

117TH CONGRESS  
1ST SESSION

# S. 1638

To protect immigrant families, combat fraud, promote citizenship, and build community trust, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 13, 2021

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect immigrant families, combat fraud, promote citizenship, and build community trust, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Fairness for Immigrant Families Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—PROTECTING IMMIGRANT FAMILIES

Subtitle A—Expansion of Admissibility

- Sec. 101. Promoting family unity.  
 Sec. 102. Extension of the application period for certain aliens present in the United States for adjustment of status.

Subtitle B—Relief From Removal

- Sec. 111. Individuals previously removed.  
 Sec. 112. Expansion of cancellation of removal.  
 Sec. 113. Prohibition on removal of aliens with pending applications.  
 Sec. 114. Motions to reopen in cases involving fraud, negligence, misrepresentation, extortion, and unauthorized practice of law.

Subtitle C—Provisions Relating to Removal of Parents of United States Citizens

- Sec. 121. Review of and reporting on removal of parents of United States citizens.  
 Sec. 122. Report on enforcement actions against parents of United States citizens and DACA recipients.  
 Sec. 123. Report on United States citizens mistakenly detained or deported.  
 Sec. 124. Protections for United States citizen children abroad.

TITLE II—COMBATING FRAUD AND PROMOTING CITIZENSHIP

- Sec. 201. Combating immigration services fraud.  
 Sec. 202. Requirements for immigration consultants.  
 Sec. 203. Fee and backlog transparency.  
 Sec. 204. National Office for New Americans.

TITLE III—BUILDING COMMUNITY TRUST

- Sec. 301. Protecting aliens who are victims of or witnesses to crimes or are defending civil rights.  
 Sec. 302. Semiannual report on certain enforcement actions.  
 Sec. 303. Rule of construction.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

- 3 (1) Immigration plays a defining role in the  
 4 identity of the United States. Families throughout  
 5 the United States have roots in the immigration ex-  
 6 perience of earlier generations of immigrants who  
 7 came to the United States seeking better opportuni-  
 8 ties, safety from persecution, and ultimately, a  
 9 chance at the American dream.

1           (2) While the ancestors of some families arrived  
2 centuries ago, other families are continuing that tra-  
3 dition today. Approximately 38,000,000 second-gen-  
4 eration Americans are living in the United States.  
5 As of 2019, 17,800,000 children in the United  
6 States, or 26 percent, lived with 1 or more immi-  
7 grant parents. Just over 1 in 4 residents of the  
8 United States is an immigrant or the child of immi-  
9 grants.

10           (3) In the United States—

11           (A) 16,700,000 individuals live in a house-  
12 hold with 1 or more family members who are  
13 not authorized to be in the United States;

14           (B) 5,900,000 United States citizen chil-  
15 dren live in a household with 1 or more family  
16 members who are not authorized to be in the  
17 United States; and

18           (C) 8,000,000 United States citizens live  
19 in a household with 1 or more family members  
20 who are not authorized to be in the United  
21 States.

22           (4) Children of immigrants are the future work-  
23 ers, leaders, voters, parents, and taxpayers of the  
24 United States and are critical to the health and well-  
25 being of the United States.

1           (5) Second-generation Americans closely reflect  
2 or exceed the national average household income,  
3 homeownership rate, and college graduation rate.

4           (6) In their pursuit of the American dream,  
5 generations of immigrant families have contributed  
6 to their communities in the United States and will  
7 continue to do so, including as essential workers who  
8 keep the United States running at great risk to  
9 themselves and their families.

10          (7) Immigrants play a critical role in the  
11 United States economy, and providing a path to citi-  
12 zenship for undocumented immigrants is a necessary  
13 part of maintaining the economic strength of the  
14 United States.

15          (8) Immigrant entrepreneurs account for al-  
16 most 30 percent of all new entrepreneurs in the  
17 United States, and immigrants are almost twice as  
18 likely as the United States-born population to be-  
19 come entrepreneurs.

20          (9) Undocumented immigrants contribute over  
21 \$11,000,000,000 in State and local taxes each year.

22          (10) Removing undocumented residents from  
23 mixed-status households cuts the median income of  
24 such households by 47 percent.

1           (11) Approximately 1,200,000 mortgages are  
2 held by households with 1 or more undocumented in-  
3 dividuals.

