

114TH CONGRESS
2D SESSION

H. R. 5851

To amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Ms. LOFGREN (for herself, Mr. CONYERS, Mr. NADLER, Ms. JUDY CHU of California, Mr. GUTIÉRREZ, Mr. CICILLINE, Mr. BECERRA, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. ELLISON, Mr. ENGEL, Mr. HONDA, Mr. TED LIEU of California, Ms. MATSUI, Mr. MOULTON, Ms. NORTON, Mr. O’ROURKE, Mr. POLIS, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. TAKANO, Mr. VEASEY, and Mr. WELCH) 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, and Homeland Security, 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 amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

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 2016”.

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. Definitions.
- Sec. 3. Elimination of time limits on asylum applications.
- Sec. 4. Protecting certain vulnerable groups of asylum seekers.
- Sec. 5. Scope and standard for review.
- Sec. 6. Efficient asylum and refugee determination process.
- Sec. 7. Secure alternatives.
- Sec. 8. Conditions of detention.
- Sec. 9. Timely notice of immigration charges.
- Sec. 10. Procedures for ensuring accuracy and verifiability of sworn statements
taken pursuant to expedited removal authority.
- Sec. 11. Child welfare professionals.
- Sec. 12. Study on the effect of expedited removal provisions, practices, and pro-
cedures on asylum claims.
- Sec. 13. Training for border security and immigration enforcement officers.
- Sec. 14. Refugee opportunity promotion.
- Sec. 15. Protections for minors seeking asylum.
- Sec. 16. Fair day in court for kids.
- Sec. 17. Protection of stateless persons in the United States.
- Sec. 18. Authority to designate certain groups of refugees for consideration.
- Sec. 19. Multiple forms of relief.
- Sec. 20. Protection of refugee families.
- Sec. 21. Reform of refugee consultation process.
- Sec. 22. Admission of refugees in the absence of the annual Presidential deter-
mination.
- Sec. 23. Update of reception and placement grants.
- Sec. 24. Protection for aliens interdicted at sea.
- Sec. 25. Modification of physical presence requirements for aliens serving as
translators.
- Sec. 26. Protecting victims of terrorism from being defined as terrorists.
- Sec. 27. Assessment of the Refugee Domestic Resettlement Program.
- Sec. 28. Refugee assistance.
- Sec. 29. Resettlement data.
- Sec. 30. Extension of eligibility period for Social Security benefits for certain
refugees.
- Sec. 31. Prohibition on operation streamline for asylum seekers.
- Sec. 32. T and U visa reforms.
- Sec. 33. Transparency in refugee determinations.
- Sec. 34. Authorization of appropriations.
- Sec. 35. Determination of budgetary effects.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ASYLUM SEEKER.—The term “asylum seek-
2 er” —

3 (A) means—

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

7 (ii) any alien who indicates—

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

10 (II) a fear of persecution; and

11 (iii) any alien who indicates—

12 (I) an intention to apply for with-
13 holding of removal pursuant to—

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

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

22 (II) a fear that the alien’s life or
23 freedom would be threatened;

24 (B) includes any individual described in
25 subparagraph (A) whose application for asylum

1 or withholding of removal is pending judicial re-
2 view; and

3 (C) does not include an individual with re-
4 spect to whom a final order denying asylum and
5 withholding of removal has been entered if such
6 order is not pending judicial review.

7 (2) DEPARTMENT.—The term “Department”
8 means the Department of Homeland Security.

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

11 **SEC. 3. ELIMINATION OF TIME LIMITS ON ASYLUM APPLI-**
12 **CATIONS.**

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

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

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

19 (3) by redesignating subparagraph (C) as sub-
20 paragraph (B);

21 (4) in subparagraph (B), as redesignated, by
22 striking “subparagraph (D)” and inserting “sub-
23 paragraphs (C) and (D)”;

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

1 “(C) CHANGED CIRCUMSTANCES.—Not-
2 withstanding subparagraph (B), an application
3 for asylum of an alien may be considered if the
4 alien demonstrates, to the satisfaction of the
5 Attorney General or the Secretary of Homeland
6 Security, the existence of changed cir-
7 cumstances that materially affect the appli-
8 cant’s eligibility for asylum.

9 “(D) MOTION TO REOPEN CERTAIN MERI-
10 TORIOUS CLAIMS.—Notwithstanding subpara-
11 graph (B) or section 240(c)(7), an alien may
12 file a motion to reopen an asylum claim during
13 the 2-year period beginning on the date of the
14 enactment of the Refugee Protection Act of
15 2016 if the alien—

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

20 “(ii) was granted withholding of re-
21 moval to the alien’s country of nationality
22 (or, if stateless, to the country of last ha-
23 bitual residence) under section 241(b)(3);

1 “(iii) has not obtained lawful perma-
2 nent residence in the United States pursu-
3 ant to any other provision of law;

4 “(iv) is not subject to the safe third
5 country exception in section 208(a)(2)(A)
6 or a bar to asylum under section 208(b)(2)
7 and was not denied asylum as a matter of
8 discretion; and

9 “(v) is physically present in the
10 United States when the motion is filed.”.

11 **SEC. 4. PROTECTING CERTAIN VULNERABLE GROUPS OF**
12 **ASYLUM SEEKERS.**

13 (a) **DEFINED TERM.**—Section 101(a)(42) of the Im-
14 migration and Nationality Act (8 U.S.C. 1101(a)(42)) is
15 amended to read as follows:

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

18 “(i)(I) is outside any country of such per-
19 son’s nationality or, in the case of a person hav-
20 ing no nationality, is outside any country in
21 which such person last habitually resided; and

22 “(II) is unable or unwilling to return to,
23 and is unable or unwilling to avail himself or
24 herself of the protection of, that country be-
25 cause of persecution, or a well-founded fear of

1 persecution, on account of race, religion, nation-
2 ality, membership in a particular social group,
3 or political opinion; or

4 “(ii) in such circumstances as the Presi-
5 dent may specify, after appropriate consultation
6 (as defined in section 207(e))—

7 “(I) is within the country of such per-
8 son’s nationality or, in the case of a person
9 having no nationality, within the country
10 in which such person is habitually residing;
11 and

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

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

1 “(C) For purposes of determinations under this
2 Act—

3 “(i) a person who has been forced to abort
4 a pregnancy or to undergo involuntary steriliza-
5 tion, or who has been persecuted for failure or
6 refusal to undergo such a procedure or for
7 other resistance to a coercive population control
8 program, shall be deemed to have been per-
9 secuted on account of political opinion; and

10 “(ii) a person who has a well-founded fear
11 that he or she will be forced to undergo such
12 a procedure or subject to persecution for such
13 failure, refusal, or resistance shall be deemed to
14 have a well-founded fear of persecution on ac-
15 count of political opinion.

16 “(D) For purposes of determinations under this
17 Act, any group whose members share a char-
18 acteristic that is either immutable or fundamental to
19 identity, conscience, or the exercise of the person’s
20 human rights such that the person should not be re-
21 quired to change it, shall be deemed a particular so-
22 cial group, without any additional requirement.”.

23 (b) CONDITIONS FOR GRANTING ASYLUM.—Section
24 208(b)(1)(B) of the Immigration and Nationality Act (8
25 U.S.C. 1158(b)(1)(B)) is amended—

1 (1) in clause (i), by striking “at least one cen-
2 tral reason for persecuting the applicant” and in-
3 serting “a factor in the applicant’s persecution or
4 fear of persecution”;

5 (2) in clause (ii), by striking the last sentence
6 and inserting the following: “If the trier of fact de-
7 termines that the applicant should provide evidence
8 that corroborates otherwise credible testimony, the
9 trier of fact shall provide notice and allow the appli-
10 cant a reasonable opportunity to file such evidence.
11 The trier of fact may not require such evidence if
12 the applicant does not have the evidence and dem-
13 onstrates that he or she cannot reasonably obtain
14 the evidence. Evidence shall not be considered rea-
15 sonably obtainable if procurement of such evidence
16 would reasonably endanger the life or safety of any
17 person.”;

18 (3) by redesignating clause (iii) as clause (iv);

19 (4) by inserting after clause (ii) the following:

20 “(iii) SUPPORTING EVIDENCE ACCEPT-
21 ED.—Direct or circumstantial evidence, in-
22 cluding evidence that the State is unable
23 or unwilling to protect individuals of the
24 applicant’s race, religion, nationality, par-
25 ticular social group, or political opinion, or

1 that the State’s legal or social norms tol-
2 erate persecution against individuals of the
3 applicant’s race, religion, nationality, par-
4 ticular social group, or political opinion,
5 may establish that persecution is on ac-
6 count of one of the grounds enumerated in
7 subsection (a)(42)(A)(i)(II).”; and

8 (5) in clause (iv), as redesignated, by striking
9 “, without regard to whether an inconsistency, inac-
10 curacy, or falsehood goes to the heart of the appli-
11 cant’s claim, or any other relevant factor.” and in-
12 serting “. If the trier of fact determines that there
13 are inconsistencies or omissions, the alien shall be
14 given an opportunity to explain and to provide sup-
15 port or evidence to clarify such inconsistencies or
16 omissions.”.

17 (c) REMOVAL PROCEEDINGS.—Section 240(c)(4) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1229a(c)(4)) is amended—

20 (1) in subparagraph (B), by striking the last
21 sentence and inserting the following: “If the trier of
22 fact determines that the applicant should provide
23 evidence that corroborates otherwise credible testi-
24 mony, the trier of fact shall provide notice and allow
25 the applicant a reasonable opportunity to file such

1 evidence. The trier of fact may not require such evi-
2 dence if the applicant does not have the evidence
3 and demonstrates that he or she cannot reasonably
4 obtain the evidence. Evidence shall not be considered
5 reasonably obtainable under this subparagraph if
6 procurement of such evidence would reasonably en-
7 danger the life or safety of any person in the appli-
8 cant’s home country.”; and

9 (2) in subparagraph (C), by striking “, without
10 regard to whether an inconsistency, inaccuracy, or
11 falsehood goes to the heart of the applicant’s claim,
12 or any other relevant factor.” and inserting “. If the
13 trier of fact determines that there are inconsis-
14 tencies or omissions, the alien shall be given an op-
15 portunity to explain and to provide support or evi-
16 dence to clarify such inconsistencies or omissions.”.

17 **SEC. 5. SCOPE AND STANDARD FOR REVIEW.**

18 Section 242(b) of the Immigration and Nationality
19 Act (8 U.S.C. 1252(b)) is amended—

20 (1) in paragraph (1), by adding at the end the
21 following: “The alien shall not be removed during
22 such 30-day period, unless the alien indicates in
23 writing that he or she wishes to be removed before
24 the expiration of such period.”; and

1 (2) by striking paragraph (4) and inserting the
2 following:

3 “(4) SCOPE AND STANDARD FOR REVIEW.—Ex-
4 cept as provided in paragraph (5)(B), the court of
5 appeals shall sustain a final decision ordering re-
6 moval unless it is contrary to law, an abuse of dis-
7 cretion, or not supported by substantial evidence.
8 The court of appeals shall decide the petition only
9 on the administrative record on which the order of
10 removal is based.”.

11 **SEC. 6. EFFICIENT ASYLUM AND REFUGEE DETERMINA-**
12 **TION PROCESS.**

13 (a) ASYLUM DETERMINATION PROCESS.—Section
14 235(b)(1) of the Immigration and Nationality Act (8
15 U.S.C. 1225(b)(1)) is amended—

16 (1) in subparagraph (B), by striking clauses (i)
17 through (iii) and inserting the following:

18 “(i) CONDUCT BY ASYLUM OFFI-
19 CERS.—Asylum claims by aliens referred
20 under subparagraph (A)(ii) shall be adju-
21 dicated in the first instance by asylum offi-
22 cers, under the jurisdiction of the Refugee,
23 Asylum, and International Operations Di-
24 rectorate of U.S. Citizenship and Immigra-
25 tion Service, pursuant to and in accord-

1 ance with section 208 and its imple-
2 menting regulations. Asylum officers shall
3 conduct full asylum interviews, scheduled
4 with sufficient time to seek counsel and
5 prepare supporting documents, and may
6 grant asylum or refer the application, to-
7 gether with the appropriate charging docu-
8 ment, for adjudication in removal pro-
9 ceedings.

