

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide aliens in removal proceedings the right to receive a complete copy of certain immigration documents.

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

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COONS

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . RIGHT TO REVIEW CERTAIN DOCUMENTS IN RE-**
3 **MOVAL PROCEEDINGS.**

4 Section 240(b) (8 U.S.C. 1229a(b)) is amended—

5 (1) in paragraph (4)—

6 (A) by redesignating subparagraphs (B)

7 and (C) as subparagraphs (C) and (D), respec-

8 tively; and

9 (B) by inserting after subparagraph (A)

10 the following new subparagraph:

1 “(B) the alien shall, at the beginning of
2 the proceedings or at a reasonable time there-
3 after, automatically receive a complete copy of
4 all relevant documents in the possession of the
5 Department of Homeland Security, including all
6 documents (other than documents protected
7 from disclosure by privilege, including national
8 security information referenced in subparagraph
9 (C), law enforcement sensitive information, and
10 information prohibited from disclosure pursuant
11 to any other provision of law) contained in the
12 file maintained by the Government that in-
13 cludes information with respect to all trans-
14 actions involving the alien during the immigra-
15 tion process (commonly referred to as an ‘A-
16 file’), and all documents pertaining to the alien
17 that the Department of Homeland Security has
18 obtained or received from other government
19 agencies, unless the alien waives the right to re-
20 ceive such documents by executing a knowing
21 and voluntary waiver in a language that he or
22 she understands fluently,”; and
23 (2) by adding at the end the following new
24 paragraph:

1 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
2 DOCUMENTS.—In the absence of a waiver under sub-
3 paragraph (B) of paragraph (4), a removal pro-
4 ceeding may not proceed until the alien has received
5 the documents as required under such subpara-
6 graph.”.