4           (12) Indiscriminate immigration enforcement  
5 and the threat of immigration enforcement nega-  
6 tively impact the health, development, and well-being  
7 of children at risk of separation from a loved one  
8 due to detention or removal from the United States.  
9 Neurobiological research demonstrates the acute and  
10 lasting trauma that family separation, and the  
11 threat of separation, causes in children, such as  
12 changes in the architecture of the brain and in-  
13 creased likelihood to experience emotional and be-  
14 havioral issues, depression, anxiety, post-traumatic  
15 stress disorder, and suicidal ideation.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18           (1) **IN GENERAL.**—Except as otherwise specifi-  
19 cally provided, any term used in this Act that is  
20 used in the immigration laws shall have the meaning  
21 given the term in the immigration laws.

22           (2) **DACA RECIPIENT.**—The term “DACA re-  
23 cipient” means an alien who has been granted de-  
24 ferred action pursuant to the memorandum of the  
25 Department of Homeland Security entitled “Exer-

1 cising Prosecutorial Discretion with Respect to Indi-  
 2 viduals Who Came to the United States as Chil-  
 3 dren” issued on June 15, 2012.

4 (3) IMMIGRATION LAWS.—The term “immigra-  
 5 tion laws” has the meaning given the term in section  
 6 101(a) of the Immigration and Nationality Act (8  
 7 U.S.C. 1101(a)).

8 **TITLE I—PROTECTING**  
 9 **IMMIGRANT FAMILIES**  
 10 **Subtitle A—Expansion of**  
 11 **Admissibility**

12 **SEC. 101. PROMOTING FAMILY UNITY.**

13 (a) ELIMINATION OF 3-YEAR AND 10-YEAR BARS  
 14 AND MODIFICATION OF PERMANENT BAR.—Section  
 15 212(a)(9) of the Immigration and Nationality Act (8  
 16 U.S.C. 1182(a)(9)) is amended—

17 (1) by striking subparagraph (B);

18 (2) by redesignating subparagraph (C) as sub-  
 19 paragraph (B); and

20 (3) in subparagraph (B), as so redesignated—

21 (A) by amending clause (i) to read as fol-  
 22 lows:

23 “(i) IN GENERAL.—Any alien who  
 24 knows he or she has received a final order  
 25 of removal under section 240, and who en-

1           ters or attempts to reenter the United  
2           States without being admitted, is inadmis-  
3           sible.”;

4           (B) by amending clause (ii) to read as fol-  
5           lows:

6                   “(ii) EXCEPTIONS.—

7                           “(I) CONSENT TO REAPPLICA-  
8                           TION FOR ADMISSION.—Clause (i)  
9                           shall not apply to an alien seeking ad-  
10                          mission on a date that is more than 3  
11                          years after the date on which the alien  
12                          last departed the United States if, be-  
13                          fore the reembarkation of the alien at  
14                          a place outside the United States or  
15                          the attempt by the alien to be re-  
16                          admitted from a foreign contiguous  
17                          territory, the Secretary of Homeland  
18                          Security has consented to a reapplica-  
19                          tion for admission by the alien.

20                          “(II) MINORS.—Clause (i) shall  
21                          not apply to an alien who is under 18  
22                          years of age.

23                          “(III) ASYLEES.—Clause (i) shall  
24                          not apply to an alien who has a bona

1 fide application for asylum pending  
2 under section 208.

3 “(IV) FAMILY UNITY.—Clause (i)  
4 shall not apply to an alien who is a  
5 beneficiary of family unity protection  
6 pursuant to section 301 of the Immi-  
7 gration Act of 1990 (8 U.S.C. 1255a  
8 note).

9 “(V) VICTIMS OF A SEVERE  
10 FORM OF TRAFFICKING IN PER-  
11 SONS.—Clause (i) shall not apply to  
12 an alien who demonstrates that 1 or  
13 more severe forms of trafficking in  
14 persons (as defined in section 103 of  
15 the Trafficking Victims Protection Act  
16 of 2000 (22 U.S.C. 7102)) was a cen-  
17 tral reason for the unlawful presence  
18 of the alien in the United States.