10 “(ii) DETENTION.—While such case is
11 pending before the Asylum Office, the Sec-
12 retary of Homeland Security may detain
13 the alien pursuant to and in accordance
14 with section 236(a) and its implementing
15 regulations.”; and

16 (2) by striking—

17 (A) clause (v) of subparagraph (B);

18 (B) subparagraph (C); and

19 (C) subparagraph (D).

20 (b) REFUGEE DETERMINATION PROCESS.—If an ap-
21 plication for admission to the United States under section
22 207 of the Immigration and Nationality Act (8 U.S.C.
23 1157) is placed on hold for longer than 3 months or is
24 subject to the expiration and repetition of more than 3
25 screenings and one or more members of the applicant’s

1 family also have pending applications for admission under
2 such section, the Secretary of Homeland Security shall no-
3 tify any individual on that case who is eligible to travel
4 separately of the option to separate such individual's case
5 from the family unit and shall permit such individual to
6 travel based upon such individual's satisfaction of all secu-
7 rity and other requirements for refugee applications.

8 (c) CLARIFICATION ON ASYLUM ELIGIBILITY.—Sec-
9 tion 208 of the Immigration and Nationality Act (8 U.S.C.
10 1158) is amended—

11 (1) in subsection (b)(2)—

12 (A) by striking subparagraph (C); and

13 (B) by redesignating subparagraph (D) as
14 subparagraph (C); and

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

16 “(f) CLARIFICATION ON ASYLUM ELIGIBILITY.—Not-
17 withstanding any other provisions of law, an alien's eligi-
18 bility for asylum shall be governed solely by this section.”.

19 **SEC. 7. SECURE ALTERNATIVES.**

20 (a) ESTABLISHMENT.—The Secretary, in consulta-
21 tion with nongovernmental organizations, shall establish
22 a continuum of alternatives to detention and case manage-
23 ment services (referred to in this section as “secure alter-
24 natives”), including screening of detainees, appearance as-
25 sistance services, and community-based supervision pro-

1 grams, in each Enforcement and Removal Operations field
2 office operated by U.S. Immigration and Customs En-
3 forcement to ensure appearances by aliens at immigration
4 proceedings.

5 (b) CONTRACT AUTHORITY.—The Secretary may
6 contract with nongovernmental community-based organi-
7 zations to meet the requirements under subsection (a).

8 (c) USE OF BOND OR RECOGNIZANCE.—The Sec-
9 retary may not use secure alternatives when release on
10 reasonable bond or recognizance is determined to be a suf-
11 ficient measure to ensure an alien’s appearance at immi-
12 gration proceedings and protect public safety.

13 (d) PROGRAM REQUIREMENTS.—

14 (1) INDIVIDUALIZED DETERMINATIONS AND RE-
15 VIEW.—In determining whether to use secure alter-
16 natives, the Secretary—

17 (A) shall make an individualized deter-
18 mination about the level of monitoring nec-
19 essary to ensure an alien’s appearance at immi-
20 gration proceedings and protect public safety;

21 (B) shall review the level of supervision on
22 a frequent basis and adjust as appropriate; and

23 (C) shall limit the use of restrictive elec-
24 tronic monitoring devices, such as ankle brace-

1 lets to cases in which there is a demonstrated
2 need for such enhanced monitoring.

3 (2) PROGRAM ELEMENTS.—Secure alternatives
4 under this section shall include—

5 (A) individualized case management by an
6 assigned case supervisor; and

7 (B) referral to community-based providers
8 of legal and social services.

9 (3) CUSTODY.—The Secretary may use secure
10 alternatives to maintain custody over any alien de-
11 tained under the Immigration and Nationality Act,
12 except for aliens detained under section 236A of
13 such Act (8 U.S.C. 1226a).

14 (e) PAROLE OF CERTAIN ALIENS.—Section
15 235(b)(1)(B) of the Immigration and Nationality Act (8
16 U.S.C. 1225(b)(1)(B)) is amended—

17 (1) by redesignating clause (v) as clause (vi);
18 and

19 (2) by inserting after clause (iv) the following:

20 “(v) RELEASE.—

21 “(I) IN GENERAL.—Any alien
22 subject to detention under this sub-
23 section who has been determined to
24 have a credible or reasonable fear of
25 persecution shall be released from the

1 custody of the Department of Home-
2 land Security not later than 7 days
3 after such determination unless the
4 Secretary of Homeland Security
5 makes an individualized determination
6 supported by substantial evidence that
7 the alien—

8 “(aa) poses a risk to public
9 safety, which may include a risk
10 to national security; or

11 “(bb) is a flight risk, which
12 cannot be mitigated through
13 other conditions of release, such
14 as bond or secure alternatives,
15 that would reasonably ensure
16 that the alien would appear for
17 immigration proceedings.

18 “(II) NOTICE.—The Secretary of
19 Homeland Security shall provide every
20 alien and the alien’s legal representa-
21 tive with written notification of the
22 parole decision, including a brief ex-
23 planation of the reasons for any deci-
24 sion to deny parole. The notification
25 should be communicated to the alien

1 orally and in writing, in a language
2 the alien claims to understand.”.

3 **SEC. 8. CONDITIONS OF DETENTION.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPLICABLE STANDARDS.—The term “ap-
6 plicable standards” means the most recent version of
7 detention standards and detention-related policies
8 issued by the Secretary or the Director of U.S. Im-
9 migration and Customs Enforcement.

10 (2) DETENTION FACILITY.—The term “deten-
11 tion facility” means a Federal, State, or local gov-
12 ernment facility, or a privately owned and operated
13 facility, that is used, in whole or in part, to hold in-
14 dividuals under the authority of the Director of U.S.
15 Immigration and Customs Enforcement, including
16 facilities that hold such individuals under a contract
17 or agreement with the Director.

18 (b) DETENTION REQUIREMENTS.—The Secretary
19 shall ensure that all persons detained pursuant to the Im-
20 migration and Nationality Act (8 U.S.C. 1101 et seq.) are
21 treated humanely and benefit from the protections set
22 forth in this section.

23 (c) OVERSIGHT REQUIREMENTS.—

24 (1) ANNUAL INSPECTION.—All detention facili-
25 ties shall be inspected by the Secretary on a regular

1 basis, but not less than annually, for compliance
2 with applicable detention standards issued by the
3 Secretary and other applicable regulations.

4 (2) ROUTINE OVERSIGHT.—In addition to an-
5 nual inspections, the Secretary shall conduct routine
6 oversight of detention facilities, including unan-
7 nounced inspections.

8 (3) AVAILABILITY OF RECORDS.—All detention
9 facility contracts, memoranda of agreement, and
10 evaluations and reviews shall be considered records
11 for purposes of section 552(f)(2) of title 5, United
12 States Code.

13 (4) CONSULTATION.—The Secretary shall seek
14 input from nongovernmental organizations regarding
15 their independent opinion of specific facilities.

16 (d) COMPLIANCE MECHANISMS.—

17 (1) AGREEMENTS.—

18 (A) NEW AGREEMENTS.—Compliance with
19 applicable standards established by the Sec-
20 retary and all applicable regulations, and mean-
21 ingful financial penalties for failure to comply,
22 shall be a material term in any new contract,
23 memorandum of agreement, or any renegoti-
24 ation, modification, or renewal of an existing

1 contract or agreement, including fee negotia-
2 tions, executed with detention facilities.

3 (B) EXISTING AGREEMENTS.—Not later
4 than 180 days after the date of the enactment
5 of this Act, the Secretary shall secure a modi-
6 fication incorporating these terms for any exist-
7 ing contracts or agreements that will not be re-
8 negotiated, renewed, or otherwise modified.

9 (C) CANCELLATION OF AGREEMENTS.—
10 Unless the Secretary provides a reasonable ex-
11 tension to a specific detention facility that is
12 negotiating in good faith, contracts or agree-
13 ments with detention facilities that are not
14 modified within 1 year of the date of the enact-
15 ment of this Act shall be canceled.

16 (D) PROVISION OF INFORMATION.—In
17 making modifications under this paragraph, the
18 Secretary shall require that detention facilities
19 regularly provide the Secretary with all con-
20 tracts, memoranda of agreement, evaluations,
21 and reviews regarding the facility. The Sec-
22 retary shall make such materials available to
23 the public.

24 (2) FINANCIAL PENALTIES.—

1 (A) REQUIREMENT TO IMPOSE.—Subject
2 to subparagraph (C), the Secretary shall impose
3 meaningful financial penalties upon facilities
4 that fail to comply with applicable detention
5 standards established by the Secretary and
6 other applicable regulations.

7 (B) TIMING OF IMPOSITION.—Financial
8 penalties shall be imposed under subparagraph
9 (A) immediately after a facility fails to achieve
10 an adequate or the equivalent median score in
11 any performance evaluation.

12 (C) WAIVER.—The requirements under
13 subparagraph (A) may be waived if the facility
14 corrects the noted deficiencies and receives an
15 adequate score during the 90-day period begin-
16 ning on the date on which the facility failed to
17 achieve an adequate score in a performance
18 evaluation.

19 (D) MULTIPLE OFFENDERS.—If a facility
20 persistently and substantially fails to comply
21 with applicable detention standards, including
22 scoring less than adequate or the equivalent
23 median score in 2 consecutive inspections—

24 (i) the Secretary shall terminate all
25 contracts or agreements with such facility

1 not later than 60 days after such failure;

2 or

3 (ii) if the facility is operated by the
4 Secretary, the Secretary shall close such
5 facility not later than 90 days after such
6 failure.

7 (e) REPORTING REQUIREMENTS.—

8 (1) OBJECTIVES.—Not later than June 30 of
9 each year, the Secretary shall prepare and submit a
10 report to the Committee on the Judiciary of the
11 Senate and the Committee on the Judiciary of the
12 House of Representatives that describes the inspec-
13 tion and oversight activities of detention facilities.

14 (2) CONTENTS.—Each report submitted under
15 paragraph (1) shall include—

16 (A) a description of each detention facility
17 found to be in noncompliance with applicable
18 detention standards issued by the Department
19 or other applicable regulations;

20 (B) a description of the actions taken by
21 the Department to remedy any findings of non-
22 compliance or other identified problems, includ-
23 ing financial penalties, contract or agreement
24 termination, or facility closure; and

1 (C) information regarding whether the ac-
2 tions described in subparagraph (B) resulted in
3 compliance with applicable detention standards
4 and regulations.

5 (f) LIMITATIONS ON SOLITARY CONFINEMENT,
6 SHACKLING, AND STRIP SEARCHES.—

7 (1) EXTRAORDINARY CIRCUMSTANCES.—Solitary
8 confinement, shackling, and strip searches of
9 detainees—

10 (A) may not be used unless such tech-
11 niques are necessitated by extraordinary cir-
12 cumstances in which the safety of other persons
13 is at imminent risk; and

14 (B) may not be used for the purpose of
15 humiliating detainees within or outside the de-
16 tention facility.

17 (2) PROTECTED CLASSES.—Solitary confine-
18 ment, shackling, and strip searches may not be used
19 on pregnant women, nursing mothers, women in
20 labor or delivery, or children who are younger than
21 18 years of age. Strip searches may not be con-
22 ducted in the presence of children who are younger
23 than 21 years of age.

24 (3) WRITTEN POLICIES.—Detention facilities
25 shall—

1 (A) adopt written policies pertaining to the
2 use of force and restraints; and

3 (B) train all staff on the proper use of
4 such techniques and devices.

5 **SEC. 9. TIMELY NOTICE OF IMMIGRATION CHARGES.**

6 Section 236 of the Immigration and Nationality Act
7 (8 U.S.C. 1226) is amended by adding at the end the fol-
8 lowing:

9 “(f) NOTICE AND CHARGES.—Not later than 48
10 hours after the commencement of a detention of an indi-
11 vidual under this section, the Secretary of Homeland Se-
12 curity shall—

13 “(1) file a Notice to Appear or other relevant
14 charging document with the immigration court clos-
15 est to the location at which the individual was appre-
16 hended; and

17 “(2) serve such notice or charging document on
18 the individual.”.

