
4 of the Immigration and Nationality Act, as added by
5 section 2013 of this Act, until the date on which the
6 Secretary has—

7 (A) submitted to Congress the Notice of
8 Commencement of implementation of the Com-
9 prehensive Southern Border Security Strategy
10 and the Southern Border Fencing Strategy
11 under section 5 of this Act; and

12 (B) certified to Congress that all such ap-
13 plications may be filed electronically.

14 On page 81, strike lines 8 through 24 and insert the
15 following:

16 “(C) CLEARANCES AND OTHER PRE-
17 REQUISITES.—Before any alien may be granted
18 registered provisional immigrant status, the
19 Secretary shall—

20 “(i) enable all aliens applying for such
21 status to file applications electronically;

22 “(ii) ensure that in addition to the
23 submission of biometric and biographic
24 data under subparagraph (A), an alien ap-

1 plying for such status submits to national
2 security and law enforcement clearances,
3 which shall include at a minimum—

4 “(I) a State and local criminal
5 background check through the Na-
6 tional Law Enforcement Tele-
7 communication System, including the
8 exchange of interstate driver license
9 photos if available;

10 “(II) a fingerprint check by the
11 Federal Bureau of Investigation;

12 “(III) verification that the alien
13 is not listed on the consolidated ter-
14 rorist watchlist of the Federal Govern-
15 ment;

16 “(IV) screening by the Office of
17 Biometric and Identity Management
18 (formerly known as “US-VISIT”);
19 and

20 “(V) a check against the TECS
21 system (formerly known as the
22 “Treasury Enforcement Communica-
23 tions System”);

1 “(iii) ensure that an official of the
2 agency performing each such clearance
3 documents the results of the clearance; and

4 “(iv) establish procedures to ensure
5 that a minimum of 5 percent of the aggre-
6 gate pool of applicants for registered provi-
7 sional immigrant status at any time are
8 randomly selected for interviews.

9 At the end of subtitle A of title II, add the following:

10 **SEC. 2112. FRAUD DETECTION AND DETERRENCE.**

11 (a) **PLAN REQUIRED.**—The Secretary shall develop
12 and administer a fraud detection and deterrence plan for
13 ensuring the U.S. Citizenship and Immigration Services
14 is proactively detecting, deterring, and combating immi-
15 gration benefit fraud that includes—

16 (1) the use of systems analytics software to de-
17 tect and deter immigration benefit fraud;

18 (2) compliance reviews and immigration benefit
19 fraud assessments;

20 (3) leveraging public-private partnerships with
21 business entities to assist U.S. Citizenship and Im-
22 migration Services in the electronic verification of
23 data critical to determining the eligibility of aliens
24 for registered provisional immigrant status;

1 (4) in the case of any alien who knowingly en-
2 engaged in immigration benefit fraud—

3 (A) the imposition of a fine of \$5,000 on
4 the alien;

5 (B) a prohibition on the alien filing any
6 application or petition with U.S. Citizenship
7 and Immigration Services during the 5-year pe-
8 riod after a final administrative finding of fraud
9 by U.S. Citizenship and Immigration Services
10 or the conviction of the alien for fraud; and

11 (C) the expeditious deportation or removal
12 of the alien if the alien files an application or
13 petition with U.S. Citizenship and Immigration
14 Services during that 5-year period;

15 (5) a prohibition on the use of attorney-client
16 privilege to maintain the confidentiality of applica-
17 tions for registered provisional immigrant status for
18 the purposes of determining whether an alien has
19 engaged in fraud; and

20 (6) in the case of any other person who know-
21 ingly engages in immigration benefit fraud with re-
22 spect to applications for registered provisional immi-
23 grant status, the imposition of a fine of \$5,000 per
24 applicant for such status.

25 (b) SUBMISSION OF PLAN; REPORTS.—

1 (1) SUBMISSION.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall submit to Congress the fraud detection
4 and deterrence plan developed under subsection (a).

5 (2) REPORTS.—Not later than 1 year after the
6 submission of the plan under paragraph (1), and an-
7 nually thereafter, the Secretary shall submit to Con-
8 gress a report assessing the effectiveness of the plan.

9 At the end of subtitle G of title III, add the following:

10 **SEC. 3720. IN-PERSONS INTERVIEWS REQUIRED FOR AD-**
11 **JUSTMENT OF STATUS.**

12 Chapter 5 of title II (8 U.S.C. 19 1255 et seq.) is
13 amended by inserting after section 245F, as added by sec-
14 tion 2212 of this Act, the following:

15 **“SEC. 245G. IN-PERSONS INTERVIEWS REQUIRED FOR AD-**
16 **JUSTMENT OF STATUS.**

17 “Notwithstanding any other provision of law, the Sec-
18 retary of Homeland Security shall require every alien who
19 is at least 14 years of age and not more than 79 years
20 of age and is applying for registered provisional immigrant
21 status under section 245B, for blue card status (as defined
22 in section 2201 of the Border Security, Economic Oppor-
23 tunity, and Immigration Modernization Act), or for ad-
24 justment of status under section 245D(b), to submit to

1 an in-person interview with an immigration adjudication
2 officer if the alien—

3 “(1) has been convicted of 2 or more mis-
4 demeanors;

5 “(2) has an outstanding final order of removal;

6 “(3) is an alien for whom there is a positive
7 match on a fingerprint check (or biometric check, as
8 determined by the Secretary of Homeland Security)
9 or name check;

10 “(4) poses a threat to the national security of
11 the United States, as determined by the Attorney
12 General or the Secretary of Homeland Security;

13 “(5) is listed in the consolidated terrorism
14 watchlist of the Federal Government or the TECS
15 system (formerly known as the ‘Treasury Enforce-
16 ment Communications System’) or a successor sys-
17 tem of the Department of Homeland Security;

18 “(6) is a national of a country the government
19 of which the Secretary of State has determined has
20 repeatedly provided support for acts international
21 terrorism pursuant to section 6(j) of the Export Ad-
22 ministration Act of 1979 (50 U.S.C. App. 2405) (as
23 continued in effect under the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1701 et
25 seq.)), section 620A of the Foreign Assistance Act

1 of 1961 (22 U.S.C. 2371), or section 40 of the Arms
2 Export Control Act (22 U.S.C. 2780) (other than a
3 national of such a country who also possesses a na-
4 tionality of a country with respect to which the Sec-
5 retary of State has not made such a determination);
6 “(7) has been the subject of a security advisory
7 opinion requested by a consulate overseas; or
8 “(8) has been determined to be inadmissible
9 pursuant to subparagraph (B), (C), or (F) of section
10 212(a)(3).”.