19 “(VI) ALIENS WHO ENTERED AS  
20 CHILDREN.—Clause (i) shall not apply  
21 to an alien who—

22 “(aa) is the beneficiary of  
23 an approved petition under sec-  
24 tion 101(a)(15)(H);



1 “(bb)(AA) is in school, has  
2 graduated from high school, has  
3 obtained a general education de-  
4 velopment certificate recognized  
5 under State law or a high school  
6 equivalency diploma; or

7 “(BB) is serving in the  
8 armed forces (as defined in sec-  
9 tion 101(a) of title 10, United  
10 States Code) or is an honorably  
11 discharged veteran of the armed  
12 forces; and

13 “(cc) had not yet reached  
14 the age of 16 years on the date  
15 on which the alien initially en-  
16 tered the United States.”; and

17 (C) in clause (iii)—

18 (i) by striking the clause designation  
19 and heading and all that follows through  
20 “Security” and insert the following:

21 “(iii) WAIVERS.—

22 “(I) VAWA SELF-PETI-  
23 TIONERS.—The Attorney General or  
24 the Secretary of Homeland Security,  
25 as applicable,”; and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(II) EXTREME HARDSHIP.—The  
4 Attorney General or the Secretary of  
5 Homeland Security may, in the discre-  
6 tion of the Attorney General or the  
7 Secretary, waive clause (i) in the case  
8 of an alien who is the parent, spouse,  
9 or son or daughter of a United States  
10 citizen or of an alien lawfully admit-  
11 ted for permanent residence if it is es-  
12 tablished to the satisfaction of the At-  
13 torney General or the Secretary that a  
14 denial of admission to the alien would  
15 result in extreme hardship to the  
16 United States citizen or lawfully ad-  
17 mitted permanent resident son or  
18 daughter, spouse, or parent of the  
19 alien.”.

20 (b) MISREPRESENTATION OF CITIZENSHIP.—The  
21 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)  
22 is amended—

23 (1) in section 212 (8 U.S.C. 1182)—

24 (A) in subsection (a)(6)(C)—

1 (i) by amending clause (ii) to read as  
2 follows:

3 “(ii) MISREPRESENTATION OF CITI-  
4 ZENSHIP.—

5 “(I) IN GENERAL.—Any alien  
6 who knowingly and willfully misrepres-  
7 sents, or has knowingly and willfully  
8 misrepresented, himself or herself to  
9 be a citizen of the United States for  
10 any purpose or benefit under this Act  
11 (including section 274A) or any Fed-  
12 eral or State law is inadmissible.

13 “(II) EXCEPTION.—In the case  
14 of an alien who was under the age of  
15 21 years at the time of making a mis-  
16 representation described in subclause  
17 (I), the alien shall not be considered  
18 to be inadmissible under any provision  
19 of this subsection based on such mis-  
20 representation.”; and

21 (ii) in clause (iii), by striking “of  
22 clause (i)”;

23 (B) by amending subsection (i)(1) to read  
24 as follows:

1       “(i)(1) The Attorney General or the Secretary of  
2 Homeland Security may, in the discretion of the Attorney  
3 General or the Secretary, waive the application of sub-  
4 section (a)(6)(C) in the case of an alien who is the parent,  
5 spouse, son or daughter of a United States citizen or of  
6 an alien lawfully admitted for permanent residence and  
7 in the case of an alien who is an alien granted classifica-  
8 tion under clause (iii) or (iv) of section 204(a)(1)(A), if  
9 it is established to the satisfaction of the Attorney General  
10 or the Secretary that the admission to the United States  
11 of such alien would not be contrary to the national welfare,  
12 safety, or security of the United States.”; and

13               (2) by amending section 237(a)(3)(D) (8  
14 U.S.C. 1227(a)(3)(D)) to read as follows:

15               “(D) MISREPRESENTATION OF CITIZEN-  
16 SHIP.—

17               “(i) IN GENERAL.—Any alien who  
18 knowingly and willfully misrepresents, or  
19 has knowingly and willfully misrepresented,  
20 himself or herself to be a citizen of the  
21 United States for any purpose or benefit  
22 under this Act (including section 274A) or  
23 any Federal or State law is deportable.

24               “(ii) EXCEPTION.—In the case of an  
25 alien who was under the age of 21 years

1 at the time of making a misrepresentation  
2 described in clause (i), the alien shall not  
3 be considered to be deportable under any  
4 provision of this subsection based on such  
5 misrepresentation.”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) Section 214(q) of the Immigration and Na-  
8 tionality Act (8 U.S.C. 1184(q)) is amended—

9 (A) by striking paragraph (2);

10 (B) in paragraph (3)(C), by striking  
11 “paragraphs (6)(A), (7), and (9)(B)” and in-  
12 serting “paragraphs (6)(A) and (7)”; and

13 (C) by redesignating paragraph (3) as  
14 paragraph (2).

15 (2) Section 245(h)(2)(A) of the Immigration  
16 and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is  
17 amended by striking “(7)(A), and (9)(B)” and in-  
18 serting “and (7)(A)”.