19 **SEC. 10. PROCEDURES FOR ENSURING ACCURACY AND**
20 **VERIFIABILITY OF SWORN STATEMENTS**
21 **TAKEN PURSUANT TO EXPEDITED REMOVAL**
22 **AUTHORITY.**

23 (a) IN GENERAL.—The Secretary shall establish
24 quality assurance procedures to ensure the accuracy and
25 verifiability of signed or sworn statements taken by em-

1 ployees of the Department exercising expedited removal
2 authority under section 235(b) of the Immigration and
3 Nationality Act (8 U.S.C. 1225(b)).

4 (b) RECORDING OF INTERVIEWS.—

5 (1) IN GENERAL.—Any sworn or signed written
6 statement taken from an alien as part of the record
7 of a proceeding under section 235(b)(1)(A) of the
8 Immigration and Nationality Act shall be accom-
9 panied by a recording of the interview which served
10 as the basis for such sworn statement.

11 (2) CONTENT.—The recording shall include—

12 (A) a reading of the entire written state-
13 ment to the alien in a language that the alien
14 claims to understand; and

15 (B) the verbal affirmation by the alien of
16 the accuracy of—

17 (i) the written statement; or

18 (ii) a corrected version of the written
19 statement.

20 (3) FORMAT.—The recording shall be made in
21 video, audio, or other equally reliable format.

22 (4) EVIDENCE.—Recordings of interviews under
23 this subsection may be considered as evidence in any
24 further proceedings involving the alien.

25 (c) EXEMPTION AUTHORITY.—

1 (1) EXEMPTED FACILITIES.—Subsection (b)
2 shall not apply to interviews that occur at detention
3 facilities exempted by the Secretary under this sub-
4 section.

5 (2) CRITERIA.—The Secretary, or the Sec-
6 retary’s designee, may exempt any detention facility
7 if compliance with subsection (b) at that facility
8 would impair operations or impose undue burdens or
9 costs.

10 (3) REPORT.—The Secretary shall annually
11 submit a report to Congress that identifies the facili-
12 ties that have been exempted under this subsection.

13 (4) NO PRIVATE CAUSE OF ACTION.—Nothing
14 in this subsection may be construed to create a pri-
15 vate cause of action for damages or injunctive relief.

16 (d) INTERPRETERS.—The Secretary shall ensure that
17 a professional fluent interpreter is used if—

18 (1) the interviewing officer is not certified by
19 the Department to speak a language understood by
20 the alien; and

21 (2) there is no other Federal Government em-
22 ployee available who is able to interpret effectively,
23 accurately, and impartially.

1 **SEC. 11. CHILD WELFARE PROFESSIONALS.**

2 (a) **DEFINED TERM.**—The term “qualified child wel-
3 fare professional” means a professional with expertise in
4 developmentally appropriate, culturally competent, and
5 trauma-centered interviewing skills.

6 (b) **GUIDELINES.**—The Secretary, in consultation
7 with the Secretary of Health and Human Services, shall
8 develop guidelines and train all relevant staff in accord-
9 ance with such guidelines, to ensure that all children in
10 the custody of the Department are properly screened for
11 protection needs.

12 (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-
13 retary and the Secretary of Health and Human Services
14 shall establish a memorandum of understanding for the
15 placement of qualified child welfare professionals, on a
16 full- or part-time basis, to assist with screening for protec-
17 tion needs in not fewer than 7 U.S. Customs and Border
18 Protection offices or stations, with presumptive priority
19 given to those offices or stations with the largest number
20 of child apprehensions during the previous fiscal year.

21 **SEC. 12. STUDY ON THE EFFECT OF EXPEDITED REMOVAL**
22 **PROVISIONS, PRACTICES, AND PROCEDURES**
23 **ON ASYLUM CLAIMS.**

24 (a) **STUDY.**—

25 (1) **DEFINITIONS.**—In this subsection:

1 (A) COMMISSION.—The term “Commis-
2 sion” means the United States Commission on
3 International Religious Freedom.

4 (B) IMMIGRATION OFFICER.—The term
5 “immigration officer” means an immigration of-
6 ficer performing duties under section 235(b) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1225(b)) with respect to aliens who—

9 (i) are apprehended after entering the
10 United States; and

11 (ii) may be eligible to apply for asy-
12 lum under section 208 or 235 of such Act.

13 (2) AUTHORIZATION.—The Commission is au-
14 thorized to conduct a study to determine whether
15 immigration officers are engaging in conduct de-
16 scribed in paragraph (3).

17 (3) CONDUCT DESCRIBED.—An immigration of-
18 ficer engages in conduct described in this paragraph
19 if the immigration officer—

20 (A) improperly encourages an alien re-
21 ferred to in paragraph (1)(C) to withdraw or
22 retract claims for asylum;

23 (B) incorrectly fails to refer such an alien
24 for an interview by an asylum officer, including

1 failing to record an alien's expression of fear of
2 persecution or torture;

3 (C) incorrectly removes such an alien to a
4 country in which the alien may be persecuted;

5 (D) detains such an alien improperly or
6 under inappropriate conditions;

7 (E) improperly separates a family unit
8 after a family member has expressed a credible
9 fear of persecution; or

10 (F) improperly refers an alien for proc-
11 essing under an enforcement or deterrence pro-
12 gram, such as the Consequence Delivery Sys-
13 tem.

14 (b) REPORT.—Not later than 2 years after the date
15 on which the Commission initiates the study under sub-
16 section (a)(2), the Commission shall submit a report con-
17 taining the results of the study to—

18 (1) the Committee on Homeland Security and
19 Governmental Affairs of the Senate;

20 (2) the Committee on the Judiciary of the Sen-
21 ate;

22 (3) the Committee on Foreign Relations of the
23 Senate;

24 (4) the Committee on Homeland Security of the
25 House of Representatives;

1 (5) the Committee on the Judiciary of the
2 House of Representatives; and

3 (6) the Committee on Foreign Affairs of the
4 House of Representatives.

5 (c) STAFF.—

6 (1) FROM OTHER AGENCIES.—

7 (A) IDENTIFICATION.—The Commission
8 may identify employees of the Department of
9 Homeland Security, the Department of Justice,
10 and the Government Accountability Office that
11 have significant expertise and knowledge of ref-
12 ugee and asylum issues.

13 (B) DESIGNATION.—At the request of the
14 Commission, the Secretary, the Attorney Gen-
15 eral, and the Comptroller General of the United
16 States shall authorize staff identified under
17 subparagraph (A) to assist the Commission in
18 conducting the study under subsection (a).

19 (2) ADDITIONAL STAFF.—The Commission may
20 hire additional staff and consultants to conduct the
21 study under subsection (a).

22 (3) ACCESS TO PROCEEDINGS.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Secretary and the Attor-
25 ney General shall provide staff designated

1 under paragraph (1) or hired under paragraph
2 (2) with unrestricted access to all stages of all
3 proceedings conducted under section 235(b) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1225(b)).

6 (B) EXCEPTIONS.—The Secretary and the
7 Attorney General may not permit unrestricted
8 access under subparagraph (A) if—

9 (i) the alien subject to a proceeding
10 under such section 235(b) objects to such
11 access; or

12 (ii) the Secretary or Attorney General
13 determines that the security of a particular
14 proceeding would be threatened by such
15 access.

16 **SEC. 13. TRAINING FOR BORDER SECURITY AND IMMIGRA-**
17 **TION ENFORCEMENT OFFICERS.**

18 The Secretary shall ensure that U.S. Customs and
19 Border Protection officers, U.S. Border Patrol agents,
20 U.S. Immigration and Customs Enforcement officers and
21 agents, United States Air and Marine Division agents, and
22 agriculture specialists stationed within 100 miles of any
23 land or marine border of the United States or at any
24 United States port of entry receive appropriate training,
25 which shall be prepared in collaboration with the Assistant

1 Attorney General for the Civil Rights Division of the De-
2 partment of Justice, in—

3 (1) identifying and detecting fraudulent travel
4 documents;

5 (2) civil, constitutional, human, and privacy
6 rights of individuals;

7 (3) the scope of enforcement authorities, includ-
8 ing interrogations, stops, searches, seizures, arrests,
9 and detentions;

10 (4) use of force policies issued by the Secretary;

11 (5) immigration laws, including screening, iden-
12 tifying, and addressing vulnerable populations, such
13 as children, victims of crime and human trafficking,
14 and individuals fleeing persecution or torture;

15 (6) social and cultural sensitivity toward border
16 communities;

17 (7) the impact of border operations on commu-
18 nities; and

19 (8) any particular environmental concerns in a
20 particular area.

21 **SEC. 14. REFUGEE OPPORTUNITY PROMOTION.**

22 Section 209 of the Immigration and Nationality Act
23 (8 U.S.C. 1159) is amended—

1 (1) in subsection (a)(1)(B), by striking “one
2 year,” and inserting “1 year (except as provided
3 under subsection (d));”;

4 (2) in subsection (b)(2), by striking “asylum,”
5 and inserting “asylum (except as provided under
6 subsection (d));”; and

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

8 “(d) EXCEPTION TO PHYSICAL PRESENCE REQUIRE-
9 MENT.—An alien who does not meet the 1-year physical
10 presence requirement under subsection (a)(1)(B) or
11 (b)(2), but who otherwise meets the requirements under
12 subsection (a) or (b) for adjustment of status to that of
13 an alien lawfully admitted for permanent residence, may
14 be eligible for such adjustment of status if the alien—

15 “(1) is or was employed by—

16 “(A) the United States Government or a
17 contractor of the United States Government
18 overseas and performing work on behalf of the
19 United States Government for the entire period
20 of absence, which may not exceed 1 year; or

21 “(B) the United States Government or a
22 contractor of the United States Government in
23 the alien’s country of nationality or last habit-
24 ual residence for the entire period of absence,
25 which may not exceed 1 year, and the alien was

1 under the protection of the United States Gov-
2 ernment or a contractor while performing work
3 on behalf of the United States Government dur-
4 ing the entire period of employment; and
5 “(2) returned immediately to the United States
6 upon the conclusion of the employment.”.

7 **SEC. 15. 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 section
11 3, by amending subparagraph (E) to read as follows:

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

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

18 “(ii) the date on which any Notice to
19 Appear is issued.”; and

20 (2) in subsection (b)(3), by amending subpara-
21 graph (C) to read as follows:

22 “(C) INITIAL JURISDICTION.—An asylum
23 officer (as defined in section 235(b)(1)(E))
24 shall have initial jurisdiction over any asylum

1 application filed by an applicant who is younger
2 than 18 years of age on the earlier of—

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

5 “(ii) the date on which any Notice to
6 Appear is issued.”.

7 (b) DERIVATIVE REFUGEES AND ASYLEES.—

8 (1) ADMISSION OF SPOUSE, CHILD, MOTHER,
9 OR FATHER.—Section 207(c) of the Immigration
10 and Nationality Act (8 U.S.C. 1157(c)) is amend-
11 ed—

12 (A) by amending paragraph (2) to read as
13 follows:

14 “(2)(A)(i) A spouse or child (as defined in sub-
15 paragraph (A), (B), (C), (D), or (E) of section
16 101(b)(1)) of any refugee, or the mother or father
17 of an alien who is such a child and who qualifies for
18 admission under paragraph (1), if not otherwise en-
19 titled to admission under such paragraph and not
20 described in section 101(a)(42)(B), shall be entitled
21 to the same admission status as such refugee if—

22 “(I) accompanying, or following to join,
23 such refugee; and

24 “(II) the spouse, child, mother, or father is
25 admissible (except as otherwise provided under

1 paragraph (3)) as an immigrant under this
2 chapter.

3 “(ii) The admission to the United States of a
4 spouse, child, mother, or father described in sub-
5 paragraph (A) shall be charged against the numer-
6 ical limitation established in accordance with the ap-
7 propriate subsection under which the refugee’s ad-
8 mission is charged.

