

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide sanctions for countries that delay or prevent repatriation of their citizens and nationals.

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

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1 Strike section 3718 and insert the following:

2 **SEC. 3718. DISCONTINUING GRANTING CERTAIN VISAS TO**
3 **NATIONALS OF COUNTRY DENYING OR DE-**
4 **LAYING ACCEPTING ALIENS.**

5 (a) AMENDMENT.—Section 243 (8 U.S.C. 1253) is
6 amended by striking subsection (d).

7 (b) DISCONTINUING GRANTING CERTAIN VISAS TO
8 NATIONALS OF COUNTRY DENYING OR DELAYING AC-
9 CEPTING ALIEN.—Section 241(b) (8 U.S.C. 1231(b)) is
10 amended by adding at the end the following:

1 “(4) DISCONTINUING GRANTING CERTAIN VISAS
2 AND DENYING ADMISSION TO NATIONALS OF COUN-
3 TRY DENYING OR DELAYING ACCEPTING ALIENS.—

4 “(A) DISCONTINUING GRANTING VISAS.—
5 Except as provided under subparagraph (C), if
6 a country is listed in the most recent quarterly
7 report submitted by the Secretary of Homeland
8 Security to Congress under subparagraph (E),
9 the Secretary of State may not issue a non-
10 immigrant visa pursuant to section
11 101(a)(15)(A) to a citizen, subject, national, or
12 resident of such country until—

13 “(i) the Secretary of Homeland Secu-
14 rity notifies the Secretary of State that the
15 country should no longer be so listed; or

16 “(ii) each alien listed in the report
17 with respect to such country has otherwise
18 been removed from the United States.

19 “(B) DENYING ADMISSION TO NATIONALS
20 AND FOREIGN GOVERNMENT OFFICIALS.—Ex-
21 cept as provided under subparagraph (C), if a
22 country is listed in the most recent quarterly
23 report submitted by the Secretary of Homeland
24 Security to Congress under subparagraph (E),
25 the Secretary of Homeland Security, in con-

1 sultation with the Secretary of State, shall deny
2 admission to any citizen, subject, national, or
3 resident of that country who has received a
4 nonimmigrant visa pursuant to section
5 101(a)(15)(A).

6 “(C) EXCEPTION.—Subparagraphs (A)
7 and (B) do not apply if the Secretary of State
8 determines that the life or freedom of the visa
9 applicant or individual seeking admission would
10 be threatened in the country listed under sub-
11 paragraph (E).

12 “(D) EFFECT OF UNAUTHORIZED
13 ISSUANCE.—Any visa issued in violation of this
14 paragraph shall be null and void.

15 “(E) QUARTERLY REPORTS.—Not later
16 than 90 days after the date of the enactment of
17 the Border Security, Economic Opportunity,
18 and Immigration Modernization Act, and every
19 3 months thereafter, the Secretary of Homeland
20 Security shall submit to Congress a report
21 that—

22 “(i) lists all the countries that deny or
23 unreasonably delay the acceptance of at
24 least 10 percent of the total number of
25 aliens who—

1 “(I) are physically present in the
2 United States;

3 “(II) are a citizen, subject, na-
4 tional, or resident of such country;
5 and

6 “(III) have received a final order
7 of removal;

8 “(ii) lists all the countries that deny
9 the acceptance of at least 10 percent of the
10 total number of aliens who are directed to
11 return to their port of embarkation under
12 an officially issued letter issued imme-
13 diately after the alien is found to be inad-
14 missible at a United States port of entry
15 because the alien presented fraudulent or
16 no travel documents; and

17 “(iii) includes the total number of
18 aliens described under clause (i), organized
19 by—

20 “(I) name;

21 “(II) country;

22 “(III) detention status; and

23 “(IV) criminal status.

24 “(F) COMPLIANCE WITH REPATRIATION.—

25 If the Secretary of Homeland Security deter-

1 mines that a country listed in the quarterly re-
2 port under subparagraph (E) has accepted each
3 alien listed with respect to that country under
4 subparagraph (E)(ii), the country shall be re-
5 moved from the list in the next quarterly report
6 submitted under subparagraph (E) and shall
7 not be subject to the sanctions described in this
8 paragraph, unless subparagraph (E) applies to
9 such country with respect to another alien.

10 “(G) DENIES OR UNREASONABLY
11 DELAYS.—

12 “(i) IN GENERAL.—Except as pro-
13 vided under clause (ii), in this paragraph,
14 a country ‘denies or unreasonably delays’
15 the acceptance of an alien who is a citizen,
16 subject, national, or resident of the country
17 if the country does not accept the alien
18 within the removal period.

19 “(ii) ALIEN THAT MAY NOT BE RE-
20 MOVED.—For purposes of clause (i), a
21 country does not deny or unreasonably
22 delay the acceptance of an alien who is a
23 citizen, subject, national, or resident of the
24 country if such alien may not be removed
25 pursuant to this section.”.

1 (c) NOTICE TO STATE AND LOCAL LAW ENFORCE-
2 MENT.—

3 (1) NOTICE.—

4 (A) IN GENERAL.—As soon as practicable,
5 the Secretary shall notify the chief law enforce-
6 ment officer of the State and of the local juris-
7 diction in which any alien described in subpara-
8 graph (B) has been detained by the United
9 States is released.

10 (B) ALIEN DESCRIBED.—An alien is de-
11 scribed in this subparagraph if the alien—

12 (i) is listed in the most recent quar-
13 terly report submitted by the Secretary to
14 Congress under paragraph (4)(E) of sec-
15 tion 241(b) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1231(b)), as added
17 by subsection (b); or

18 (ii) has received a final order of re-
19 moval under chapter 4 of title II of the
20 Immigration and Nationality Act (8 U.S.C.
21 1221 et seq.) and has not been removed
22 from the United States.

23 (2) INFORMATION CONTAINED IN NOTICE.—The
24 notice under paragraph (1) shall include, if avail-
25 able, for each alien the following information:

- 1 (A) Name.
- 2 (B) Location where the alien is released.
- 3 (C) Date of release.
- 4 (D) Country of nationality.
- 5 (E) Detention status.
- 6 (F) Criminal history, including probation
- 7 and parole information.