19 (3) Section 248(a) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1258(a)) is amended, in the  
21 matter preceding paragraph (1), by striking “and  
22 who is not inadmissible under section  
23 212(a)(9)(B)(i)” and all that follows through “sec-  
24 tion 212(a)(9)(B)(v)”.

1 **SEC. 102. EXTENSION OF THE APPLICATION PERIOD FOR**  
2 **CERTAIN ALIENS PRESENT IN THE UNITED**  
3 **STATES FOR ADJUSTMENT OF STATUS.**

4 Section 245(i) of the Immigration and Nationality  
5 Act (8 U.S.C. 1255(i)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), in the undesig-  
8 nated matter following clause (ii), by striking  
9 the semicolon and inserting “; and”;

10 (B) in subparagraph (B)—

11 (i) in clause (i), by striking “April 30,  
12 2001” and inserting “the date that is not  
13 later than 5 years after the date of the en-  
14 actment of the Fairness for Immigrant  
15 Families Act”; and

16 (ii) in clause (ii), by striking “; and”  
17 and inserting a period; and

18 (C) by striking subparagraph (C); and

19 (2) by amending paragraph (3)(B) to read as  
20 follows:

21 “(B) Any remaining portion of such fees remit-  
22 ted under such paragraphs shall be deposited into  
23 the Immigration Examinations Fee Account estab-  
24 lished under section 286(m).”.

1     **Subtitle B—Relief From Removal**

2     **SEC. 111. INDIVIDUALS PREVIOUSLY REMOVED.**

3           (a) DISCRETIONARY REINSTATEMENT OF REMOVAL  
4     ORDERS.—Section 241(a)(5) of the Immigration and Na-  
5     tionality Act (8 U.S.C. 1231(a)(5)) is amended—

6           (1) by striking “If the Attorney General” and  
7     inserting the following:

8                   “(A) IN GENERAL.—Except as provided in  
9                   subparagraph (B), if the Secretary of Home-  
10                   land Security”; and

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

12                   “(B) EXCEPTIONS.—

13                           “(i) IN GENERAL.—Subparagraph (A)  
14                   shall not apply to an alien—

15                                   “(I) who has not attained the age  
16                                   of 18 years on the date on which the  
17                                   alien reenters the United States; or

18                                   “(II) the reinstatement of the  
19                                   prior order of removal of whom—

20   “(aa) is not in the public in-  
21   terest;

22   “(bb) would result in hard-  
23   ship to the United States citizen  
24   or lawful permanent resident par-

1 ent, spouse, or child of the alien;  
2 or

3 “(cc) would prevent consid-  
4 eration of an application for asy-  
5 lum that has not been previously  
6 adjudicated.

7 “(ii) RULE OF CONSTRUCTION.—For  
8 purposes of this paragraph, family separa-  
9 tion shall be considered—

10 “(I) not in the public interest;  
11 and

12 “(II) a hardship.”.

13 (b) MOTIONS TO REOPEN AND RECONSIDER.—Sec-  
14 tion 240(e) of the Immigration and Nationality Act (8  
15 U.S.C. 1229a(e)) is amended by adding at the end the  
16 following:

17 “(8) SPECIAL RULE FOR RELATIVES OF UNITED  
18 STATES CITIZENS.—

19 “(A) IN GENERAL.—Notwithstanding sub-  
20 paragraphs (A) and (B) of paragraph (6) and  
21 subparagraphs (A) and (C) of paragraph (7)—

22 “(i) an alien described in subpara-  
23 graph (B) may file a motion to reconsider  
24 under paragraph (6) or a motion to reopen



1 under paragraph (7) at any time and with-  
2 out numerical limitation; and

3 “(ii) the Attorney General shall con-  
4 sider any such motion.

5 “(B) ALIEN DESCRIBED.—An alien de-  
6 scribed in this subparagraph is an alien who  
7 is—

8 “(i) outside the United States after  
9 having been excluded, deported, or re-  
10 moved from, or ordered to voluntarily de-  
11 part, the United States on or after Janu-  
12 ary 20, 2017; and

13 “(ii) the spouse, child, or parent of a  
14 citizen of the United States or an alien  
15 lawfully admitted for permanent residence.