9 “(B)(i) An unmarried alien who seeks to ac-
10 company, or follow to join, his or her mother or fa-
11 ther who was granted admission as a refugee under
12 this subsection, and who was younger than 21 years
13 of age on the date on which such mother or father
14 applied for refugee status under this section, shall
15 continue to be classified as a child for purposes of
16 this paragraph if the alien attained 21 years of age
17 while such application was pending.

18 “(ii) A mother or father who seeks to accom-
19 pany, or follow to join, an alien granted admission
20 as a refugee under this subsection shall continue to
21 be classified as a mother or father for purposes of
22 this paragraph, if the alien attained 21 years of age
23 while such application was pending.”; and

24 (B) in paragraph (4), by striking “(and of
25 the spouse or child of the alien)” and inserting

1 “(and of the spouse, child, mother, or father of
2 the alien)”.

3 (2) TREATMENT OF SPOUSE, CHILDREN, MOTH-
4 ER, AND FATHER SEEKING ASYLUM.—Section
5 208(b)(3) of the Immigration and Nationality Act (8
6 U.S.C. 1158) is amended—

7 (A) in the paragraph heading, by striking
8 “AND CHILDREN” and inserting “, CHILDREN,
9 MOTHERS, AND FATHERS”;

10 (B) in subparagraph (A), by striking “(as
11 defined in section 101(b)(1)(A), (B), (C), (D),
12 or (E)) of an alien” and inserting “(as defined
13 in subparagraph (A), (B), (C), (D), or (E) of
14 section 101(b)(1)) of an alien, or the mother or
15 father of an alien who is such a child,”; and

16 (C) by amending subparagraph (B) to read
17 as follows:

18 “(B) CONTINUED CLASSIFICATION OF CER-
19 TAIN ALIENS AS CHILDREN.—(i) An unmarried
20 alien who seeks to accompany, or follow to join,
21 a mother or father granted asylum under this
22 subsection, and who was younger than 21 years
23 of age on the date on which such mother or fa-
24 ther applied for asylum under this section, shall
25 continue to be classified as a child for purposes

1 of this paragraph and section 209(b)(3) if the
2 alien attained 21 years of age while such appli-
3 cation was pending.

4 “(ii) A mother or father who seeks to ac-
5 company, or follow to join, an alien granted
6 asylum under this subsection shall continue to
7 be classified as a mother or father for purposes
8 of this paragraph and section 209(b)(3) if the
9 alien attained 21 years of age while such appli-
10 cation was pending.”

11 (c) REINSTATEMENT OF REMOVAL.—Section 241(a)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1231(a)) is amended—

14 (1) in paragraph (5), by striking “If the Attor-
15 ney General” and inserting “Except as provided in
16 paragraph (8), if the Secretary of Homeland Secu-
17 rity”; and

18 (2) by adding at the end of the following:

19 “(8) APPLICABILITY OF REINSTATEMENT OF
20 REMOVAL.—Paragraph (5) shall not apply to an
21 alien who—

22 “(A) reentered the United States illegally
23 after having been removed or after having de-
24 parted voluntarily under an order of removal;
25 and

1 “(B) was younger than 18 years of age on
2 the date on which the alien was removed or de-
3 parted voluntarily under an order of removal.”.

4 **SEC. 16. FAIR DAY IN COURT FOR KIDS.**

5 (a) IMPROVING IMMIGRATION COURT EFFICIENCY
6 AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL
7 INFORMATION.—

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

13 (A) in paragraph (4)—

14 (i) in subparagraph (A)—

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

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

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

22 (iii) by inserting after subparagraph
23 (A) the following:

1 “(B) the Attorney General may appoint or
2 provide counsel, at Government expense, to
3 aliens in immigration proceedings;

4 “(C) the alien shall, at the beginning of
5 the proceedings or as expeditiously as possible,
6 automatically receive a complete copy of all rel-
7 evant documents in the possession of the De-
8 partment of Homeland Security, including all
9 documents (other than documents protected
10 from disclosure by privilege, including national
11 security information referred to in subpara-
12 graph (D), law enforcement sensitive informa-
13 tion, and information prohibited from disclosure
14 pursuant to any other provision of law) con-
15 tained in the file maintained by the Government
16 that includes information with respect to all
17 transactions involving the alien during the im-
18 migration process (commonly referred to as an
19 ‘A-file’), and all documents pertaining to the
20 alien that the Department of Homeland Secu-
21 rity has obtained or received from other govern-
22 ment agencies, unless the alien waives the right
23 to receive such documents by executing a know-
24 ing and voluntary written waiver in a language
25 that he or she understands fluently;” and

1 (iv) in subparagraph (D), as redesignig-
2 nated, by striking “, and” and inserting “;
3 and”; and

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

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

9 “(A) has received the documents as re-
10 quired under such paragraph; and

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

13 (2) CLARIFICATION REGARDING THE AUTHOR-
14 ITY OF THE ATTORNEY GENERAL TO APPOINT COUN-
15 SEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—
16 Section 292 of the Immigration and Nationality Act
17 (8 U.S.C. 1362) is amended—

18 (A) by striking “In any” and inserting the
19 following:

20 “(a) IN GENERAL.—In any proceeding conducted
21 under section 235, 236, 238, 240, 241, or any other sec-
22 tion of this Act,”;

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

24 (i) by striking “(at no expense to the
25 Government)”; and

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

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

4 “(b) ACCESS TO COUNSEL.—The Attorney General
5 may appoint or provide counsel to aliens in any proceeding
6 conducted under section 235, 236, 238, 240, or 241 or
7 any other section of this Act. The Secretary of Homeland
8 Security shall ensure that aliens have access to counsel
9 inside all immigration detention and border facilities.”.

10 (3) APPOINTMENT OF COUNSEL FOR CHILDREN
11 AND VULNERABLE ALIENS.—

12 (A) IN GENERAL.—Section 292 of the Im-
13 migration and Nationality Act (8 U.S.C. 1362),
14 as amended by paragraph (2), is further
15 amended by adding at the end the following:

16 “(c) CHILDREN AND VULNERABLE ALIENS.—Not-
17 withstanding subsection (b), the Attorney General shall
18 appoint counsel, at the expense of the Government if nec-
19 essary, at the beginning of the proceedings or as expedi-
20 tiously as possible, to represent in such proceedings any
21 alien who has been determined by the Secretary of Home-
22 land Security or the Attorney General to be—

23 “(1) a child (as defined in section 101(b)(1) of
24 this Act);

1 “(2) a particularly vulnerable individual, such
2 as—

3 “(A) a person with a disability; or

4 “(B) a victim of abuse, torture, or violence;

5 or

6 “(3) an individual whose circumstances are
7 such that the appointment of counsel is necessary to
8 help ensure fair resolution and efficient adjudication
9 of the proceedings.

10 “(d) EXTENSION TO CONSOLIDATED CASES.—If the
11 Attorney General has consolidated the case of any alien
12 for whom counsel was appointed under subsection (c) with
13 that of any other alien, and that other alien does not have
14 counsel, then the counsel appointed under subsection (c)
15 shall be appointed to represent such other alien.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Executive Office
18 of Immigration Review of the Department of Justice such
19 sums as may be necessary to carry out this section.”.

20 (B) RULEMAKING.—The Attorney General
21 shall promulgate regulations to implement sec-
22 tion 292(c) of the Immigration and Nationality
23 Act, as added by subparagraph (A), in accord-
24 ance with the requirements set forth in section
25 3006A of title 18, United States Code.

1 (b) ACCESS BY COUNSEL AND LEGAL ORIENTATION
2 AT DETENTION FACILITIES.—

3 (1) ACCESS TO COUNSEL.—The Secretary of
4 Homeland Security shall facilitate access to counsel
5 for all aliens detained in facilities under the super-
6 vision of U.S. Immigration and Customs Enforce-
7 ment or of U.S. Customs and Border Protection, in-
8 cluding providing information to aliens in detention
9 about legal services programs at detention facilities.

10 (2) ACCESS TO LEGAL ORIENTATION PRO-
11 GRAMS.—The Secretary of Homeland Security, in
12 consultation with the Attorney General, shall estab-
13 lish procedures to ensure that legal orientation pro-
14 grams are available for all detained aliens, including
15 aliens held in U.S. Customs and Border Protection
16 facilities, to inform such aliens of the basic proce-
17 dures of immigration hearings, their rights relating
18 to those hearings under Federal immigration laws,
19 information that may deter such aliens from filing
20 frivolous legal claims, and any other information
21 that the Attorney General considers appropriate,
22 such as a contact list of potential legal resources and
23 providers. Access to legal orientation programs shall
24 not be limited by the alien's current immigration

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

3 (3) PILOT PROJECT FOR NONDETAINED ALIENS
4 IN REMOVAL PROCEEDINGS.—The Attorney General
5 shall develop and administer a 2-year pilot program
6 at not fewer than 2 immigration courts to provide
7 nondetained aliens with pending asylum claims ac-
8 cess to legal information. At the conclusion of the
9 pilot program, the Attorney General shall submit a
10 report to the Committee on the Judiciary of the
11 Senate and the Committee on the Judiciary of the
12 House of Representatives that describes the extent
13 to which nondetained aliens are provided with access
14 to counsel.

15 (4) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Execu-
17 tive Office of Immigration Review of the Department
18 of Justice such sums as may be necessary to carry
19 out this section.

20 (c) CASE MANAGEMENT PILOT PROGRAM TO IN-
21 CREASE COURT APPEARANCE RATES.—

22 (1) CONTRACT AUTHORITY.—The Secretary of
23 Homeland Security shall establish a pilot program to
24 increase the court appearance rates of aliens de-
25 scribed in section 292(e) of the Immigration and

1 Nationality Act, as added by subsection (a)(3)(A),
2 by contracting with nongovernmental, community-
3 based organizations to provide appropriate case
4 management services to such aliens. This pilot pro-
5 gram shall not be used to monitor individuals des-
6 ignated as unaccompanied alien children under sec-
7 tion 462 of the Homeland Security Act.

8 (2) SCOPE OF SERVICES.—Case management
9 services provided under paragraph (1) shall include
10 assisting aliens with—

11 (A) accessing legal counsel;

12 (B) complying with court-imposed dead-
13 lines and other legal obligations;

14 (C) procuring appropriate housing;

15 (D) enrolling their minor children in
16 school; and

17 (E) acquiring health services, including, if
18 needed, mental health services.

19 (3) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to the De-
21 partment of Homeland Security such sums as may
22 be necessary to carry out this section.

23 (d) REPORT ON ACCESS TO COUNSEL.—

24 (1) REPORT.—Not later than December 31 of
25 each year, the Secretary of Homeland Security, in

1 consultation with the Attorney General, shall pre-
2 pare and submit a report to the Committee on the
3 Judiciary of the Senate and the Committee on the
4 Judiciary of the House of Representatives regarding
5 the extent to which aliens described in section
6 292(c) of the Immigration and Nationality Act, as
7 added by subsection (a)(3)(A), have been provided
8 access to counsel.

9 (2) CONTENTS.—Each report submitted under
10 paragraph (1) shall include, for the immediately pre-
11 ceding 1-year period—

12 (A) the number and percentage of aliens
13 described in subparagraphs (A), (B), and (C),
14 respectively, of section 292(c) of the Immigra-
15 tion and Nationality Act, as added by sub-
16 section (a)(3)(A), who were represented by
17 counsel, including information specifying—

18 (i) the stage of the legal process at
19 which the alien was represented; and

20 (ii) whether the alien was in govern-
21 ment custody; and

22 (B) the number and percentage of aliens
23 who received legal orientation presentations.

24 (e) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of
25 the Immigration and Nationality Act (8 U.S.C.

1 1229a(c)(7)(C)) is amended by adding at the end the fol-
 2 lowing:

3 “(v) SPECIAL RULE FOR CHILDREN
 4 AND OTHER VULNERABLE ALIENS.—If the
 5 Attorney General fails to appoint counsel
 6 for an alien in violation of section 292(c)—

7 “(I) no limitation under this
 8 paragraph pertaining to the filing of
 9 any motion under this paragraph by
 10 such alien shall apply; and

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

13 **SEC. 17. PROTECTION OF STATELESS PERSONS IN THE**
 14 **UNITED STATES.**

15 (a) IN GENERAL.—Chapter 1 of title II of the Immi-
 16 gration and Nationality Act (8 U.S.C. 1151 et seq.) is
 17 amended by adding at the end the following:

18 **“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE**
 19 **UNITED STATES.**

20 “(a) DEFINED TERM.—

21 “(1) IN GENERAL.—In this section, the term
 22 ‘stateless person’ means an individual who is not
 23 considered a national under the operation of the
 24 laws of any country.

