

115TH CONGRESS  
1ST SESSION

# H. R. 643

To amend the Immigration and Nationality Act to penalize aliens who overstay their visas, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. BARLETTA introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to penalize aliens who overstay their visas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Overstay Enforce-  
5 ment Act of 2017”.

6 **SEC. 2. VISA OVERSTAYS CRIMINALIZED.**

7 (a) IN GENERAL.—The Immigration and Nationality  
8 Act is amended by inserting after section 274D the fol-  
9 lowing:

1 **“SEC. 274E. VISA OVERSTAYS.**

2 “(a) IN GENERAL.—Except as provided in subsection  
3 (b), any alien who remains in the United States for any  
4 period of time after the date on which any visa or status  
5 under which the alien is lawfully present has expired  
6 shall—

7 “(1) for the first commission of any such of-  
8 fense, be fined under title 18, United States Code,  
9 or imprisoned no more than 6 months, or both; and

10 “(2) for a subsequent commission of any such  
11 offense, be fined under title 18, United States Code,  
12 or imprisoned not more than 2 years, or both.

13 “(b) EXCEPTION.—If the Secretary of Homeland Se-  
14 curity determines on an individual case-by-case basis that,  
15 because of reasons of a medical necessity, public safety,  
16 or national security, the alien violated subsection (a), the  
17 alien shall not be subject to the penalties under subsection  
18 (a).

19 “(c) LIMITATION ON REENTRY.—

20 “(1) FIRST OFFENDERS.—Any alien convicted  
21 of a violation of subsection (a)(1)—

22 “(A) may not be admitted to the United  
23 States for a period of 5 years, beginning on the  
24 date of the conviction; and

1           “(B) may not be granted a visa for a pe-  
2           riod of 10 years, beginning on the date of the  
3           conviction.

4           “(2) SUBSEQUENT OFFENSES.—Any alien con-  
5           victed of a violation of subsection (a)(2)—

6                   “(A) may not be admitted to the United  
7           States; and

8                   “(B) may not be granted a visa.

9           “(d) DISCLOSURE OF PENALTIES.—In the case of  
10          any application or petition by or on behalf of an alien for  
11          admission to the United States, the Secretary of State or  
12          the Secretary of Homeland Security shall provide the alien  
13          with notice of the penalties under this section and section  
14          275 on receipt of the application or petition, and again  
15          at the time of admission.”.

16          (b) CLERICAL AMENDMENT.—The table of contents  
17          of the Immigration and Nationality Act is amended by in-  
18          serting after the item relating to section 274D the fol-  
19          lowing:

          “274E. Visa overstays.”.

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