1 “(2) DESIGNATION OF SPECIFIC STATELESS
2 GROUPS.—The Secretary of Homeland Security, in
3 consultation with the Secretary of State, may, in the
4 discretion of the Secretary of Homeland Security,
5 designate specific groups of individuals who are con-
6 sidered stateless persons, for purposes of this sec-
7 tion.

8 “(b) MECHANISMS FOR REGULARIZING THE STATUS
9 OF STATELESS PERSONS.—

10 “(1) RELIEF FOR CERTAIN INDIVIDUALS DE-
11 TERMINED TO BE STATELESS PERSONS.—The Sec-
12 retary of Homeland Security or the Attorney Gen-
13 eral shall provide lawful conditional resident status
14 to an alien who—

15 “(A) is a stateless person who is present in
16 the United States;

17 “(B) applies for such relief;

18 “(C) has not lost his or her nationality as
19 a result of voluntary action after arrival in the
20 United States, unless the loss was the result of
21 duress, coercion, or a reasonable expectation
22 that he or she had acquired or would acquire
23 another nationality or citizenship; and

24 “(D) is not inadmissible under paragraph
25 (2) or (3) of section 212(a) based on criminal

1 or national security grounds and is not de-
2 scribed in section 241(b)(3)(B)(i).

3 “(2) WAIVERS.—The Secretary of Homeland
4 Security or the Attorney General may waive any
5 provisions under paragraph (2) or (3) of section
6 212(a) (other than subparagraph (B), (D)(ii), (E),
7 (G), (H), or (I) of paragraph (2) or subparagraph
8 (A), (B), (C), (E), or (F) of paragraph (3)) with re-
9 spect to such an alien for humanitarian purposes, to
10 assure family unity, or if it is otherwise in the public
11 interest.

12 “(3) SUBMISSION OF PASSPORT OR TRAVEL
13 DOCUMENT.—Any alien who seeks relief under this
14 section shall submit to the Secretary of Homeland
15 Security or the Attorney General—

16 “(A) any available passport or travel docu-
17 ment issued at any time to the alien (whether
18 or not the passport or document has expired or
19 been canceled, rescinded, or revoked); or

20 “(B) an affidavit, sworn under penalty of
21 perjury—

22 “(i) stating that the alien has never
23 been issued a passport or travel document;
24 or

1 “(ii) identifying with particularity any
2 such passport or travel document and ex-
3 plaining why the alien cannot submit it.

4 “(4) WORK AUTHORIZATION.—The Secretary of
5 Homeland Security may authorize an alien who has
6 applied for and is found prima facie eligible for or
7 been granted relief under paragraph (1) to engage
8 in employment in the United States.

9 “(5) TRAVEL DOCUMENTS.—Upon request, the
10 Secretary of Homeland Security shall provide the
11 conditional resident recognized under subsection (b)
12 with a document that facilitates the alien’s ability to
13 travel abroad and be admitted to the United States
14 upon return, if otherwise admissible.

15 “(6) TREATMENT OF SPOUSE AND CHIL-
16 DREN.—The spouse or child of an alien who has
17 been granted lawful conditional resident status
18 under paragraph (1) shall, if not otherwise eligible
19 for admission under paragraph (1), be granted law-
20 ful conditional resident status under this subsection
21 if accompanying, or following to join, such alien if—

22 “(A) the spouse or child is admissible (ex-
23 cept as otherwise provided in paragraph (2))
24 and is not described in section 241(b)(3)(B)(i);
25 and

1 “(B) the qualifying relationship to the
2 principal beneficiary existed on the date on
3 which such alien was granted conditional lawful
4 status.

5 “(c) ADJUSTMENT OF STATUS.—

6 “(1) INSPECTION AND EXAMINATION.—At the
7 end of the 1-year period beginning on the date on
8 which an alien has been granted conditional lawful
9 status under subsection (b), the alien may apply for
10 lawful permanent residence in the United States if—

11 “(A) the alien has been physically present
12 in the United States for at least 1 year;

13 “(B) the alien’s conditional lawful status
14 has not been terminated by the Secretary of
15 Homeland Security or the Attorney General,
16 pursuant to such regulations as the Secretary
17 or the Attorney General may prescribe; and

18 “(C) the alien has not otherwise acquired
19 permanent resident status.

20 “(2) REQUIREMENTS FOR ADJUSTMENT OF
21 STATUS.—The Secretary of Homeland Security or
22 the Attorney General, under such regulations as the
23 Secretary or the Attorney General may prescribe,
24 shall adjust the status of an alien granted condi-
25 tional lawful status under subsection (b) to that of

1 an alien lawfully admitted for permanent residence
2 if such alien—

3 “(A) is a stateless person;

4 “(B) properly applies for such adjustment
5 of status;

6 “(C) has been physically present in the
7 United States for at least 5 years after being
8 granted conditional lawful status under sub-
9 section (b);

10 “(D) has not acquired permanent foreign
11 residence that is substantially likely to result in
12 the acquisition of citizenship; and

13 “(E) is admissible (except as otherwise
14 provided under subsection (b)(2)) as an immi-
15 grant under this chapter at the time of exam-
16 ination of such alien for adjustment of status.

17 “(3) RECORD.—Upon approval of an applica-
18 tion under this subsection, the Secretary of Home-
19 land Security or the Attorney General shall establish
20 a record of the alien’s admission for lawful perma-
21 nent residence as of the date that is 1 year before
22 the date of such approval.

23 “(d) TRAVEL DOCUMENTS.—Upon request, the Sec-
24 retary of Homeland Security shall provide alien lawfully
25 admitted for permanent residence under subsection (c)

1 with a document that facilitates the alien’s ability to travel
2 abroad and be admitted to the United States upon return,
3 if otherwise admissible.

4 “(e) PROVING THE CLAIM.—

5 “(1) IN GENERAL.—In determining an alien’s
6 eligibility for lawful conditional resident status or
7 lawful permanent resident status under this section,
8 the Secretary of Homeland Security or the Attorney
9 General shall consider any credible evidence relevant
10 to the application, including information from the
11 Secretary of State, especially the Bureaus of Popu-
12 lation Refugees and Migration and the Bureau of
13 Democracy, Human Rights and Labor.

14 “(2) BURDEN OF PROOF.—In determining an
15 alien’s eligibility for lawful conditional resident sta-
16 tus or lawful permanent resident status under this
17 section—

18 “(A) the applicant shall provide a full and
19 truthful account of his or her legal status in
20 any nation in which the applicant was born or
21 resided before entering the United States and
22 submit all evidence reasonably available; and

23 “(B) the Secretary of Homeland Security
24 shall obtain and submit to the immigration offi-
25 cer or immigration judge all available evidence

1 regarding the applicant’s legal status in the na-
2 tion of birth or prior residence.

3 “(f) REVIEW.—

4 “(1) ADMINISTRATIVE REVIEW.—No appeal
5 shall lie from the denial of an application by the
6 Secretary, but such denial will be without prejudice
7 to the alien’s right to renew the application in pro-
8 ceedings under section 240.

9 “(2) MOTIONS TO REOPEN.—

10 “(A) IN GENERAL.—Notwithstanding any
11 limitation imposed by law on motions to reopen
12 removal, deportation, or exclusion proceedings,
13 any individual who is eligible for relief under
14 this section may file a motion to reopen pro-
15 ceedings in order to apply for relief under this
16 section.

17 “(B) DEADLINES.—Any motion under sub-
18 paragraph (A) shall be filed not later than the
19 later of—

20 “(i) 2 years after the date of the en-
21 actment of the Refugee Protection Act of
22 2016; or

23 “(ii) 90 days after the date of entry
24 of a final administrative order of removal,
25 deportation, or exclusion.

1 “(C) EFFECT OF OTHER LIMITATIONS.—
2 No time or numerical limitation may be con-
3 strued to restrict the filing of a motion to re-
4 open under this section if such limitation is
5 based on previously unavailable or changed
6 facts or circumstances that would undermine an
7 applicant’s access to nationality that was pre-
8 viously alleged by the Secretary of Homeland
9 Security or the applicant.

10 “(g) LIMITATIONS.—

11 “(1) APPLICABILITY.—The provisions of this
12 section shall only apply to aliens present in the
13 United States.

14 “(2) SAVINGS PROVISION.—Nothing in this sec-
15 tion may be construed to authorize or require—

16 “(A) the admission of any alien to the
17 United States; or

18 “(B) the parole of any alien into the
19 United States.”.

20 (b) CONFORMING AMENDMENT.—Section 203(b)(4)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1153(b)(4)) is amended by inserting “to aliens granted
23 adjustment of status under section 210A(c) or” after
24 “level,”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 for the Immigration and Nationality Act is amended by
3 inserting after the item relating to section 210 the fol-
4 lowing:

“Sec. 210A. Protection of stateless persons in the United States.”.

5 **SEC. 18. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF**
6 **REFUGEES FOR CONSIDERATION.**

7 (a) IN GENERAL.—Section 207(c)(1) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1157(c)(1)) is amend-
9 ed—

10 (1) by inserting “(A)” before “Subject to the
11 numerical limitations”; and

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

13 “(B)(i) The President, upon a recommendation of the
14 Secretary of State made in consultation with the Secretary
15 of Homeland Security, and after appropriate consultation,
16 may designate specifically defined groups of aliens—

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

20 “(II) who—

21 “(aa) share common characteristics that
22 identify them as targets of persecution on ac-
23 count of race, religion, nationality, membership
24 in a particular social group, or political opinion
25 or of other serious harm; or

1 “(bb) having been identified as targets as
2 described in item (aa), share a common need
3 for resettlement due to a specific vulnerability.

4 “(ii) An alien who establishes membership in a group
5 designated under clause (i) to the satisfaction of the Sec-
6 retary of Homeland Security shall be considered a refugee
7 for purposes of admission as a refugee under this section
8 unless the Secretary determines that such alien ordered,
9 incited, assisted, or otherwise participated in the persecu-
10 tion of any person on account of race, religion, nationality,
11 membership in a particular social group, or political opin-
12 ion.

13 “(iii) A designation under clause (i) is for purposes
14 of adjudicatory efficiency and may be revoked by the
15 President at any time after notification to Congress.

16 “(iv) Categories of aliens established under section
17 599D of Public Law 101–167 (8 U.S.C. 1157 note)—

18 “(I) shall be designated under clause (i) until
19 the end of the first fiscal year commencing after the
20 date of the enactment of the Refugee Protection Act
21 of 2016; and

22 “(II) shall be eligible for designation thereafter
23 at the discretion of the President.

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

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

10 “(vii) A decision to deny admission under this section
11 to an alien who establishes to the satisfaction of the Sec-
12 retary that the alien is a member of a group designated
13 under clause (i)—

14 “(I) shall be in writing; and

15 “(II) shall cite the specific applicable provisions
16 of this Act upon which such denial was based, in-
17 cluding—

18 “(aa) the facts underlying the determina-
19 tion; and

20 “(bb) whether there is a waiver of inadmis-
21 sibility available to the applicant.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on the first day of the first
24 fiscal year that begins after the date of the enactment of
25 this Act.

1 **SEC. 19. MULTIPLE FORMS OF RELIEF.**

2 (a) IN GENERAL.—Applicants for admission as refu-
3 gees may simultaneously pursue admission under any visa
4 category for which such applicants may be eligible.

5 (b) ASYLUM APPLICANTS WHO BECOME ELIGIBLE
6 FOR DIVERSITY VISAS.—Section 204(a)(1)(I) of the Im-
7 migration and Nationality Act (8 U.S.C. 1154(a)(1)(I))
8 is amended by adding at the end the following:

9 “(iv)(I) An asylum seeker in the United States who
10 is notified that he or she is eligible for an immigrant visa
11 pursuant to section 203(c) may file a petition with the
12 district director that has jurisdiction over the district in
13 which the asylum seeker resides (or, in the case of an asy-
14 lum seeker who is or was in removal proceedings, the im-
15 migration court in which the removal proceeding is pend-
16 ing or was adjudicated) to adjust status to that of a per-
17 manent resident.

18 “(II) A petition under subclause (I) shall be filed not
19 later than 30 days before the end of the fiscal year for
20 which the petitioner received notice of eligibility for the
21 visa and shall contain such information and be supported
22 by such documentary evidence as the Secretary of State
23 may require.

24 “(III) The district director or immigration court shall
25 attempt to adjudicate each petition under this clause be-
26 fore the last day of the fiscal year for which the petitioner

1 was selected. Notwithstanding clause (ii)(II), if the district
2 director or immigration court is unable to complete such
3 adjudication during such fiscal year, the adjudication and
4 adjustment of the petitioner's status may take place after
5 the end of such fiscal year.”.

6 **SEC. 20. PROTECTION OF REFUGEE FAMILIES.**

7 (a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES
8 AND CHILDREN.—A child of an alien who qualifies for ad-
9 mission as a spouse or child under section 207(c)(2)(A)
10 or 208(b)(3) of the Immigration and Nationality Act (8
11 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to
12 the same admission status as such alien if the child—

13 (1) is accompanying or following to join such
14 alien; and

15 (2) is otherwise admissible under such section
16 207(c)(2)(A) or 208(b)(3).

17 (b) SEPARATED CHILDREN.—A child younger than
18 18 years of age who has been separated from the birth
19 or adoptive parents of such child and is living under the
20 care of an alien who has been approved for admission to
21 the United States as a refugee shall be admitted as a ref-
22 ugee if—

23 (1) it is in the best interest of such child to be
24 placed with such alien in the United States; and

1 (2) such child is otherwise admissible under sec-
2 tion 207(c)(3) of the Immigration and Nationality
3 Act (8 U.S.C. 1157(c)(3)).

4 (c) ELIMINATION OF TIME LIMITS ON REUNIFICA-
5 TION OF REFUGEE AND ASYLEE FAMILIES.—

6 (1) EMERGENCY SITUATION REFUGEES.—Sec-
7 tion 207(c)(2)(A) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1157(c)(2)(A)) is amended by
9 striking “A spouse or child (as defined in section
10 101(b)(1) (A), (B), (C), (D), or (E))” and inserting,
11 “Regardless of when such refugee was admitted to
12 the United States, a spouse, child (other than a
13 child described in section 101(b)(1)(F)), mother, or
14 father of an alien who is a child (other than a child
15 described in section 101(b)(1)(F))”.

16 (2) ASYLUM.—Section 208(b)(3)(A) of such Act
17 (8 U.S.C. 1158(b)(3)(A)) is amended to read as fol-
18 lows:

19 “(A) IN GENERAL.—A spouse, child (other
20 than a child described in section 101(b)(1)(F)),
21 mother, or father of an alien who is a child
22 (other than a child described in section
23 101(b)(1)(F)) of an alien who was granted asy-
24 lum under this subsection at any time may, if
25 not otherwise eligible for asylum under this sec-

1 tion, be granted the same status as the alien if
2 accompanying or following to join such alien.”.

3 (d) **TIMELY ADJUDICATION OF REFUGEE AND**
4 **ASYLEE FAMILY REUNIFICATION PETITIONS.**—Title II of
5 the Immigration and Nationality Act (8 U.S.C. 1151 et
6 seq.) is amended—

7 (1) in section 207(c)(2), as amended by sub-
8 section (c)(1), by adding at the end the following:

9 “(C)(i) A person who is lawfully present in the United
10 States may file an affidavit of relationship for such per-
11 son’s spouse or child (other than a child described in sec-
12 tion 101(b)(1)(F)) to enter the United States as a refugee
13 if such spouse or child qualifies for admission under para-
14 graph (1) and is not described in section 101(a)(42)(B).

15 “(ii) A spouse or child described in clause (i) may
16 enter the United States as a refugee through the family
17 reunification procedures described in subparagraph (A),
18 regardless of the how the lawfully present person entered
19 the United States.

20 “(iii) The admission of a spouse or child described
21 in clause (i) shall be subject to the numerical limitations
22 established pursuant to subsections (a) and (b).

23 “(D) The Secretary of Homeland Security shall en-
24 sure that the application of an alien who is following to
25 join a refugee who qualifies for admission under para-

1 graph (1) is adjudicated not later than 90 days after the
2 submission of such application.”; and

3 (2) in section 208(b)(3), as amended by section
4 15 and subsection (c)(2), by adding at the end the
5 following:

6 “(D) **TIMELY ADJUDICATION.**—The Sec-
7 retary shall ensure that the application of each
8 alien described in subparagraph (A) who applies
9 to follow an alien granted asylum under this
10 subsection is adjudicated not later than 90 days
11 after the submission of such application.”.

12 **SEC. 21. REFORM OF REFUGEE CONSULTATION PROCESS.**

13 Section 207 of the Immigration and Nationality Act
14 (8 U.S.C. 1157) is amended—

15 (1) in subsection (a), by adding at the end the
16 following:

17 “(5) All officers of the Federal Government respon-
18 sible for refugee admissions or refugee resettlement shall
19 treat the determinations made under this subsection and
20 subsection (b) as the refugee admissions goal for the fiscal
21 year.”;

22 (2) in subsection (d), by adding at the end the
23 following:

24 “(4) Not later than 15 days after the last day of each
25 calendar quarter, the President shall submit a report to

1 the Committee on the Judiciary of the Senate and the
2 Committee on the Judiciary of the House of Representa-
3 tives that contains—

4 “(A) the number of refugees who were admitted
5 during the previous quarter;

6 “(B) the percentage of those arrivals against
7 the refugee admissions goal for such quarter;

8 “(C) the cumulative number of refugees who
9 were admitted during the fiscal year as of the end
10 of such quarter;

11 “(D) the number of refugees to be admitted
12 during the remainder of the fiscal year in order to
13 meet the refugee admissions goal for the fiscal year;
14 and

15 “(E) a plan that describes the procedural or
16 personnel changes necessary to achieve the refugee
17 admissions goal for the fiscal year.”; and

18 (3) in subsection (e)—

19 (A) by redesignating paragraphs (1)
20 through (7) as subparagraphs (A) through (G),
21 respectively;

22 (B) in the matter preceding subparagraph
23 (A), as redesignated—

24 (i) by inserting “(1)” after “(e)”; and

1 (ii) by inserting “, which shall be com-
2 menced not later than May 1 of each year
3 and continue periodically throughout the
4 remainder of the year, if necessary,” after
5 “discussions in person”;

6 (C) by striking “To the extent possible,”
7 and inserting the following:

8 “(2) To the extent possible”; and

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

10 “(3)(A) The plans referred to in paragraph (1)(C)
11 shall include estimates of—

12 “(i) the number of refugees the President ex-
13 pects to have ready to travel to the United States
14 at the beginning of the fiscal year;

15 “(ii) the number of refugees and the stipulated
16 populations the President expects to admit to the
17 United States in each quarter of the fiscal year; and

18 “(iii) the number of refugees the President ex-
19 pects to have ready to travel to the United States
20 at the end of the fiscal year.

21 “(B) The Secretary of Homeland Security shall en-
22 sure that an adequate number of refugees are processed
23 during the fiscal year to fulfill the refugee admissions
24 goals under subsections (a) and (b).

1 “(C) In fulfilling the requirements under this sub-
2 section, the President shall—

3 “(i) establish specific objectives or measure-
4 ments for the integration of refugees admitted to the
5 United States; and

6 “(ii) submit an annual report to Congress on
7 the integration of resettled refugees on the basis of
8 such objectives or measurements.”.

9 **SEC. 22. ADMISSION OF REFUGEES IN THE ABSENCE OF**
10 **THE ANNUAL PRESIDENTIAL DETERMINA-**
11 **TION.**

12 Section 207(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1157(a)) is amended—

14 (1) by striking paragraph (1);

15 (2) by redesignating paragraphs (2), (3), (4),
16 and (5) as paragraphs (1), (2), (3), and (4), respec-
17 tively;

18 (3) in paragraph (1), as redesignated—

19 (A) by striking “after fiscal year 1982”;
20 and

21 (B) by adding at the end the following: “If
22 the President does not issue a determination
23 under this paragraph before the beginning of a
24 fiscal year, the number of refugees that may be
25 admitted under this section in each quarter be-

1 fore the issuance of such determination shall be
2 25 percent of the number of refugees admissible
3 under this section during the previous fiscal
4 year.”; and

5 (4) in paragraph (3), as redesignated, by strik-
6 ing “(beginning with fiscal year 1992)”.

7 **SEC. 23. UPDATE OF RECEPTION AND PLACEMENT GRANTS.**

8 Beginning with fiscal year 2014, not later than 30
9 days before the beginning of each fiscal year, the Secretary
10 of State shall notify Congress of the amount of funds that
11 the Secretary will provide in its Reception and Placement
12 Grants in the coming fiscal year. In setting the amount
13 of such grants each year, the Secretary shall ensure that—

14 (1) the grant amount is adjusted so that it is
15 adequate to provide for the anticipated initial reset-
16 tlement needs of refugees, including adjusting the
17 amount for inflation and the cost of living;

18 (2) an amount is provided at the beginning of
19 the fiscal year to each national resettlement agency
20 that is sufficient to ensure adequate local and na-
21 tional capacity to serve the initial resettlement needs
22 of refugees the Secretary anticipates the agency will
23 resettle throughout the fiscal year; and

24 (3) additional amounts are provided to each na-
25 tional resettlement agency promptly upon the arrival

1 of refugees that, exclusive of the amounts provided
2 pursuant to paragraph (2), are sufficient to meet the
3 anticipated initial resettlement needs of such refu-
4 gees and support local and national operational costs
5 in excess of the estimates described in paragraph
6 (1).

7 **SEC. 24. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

8 Section 241(b)(3) of the Immigration and Nationality
9 Act (8 U.S.C. 1231(b)(3)) is amended—

10 (1) in the paragraph heading, by striking “TO
11 A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM
12 WOULD BE THREATENED” and inserting “OR RE-
13 TURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE
14 THREATENED OR ALIEN WOULD BE SUBJECTED TO
15 TORTURE”;

16 (2) in subparagraph (A)—

17 (A) by striking “Notwithstanding” and in-
18 serting the following:

19 “(i) LIFE OR FREEDOM THREAT-
20 ENED.—Notwithstanding”; and

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

22 “(ii) ASYLUM INTERVIEW.—Notwith-
23 standing paragraphs (1) and (2), a United
24 States officer may not return any alien
25 interdicted or otherwise encountered in

1 international waters or United States
2 waters who has expressed a fear of return
3 to his or her country of departure, origin,
4 or last habitual residence—

5 “(I) until such alien has had the
6 opportunity to be interviewed by an
7 asylum officer in a confidential setting
8 to determine whether that alien has a
9 well-founded fear of persecution be-
10 cause of the alien’s race, religion, na-
11 tionality, membership in a particular
12 social group, or political opinion, or
13 because the alien would be subject to
14 torture in that country; or

15 “(II) if an asylum officer has de-
16 termined that the alien has such a
17 well-founded fear of persecution or
18 would be subject to torture in his or
19 her country of departure, origin, or
20 last habitual residence.”;

21 (3) by redesignating subparagraphs (B) and
22 (C) as subparagraphs (C) and (D), respectively; and

23 (4) by inserting after subparagraph (A) the fol-
24 lowing:

1 “(B) PROTECTIONS FOR ALIENS INTER-
2 DICTED IN INTERNATIONAL OR UNITED STATES
3 WATERS.—The Secretary of Homeland Security
4 shall issue regulations establishing a uniform
5 procedure applicable to all aliens interdicted in
6 international or United States waters that—

7 “(i) provides each alien—

8 “(I) a meaningful opportunity to
9 express, through a translator who is
10 fluent in a language the alien claims
11 to understand, a fear of return to his
12 or her country of departure, origin, or
13 last habitual residence; and

14 “(II) in a confidential setting and
15 in a language the alien claims to un-
16 derstand, information concerning the
17 alien’s interdiction, including the abil-
18 ity to inform United States officers
19 about any fears relating to the alien’s
20 return or repatriation;

21 “(ii) provides each alien expressing
22 such a fear of return or repatriation a con-
23 fidential interview conducted by an asylum
24 officer, in a language the alien claims to
25 understand, to determine whether the

1 alien's return to his or her country of ori-
2 gin or country of last habitual residence is
3 prohibited because the alien has a well-
4 founded fear of persecution—

5 “(I) because of the alien's race,
6 religion, nationality, membership in a
7 particular social group, or political
8 opinion; or

9 “(II) because the alien would be
10 subject to torture in that country;

11 “(iii) ensures that each alien can ef-
12 fectively communicate with United States
13 officers through the use of a translator flu-
14 ent in a language the alien claims to un-
15 derstand; and

16 “(iv) provides each alien who, accord-
17 ing to the determination of an asylum offi-
18 cer, has a well-founded fear of persecution
19 for the reasons specified in clause (ii) or
20 would be subject to torture, an opportunity
21 to seek protection in—

22 “(I) a country other than the
23 alien's country of origin or country of
24 last habitual residence in which the

1 alien has family or other ties that will
2 facilitate resettlement; or

3 “(II) if the alien has no such
4 ties, a country that will best facilitate
5 the alien’s resettlement, which may in-
6 clude the United States.”.

7 **SEC. 25. MODIFICATION OF PHYSICAL PRESENCE REQUIRE-**
8 **MENTS FOR ALIENS SERVING AS TRANS-**
9 **LATORS.**

10 (a) IN GENERAL.—Section 1059(e)(1) of the Na-
11 tional Defense Authorization Act for Fiscal Year 2006
12 (Public Law 109–163; 8 U.S.C. 1101 note) is amended
13 to read as follows:

14 “(1) IN GENERAL.—

15 “(A) CONTINUOUS RESIDENCE.—An ab-
16 sence from the United States described in para-
17 graph (2) shall not be considered to break any
18 period for which continuous residence in the
19 United States is required for naturalization
20 under title III of the Immigration and Nation-
21 ality Act (8 U.S.C. 1401 et seq.).

22 “(B) PHYSICAL PRESENCE.—In the case of
23 a lawful permanent resident, for an absence
24 from the United States described in paragraph
25 (2), the time spent outside of the United States

1 in the capacity described in paragraph (2) shall
2 be counted towards the accumulation of the re-
3 quired physical presence in the United States.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect as if included in the
6 amendment made by section 1(c)(2) of the Act entitled
7 “An Act to increase the number of Iraqi and Afghani
8 translators and interpreters who may be admitted to the
9 United States as special immigrants, and for other pur-
10 poses”, approved June 15, 2007 (Public Law 110–36; 121
11 Stat. 227).

12 **SEC. 26. PROTECTING VICTIMS OF TERRORISM FROM**
13 **BEING DEFINED AS TERRORISTS.**

14 (a) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1182(a)(3)(B)) is amended to read as follows:

17 “(B) TERRORIST ACTIVITIES.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii) and subsection
20 (d)(3)(B)(i), an alien is inadmissible if—

21 “(I) the alien has engaged in a
22 terrorist activity;

23 “(II) a consular officer, the At-
24 torney General, or the Secretary of
25 Homeland Security knows, or has rea-

1 sonable ground to believe, that the
2 alien is engaged, or is likely to engage
3 after entry, in any terrorist activity;

4 “(III) the alien has, under cir-
5 cumstances indicating an intention to
6 cause death or serious bodily harm,
7 incited terrorist activity;

8 “(IV) the alien is a representa-
9 tive of—

10 “(aa) a terrorist organiza-
11 tion; or

12 “(bb) a political, social, or
13 other group that endorses or es-
14 pouses terrorist activity;

15 “(V) the alien is a member of a
16 terrorist organization;

17 “(VI) the alien endorses or es-
18 pouses terrorist activity or persuades
19 others to endorse or espouse terrorist
20 activity or support a terrorist organi-
21 zation;

22 “(VII) the alien has received
23 military-type training (as defined in
24 section 2339D(c)(1) of title 18,
25 United States Code) from, or on be-

1 half of, any organization that, at the
2 time the training was received, was a
3 terrorist organization; or

4 “(VIII) the alien is an officer, of-
5 ficial, representative, or spokesman of
6 the Palestine Liberation Organization.

7 “(ii) EXCEPTIONS.—

8 “(I) LACK OF KNOWLEDGE.—
9 Clause (i)(V) shall not apply to an
10 alien who is a member of a terrorist
11 organization described in clause
12 (iii)(V)(cc) if the alien demonstrates
13 by clear and convincing evidence that
14 the alien did not know, and should not
15 reasonably have known, that the orga-
16 nization was a terrorist organization.

17 “(II) DURESS.—Clause (i)(VII)
18 and items (dd) through (ff) of clause
19 (iii)(I) shall not apply to an alien who
20 establishes that his or her actions giv-
21 ing rise to inadmissibility under such
22 clause were committed under duress
23 and the alien does not pose a threat
24 to the security of the United States.
25 In determining whether the alien was

1 subject to duress, a consular officer,
2 the Attorney General, or the Secretary
3 of Homeland Security may consider,
4 among relevant factors, the age of the
5 alien at the time such actions were
6 committed.

7 “(iii) DEFINITIONS.—In this section:

8 “(I) ENGAGE IN TERRORIST AC-
9 TIVITY.—The term ‘engage in ter-
10 rorist activity’ means, in an individual
11 capacity or as a member of an organi-
12 zation—

13 “(aa) to commit or to incite
14 to commit, under circumstances
15 indicating an intention to cause
16 death or serious bodily injury, a
17 terrorist activity;

18 “(bb) to prepare or plan a
19 terrorist activity;

20 “(cc) to gather information
21 on potential targets for terrorist
22 activity;

23 “(dd) to solicit funds or
24 other things of value for—

1 “(AA) a terrorist activ-
2 ity;

3 “(BB) a terrorist orga-
4 nization described in item
5 (aa) or (bb) of clause
6 (iii)(V); or

7 “(CC) a terrorist orga-
8 nization described in clause
9 (iii)(V)(cc), unless the solici-
10 tor can demonstrate by
11 clear and convincing evi-
12 dence that he or she did not
13 know, and should not rea-
14 sonably have known, that
15 the organization was a ter-
16 rorist organization;

17 “(ee) to solicit any indi-
18 vidual—

19 “(AA) to engage in con-
20 duct otherwise described in
21 this subsection;

22 “(BB) for membership
23 in a terrorist organization
24 described in item (aa) or
25 (bb) of clause (iii)(V); or

1 “(CC) for membership
2 in a terrorist organization
3 described in clause
4 (iii)(V)(cc) unless the solie-
5 itor can demonstrate by
6 clear and convincing evi-
7 dence that he or she did not
8 know, and should not rea-
9 sonably have known, that
10 the organization was a ter-
11 rorist organization; or

12 “(ff) to commit an act that
13 the actor knows, or reasonably
14 should know, affords material
15 support, including a safe house,
16 transportation, communications,
17 funds, transfer of funds or other
18 material financial benefit, false
19 documentation or identification,
20 weapons (including chemical, bio-
21 logical, or radiological weapons),
22 explosives, or training—

23 “(AA) for the commis-
24 sion of a terrorist activity;

1 “(BB) to any individual
2 who the actor knows, or rea-
3 sonably should know, has
4 committed or plans to com-
5 mit a terrorist activity;

6 “(CC) to a terrorist or-
7 ganization described in item
8 (aa) or (bb) of clause
9 (iii)(V) or to any member of
10 such an organization; or

11 “(DD) to a terrorist or-
12 ganization described in
13 clause (iii)(V)(cc), or to any
14 member of such an organi-
15 zation, unless the actor can
16 demonstrate by clear and
17 convincing evidence that he
18 or she did not know, and
19 should not reasonably have
20 known, that the organization
21 was a terrorist organization.

22 “(II) MATERIAL SUPPORT.—The
23 term ‘material support’ means sup-
24 port that is significant and of a kind
25 directly relevant to terrorist activity.

1 “(III) REPRESENTATIVE.—The
2 term ‘representative’ includes—

3 “(aa) an officer, official, or
4 spokesman of an organization;
5 and

6 “(bb) any person who di-
7 rects, counsels, commands, or in-
8 duces an organization or its
9 members to engage in terrorist
10 activity.

11 “(IV) TERRORIST ACTIVITY.—
12 The term ‘terrorist activity’ means
13 any activity which is unlawful under
14 the laws of the place where it is com-
15 mitted (or which, if it had been com-
16 mitted in the United States, would be
17 unlawful under the laws of the United
18 States or any State) and which in-
19 volves—

20 “(aa) the highjacking or
21 sabotage of any conveyance (in-
22 cluding an aircraft, vessel, or ve-
23 hicle);

24 “(bb) the seizing or detain-
25 ing, and threatening to kill, in-

1 jure, or continue to detain, an-
2 other individual in order to com-
3 pel a third person (including a
4 governmental organization) to do
5 or abstain from doing any act as
6 an explicit or implicit condition
7 for the release of the individual
8 seized or detained;

9 “(cc) a violent attack upon
10 an internationally protected per-
11 son (as defined in section
12 1116(b)(4) of title 18, United
13 States Code) or upon the liberty
14 of such a person;

15 “(dd) an assassination;

16 “(ee) the use, with the in-
17 tent to endanger the safety of
18 one or more individuals or to
19 cause substantial damage to
20 property, of any—

21 “(AA) biological agent,
22 chemical agent, or nuclear
23 weapon or device; or

24 “(BB) explosive, fire-
25 arm, or other weapon or

1 dangerous device (other than
2 for mere personal monetary
3 gain); or

4 “(ff) a threat, attempt, or
5 conspiracy to carry out any of
6 the activities described in items
7 (aa) through (ee).

8 “(V) TERRORIST ORGANIZA-
9 TION.—The term ‘terrorist organiza-
10 tion’ means an organization—

11 “(aa) designated under sec-
12 tion 219;

13 “(bb) otherwise designated,
14 upon publication in the Federal
15 Register, by the Secretary of
16 State in consultation with or
17 upon the request of the Attorney
18 General or the Secretary of
19 Homeland Security, as a terrorist
20 organization, after finding that
21 the organization engages in the
22 activities described in items (aa)
23 through (ff) of subclause (I); or

24 “(cc) that is a group of two
25 or more individuals, whether or-

1 organized or not, which engages in,
2 or has a subgroup which engages
3 in, the activities described in
4 items (aa) through (ff) of sub-
5 clause (I).”.

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 by adding at the end the
10 following “This subparagraph shall not apply to an
11 alien who establishes that the actions giving rise to
12 inadmissibility under this subparagraph were com-
13 mitted under duress or carried out while the alien
14 was younger than 18 years of age.”.

15 (2) DEPORTABILITY.—Section 237(a)(4)(F) of
16 such Act (8 U.S.C. 1227(a)(4)(F)) is amended—

17 (A) by redesignating subparagraph (F) as
18 subparagraph (G);

19 (B) by redesignating subparagraph (E) (as
20 added by section 5502(b)), as subparagraph
21 (F); and

22 (C) in subparagraph (G), as redesignated,
23 by adding at the end the following “This sub-
24 paragraph shall not apply to an alien who es-
25 tablishes that the actions giving rise to deport-

1 ability under this subparagraph were committed
2 under duress or carried out while the alien was
3 younger than 18 years of age.”.

4 (c) TEMPORARY ADMISSION OF NONIMMIGRANTS.—
5 Section 212(d)(3)(B)(i) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read
7 as follows:

8 “(B)(i) The Secretary of State, after consulta-
9 tion with the Attorney General and the Secretary of
10 Homeland Security, or the Secretary of Homeland
11 Security, after consultation with the Secretary of
12 State and the Attorney General, may conclude, in
13 such Secretary’s sole, unreviewable discretion, that
14 subsection (a)(3)(B) shall not apply to an alien or
15 that subsection (a)(3)(B)(iii)(V)(cc) shall not apply
16 to a group. The Secretary of State may not exercise
17 discretion under this clause with respect to an alien
18 after removal proceedings against the alien have
19 commenced under section 240.”.

20 **SEC. 27. ASSESSMENT OF THE REFUGEE DOMESTIC RESET-**
21 **TLEMENT PROGRAM.**

22 (a) IN GENERAL.—As soon as practicable after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall conduct a study regarding the

1 effectiveness of the domestic refugee resettlement pro-
2 grams operated by the Office of Refugee Resettlement.

3 (b) MATTERS TO BE STUDIED.—In the study re-
4 quired under subsection (a), the Comptroller General shall
5 determine and analyze—

6 (1) how the Office of Refugee Resettlement de-
7 fines self-sufficiency;

8 (2) if this definition is adequate in addressing
9 refugee needs in the United States;

10 (3) the effectiveness of the Office of Refugee
11 Resettlement programs in helping refugees to meet
12 self-sufficiency;

13 (4) an analysis of the unmet needs of the pro-
14 grams;

15 (5) an evaluation of the Office of Refugee Re-
16 settlement's budgetary resources and projection of
17 the amount of additional resources needed to fully
18 address the unmet needs of refugees with regard to
19 self-sufficiency;

20 (6) the role of community-based organizations
21 in serving refugees in areas experiencing a high
22 number of new refugee arrivals;

23 (7) an analysis of how community-based organi-
24 zations can be better utilized and supported in the
25 Federal domestic resettlement process; and

1 (8) recommendations on statutory changes to
2 improve the Office of Refugee Resettlement and the
3 domestic refugee program in relation to the matters
4 analyzed under paragraphs (1) through (7).

5 (c) REPORT.—Not later than 2 years after the date
6 of the enactment of this Act, the Comptroller General shall
7 submit a report to Congress that contains the results of
8 the study required under subsection (a).

9 **SEC. 28. REFUGEE ASSISTANCE.**

10 (a) AMENDMENTS TO SOCIAL SERVICES FUNDING.—
11 Section 412(c)(1)(B) of the Immigration and Nationality
12 Act (8 U.S.C. 1522(c)(1)(B)) is amended to read as fol-
13 lows:

14 “(B) The funds available for a fiscal year for
15 grants and contracts under subparagraph (A) shall
16 be allocated among the States based on a combina-
17 tion of—

18 “(i) the total number or refugees (includ-
19 ing children and adults) who arrived in the
20 United States not more than 36 months before
21 the beginning of such fiscal year and are actu-
22 ally residing in each State (taking into account
23 secondary migration) as of the beginning of the
24 fiscal year;

1 “(ii) the total number of all other eligible
2 populations served by the Office during the pe-
3 riod described who are residing in the State as
4 of the beginning of the fiscal year; and

5 “(iii) projections on the number and na-
6 ture of incoming refugees and other populations
7 served by the Office during the subsequent fis-
8 cal year.”.

9 (b) REPORT ON SECONDARY MIGRATION.—Section
10 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

11 (1) by striking “a periodic” and inserting “an
12 annual”; and

13 (2) by adding at the end the following: “At the
14 end of each fiscal year, the Director shall submit a
15 report to Congress that describes the findings of the
16 assessment, including States experiencing departures
17 and arrivals due to secondary migration, likely rea-
18 sons for migration, the impact of secondary migra-
19 tion on States hosting secondary migrants, avail-
20 ability of social services for secondary migrants in
21 those States, and unmet needs of those secondary
22 migrants.”.

23 (c) ASSISTANCE MADE AVAILABLE TO SECONDARY
24 MIGRANTS.—Section 412(a)(1) of such Act (8 U.S.C.

1 1522(a)(1)) is amended by adding at the end the fol-
2 lowing:

3 “(C) When providing assistance under this sec-
4 tion, the Director shall ensure that such assistance
5 is also provided to refugees who are secondary mi-
6 grants and meet all other eligibility requirements for
7 such services.”.

8 (d) REFUGEES NEEDING SPECIALIZED MEDICAL
9 CARE OR PREPARATION.—Section 412(b)(4)(B) of such
10 Act (8 U.S.C. 1522(b)(4)(B)) is amended by inserting
11 “requiring specialized care or preparation before the refu-
12 gee’s arrival in the United States, or” after “medical con-
13 ditions”.

14 (e) LEGAL ASSISTANCE FOR REFUGEES AND
15 ASYLEES.—Section 412(c)(1)(A) of such Act (8 U.S.C.
16 1522(c)(1)(A)) is amended—

17 (1) in clause (ii), by striking “and” at the end;

18 (2) by redesignating clause (iii) as clause (iv);

19 and

20 (3) by inserting after clause (ii) the following:

21 “(iii) to provide legal services for refu-
22 gees to assist them in obtaining immigra-
23 tion benefits for which they are eligible;
24 and”.

1 (f) NOTICE AND RULEMAKING.—Not later than 90
2 days after the date of enactment of this Act, but in no
3 event later than 30 days before the effective date of the
4 amendments made by this section, the Assistant Secretary
5 shall—

6 (1) issue a proposed rule of the new formula by
7 which grants and contracts are to be allocated pur-
8 suant to the amendments made by subsection (c);
9 and

10 (2) solicit public comment.

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

15 **SEC. 29. RESETTLEMENT DATA.**

16 Section 412(a) of the Immigration and Nationality
17 Act (8 U.S.C. 1522(a)) is amended—

18 (1) in paragraph (2)(A), by inserting “, and
19 shall consider data collected under paragraph (11)”
20 before the period at the end; and

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

22 “(11)(A) The Assistant Secretary of Health
23 and Human Services for Refugee and Asylee Reset-
24 tlement (referred to in this section as the ‘Assistant
25 Secretary’) shall expand the Office of Refugee Re-

1 settlement’s data analysis, collection, and sharing
2 activities in accordance with this paragraph.

3 “(B) The Assistant Secretary shall coordinate
4 with the Centers for Disease Control, national resettlement agencies, community-based organizations,
5 and State refugee health programs to track national
6 and State trends on refugees arriving with Class A
7 medical conditions and other urgent medical needs.
8 In collecting information under this paragraph, the
9 Assistant Secretary shall utilize initial refugee health
10 screening data, including history of severe trauma,
11 torture, mental health symptoms, depression, anxiety
12 and post traumatic stress disorder, recorded during
13 domestic and international health screenings, and
14 Refugee Medical Assistance utilization rate data.
15

16 “(C) The Assistant Secretary shall partner with
17 State refugee programs, community-based organiza-
18 tions, and national resettlement agencies to collect
19 data relating to the housing needs of refugees, in-
20 cluding—

21 “(i) the number of refugees who have be-
22 come homeless; and

23 “(ii) the number of refugees at severe risk
24 of becoming homeless.

1 “(D) The Assistant Secretary shall gather lon-
2 gitudinal information relating to refugee self-suffi-
3 ciency and employment status for a 2-year period
4 beginning 1 year after the refugee’s arrival.

5 “(E) The Assistant Secretary shall annually—

6 “(i) update the data collected under this
7 paragraph; and

8 “(ii) submit a report to Congress that con-
9 tains the updated data.”.

10 **SEC. 30. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**
11 **SECURITY BENEFITS FOR CERTAIN REFU-**
12 **GEES.**

13 (a) EXTENSION OF ELIGIBILITY PERIOD.—

14 (1) IN GENERAL.—Section 402(a)(2)(M)(i) of
15 the Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996 (8 U.S.C.
17 1612(a)(2)(M)(i)) is amended—

18 (A) in subclause (I), by striking “9-year”
19 and inserting “10-year”; and

20 (B) in subclause (II), by striking “2-year”
21 and inserting “3-year”.

22 (2) CONFORMING AMENDMENT.—The heading
23 for section 402(a)(2)(M)(i) of such Act is amended
24 by striking “TWO-YEAR EXTENSION” and inserting
25 “EXTENSION”.

1 (3) **EFFECTIVE DATE.**—The amendments made
2 by this subsection shall take effect as of October 1,
3 2016.

4 (b) **EXTENSION OF PERIOD FOR COLLECTION OF**
5 **UNEMPLOYMENT COMPENSATION DEBTS RESULTING**
6 **FROM FRAUD.**—Paragraph (8) of section 6402(f) of the
7 Internal Revenue Code of 1986 (relating to collection of
8 unemployment compensation debts resulting from fraud)
9 is amended by striking “10 years” and inserting “10 years
10 and 2 months”.

11 **SEC. 31. PROHIBITION ON OPERATION STREAMLINE FOR**
12 **ASYLUM SEEKERS.**

13 The Secretary shall refrain from referring any asy-
14 lum seeker for prosecution under section 275 or 276 of
15 the Immigration and Nationality Act (8 U.S.C. 1325 or
16 1326) absent a negative determination pursuant to section
17 235(b)(1)(B) of the Immigration and Nationality Act (8
18 U.S.C. 1225(b)(1)(B)).

19 **SEC. 32. T AND U VISA REFORMS.**

20 (a) **T VISAS.**—Section 214(o) (8 U.S.C. 1184(o)) is
21 amended by adding at the end the following:

22 “(8) Notwithstanding any provision of this Act grant-
23 ing eligibility for employment in the United States, the
24 Secretary of Homeland Security shall grant employment
25 authorization to an alien who has filed an application for

1 nonimmigrant status under section 101(a)(15)(T) on the
2 date that is the earlier of—

3 “(A) the date on which the alien’s application
4 for such status is approved; and

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 application.”.

8 (b) U VISAS.—

9 (1) INCREASED ACCESSIBILITY.—Section
10 214(p)(2)(A) of the Immigration and Nationality
11 Act (8 U.S.C. 1184(p)(2)(A)) is amended by strik-
12 ing “10,000” and inserting “20,000”.

13 (2) WORK AUTHORIZATION WHILE U VISA AP-
14 PPLICATIONS ARE PENDING.—Section 214(p) of such
15 Act (8 U.S.C. 1184(p)), as amended by paragraph
16 (1), is further amended—

17 (A) in paragraph (6), by striking the last
18 sentence; and

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

20 “(8) WORK AUTHORIZATION.—Notwithstanding
21 any provision of this Act granting eligibility for em-
22 ployment in the United States, the Secretary of
23 Homeland Security shall grant employment author-
24 ization to an alien who has filed an application for

1 nonimmigrant status under section 101(a)(15)(U)
2 on the date that is the earlier of—

3 “(A) the date on which the alien’s applica-
4 tion for such status is approved; and

5 “(B) a date determined by the Secretary
6 that is not later than 180 days after the date
7 on which such alien filed such application.”.

8 **SEC. 33. TRANSPARENCY IN REFUGEE DETERMINATIONS.**

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

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

15 “(6) An applicant for refugee status may be rep-
16 resented, including at a refugee interview, at no expense
17 to the Government, by an attorney or accredited rep-
18 resentative who—

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

20 “(B) is authorized by the Secretary of Home-
21 land Security to be recognized as the representative
22 of such applicant in an adjudication under this sec-
23 tion.

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

1 “(i) shall be in writing; and

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

5 “(I) the facts underlying the determina-
6 tion; and

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

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

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

15 “(B) A request filed under subparagraph (A) shall
16 be adjudicated by refugee officers who have received train-
17 ing on considering requests for review of refugee applica-
18 tions that have been denied.

19 “(C) The Secretary shall publish the standard applied
20 to a request for review under this paragraph.

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

24 “(E) A decision on a request for review under this
25 paragraph—

1 “(i) shall be in writing; and

2 “(ii) shall provide, to the maximum extent fea-
3 sible, information on the reason for the denial.”.

4 **SEC. 34. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as may be necessary to carry out this Act, and the amend-
7 ments made by this Act.

8 **SEC. 35. DETERMINATION OF BUDGETARY EFFECTS.**

9 The budgetary effects of this Act, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010
11 (Public Law 111–139), shall be determined by reference
12 to the latest statement titled “Budgetary Effects of
13 PAYGO Legislation” for this Act, jointly submitted for
14 printing in the Congressional Record by the Chairmen of
15 the Senate Budget Committee, provided that such state-
16 ment has been submitted prior to the vote on passage.

○