16 “(C) TREATMENT OF PHYSICAL PRES-  
17 ENCE.—For purposes of any physical presence  
18 or continuous residence requirement for relief  
19 under the immigration laws, with respect to an  
20 alien described in subparagraph (B), a period  
21 outside the United States after having been ex-  
22 cluded, deported, or removed from, or ordered  
23 to voluntarily depart the United States on or  
24 after January 20, 2017, shall not be considered

1 to toll or break the alien’s physical presence or  
2 continuous residence in the United States.”.

3 **SEC. 112. EXPANSION OF CANCELLATION OF REMOVAL.**

4 (a) IN GENERAL.—Section 240A of the Immigration  
5 and Nationality Act (8 U.S.C. 1229b) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A), by striking  
9 “10” and inserting “7”; and

10 (ii) by amending subparagraph (D) to  
11 read as follows:

12 “(D) establishes that removal would result  
13 in extreme hardship to—

14 “(i) the alien; or

15 “(ii) the alien’s spouse, parent, or  
16 child who is a citizen of the United States  
17 or an alien lawfully admitted for perma-  
18 nent residence.”; and

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

20 “(7) AFFIRMATIVE APPLICATION PROCESS.—

21 “(A) IN GENERAL.—The Secretary of  
22 Homeland Security may cancel the removal of,  
23 and adjust to the status of an alien lawfully ad-  
24 mitted for permanent residence, an alien de-  
25 scribed in paragraph (1) or (2), who—

1           “(i) demonstrates that the alien is the  
2 spouse, parent, son or daughter, or legal  
3 guardian of a citizen of the United States;  
4 and

5           “(ii) submits to the Secretary of  
6 Homeland Security an application at such  
7 time, in such manner, and containing such  
8 information as the Secretary may reason-  
9 ably require.

10           “(B) NUMERICAL LIMITATIONS.—Notwith-  
11 standing any other provision of law, an alien  
12 admitted to the United States under this sec-  
13 tion shall not be subject to any numerical limi-  
14 tation.”; and

15           (2) by striking subsection (e).

16           (b) REGULATIONS.—The Secretary of Homeland Se-  
17 curity shall promulgate regulations setting forth proce-  
18 dures and requirements with respect to the processing and  
19 adjudication of affirmative applications for cancellation of  
20 removal under paragraph (7) of section 240A(b) of the  
21 Immigration and Nationality Act (8 U.S.C. 1229b(b)), as  
22 added by subsection (a)(1)(B).

1 **SEC. 113. PROHIBITION ON REMOVAL OF ALIENS WITH**  
2 **PENDING APPLICATIONS.**

3 (a) IN GENERAL.—Section 235 of the Immigration  
4 and Nationality Act (8 U.S.C. 1225) is amended—

5 (1) in the section heading, by inserting “; **PRO-**  
6 **HIBITION ON REMOVAL**” after “**HEARING**”; and

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

8 “(e) **PROHIBITION ON REMOVAL OF ALIENS WITH**  
9 **CERTAIN PENDING PETITIONS AND APPLICATIONS.—**

10 “(1) **BENEFICIARIES OF PETITIONS FOR IMMI-**  
11 **GRANT VISAS.—**An alien who is the beneficiary (in-  
12 cluding a spouse or child of the principal alien, if eli-  
13 gible to receive a visa under section 203(d)) of a pe-  
14 tition for classification under section 204 that was  
15 filed with the Secretary of Homeland Security and  
16 who is prima facie eligible for approval may not be  
17 removed while such petition or application is pending  
18 or a decision on such petition or application is on  
19 appeal.

20 “(2) **APPLICANTS FOR CERTAIN NONIMMIGRANT**  
21 **AND SPECIAL IMMIGRANT CLASSIFICATIONS AND**  
22 **CANCELLATION OF REMOVAL.—**An applicant for  
23 classification as a nonimmigrant described in sub-  
24 paragraph (T), (U), or (V) of section 101(a)(15), an  
25 applicant for classification as a special immigrant  
26 under section 101(a)(27)(J), or an applicant for

1 cancellation of removal under section 240A may not  
 2 be removed while such application is pending or a  
 3 decision on such application is on appeal.”.

4 (b) CONFORMING AMENDMENT.—The table of con-  
 5 tents at the beginning of the Immigration and Nationality  
 6 Act (8 U.S.C. 1101 et seq.) is amended by striking the  
 7 item relating to section 235 and inserting the following:

“Sec. 235. Inspection by immigration officers; expedited removal of inadmis-  
 sible arriving aliens; referral for hearing; prohibition on re-  
 moval.”.

8 **SEC. 114. MOTIONS TO REOPEN IN CASES INVOLVING**  
 9 **FRAUD, NEGLIGENCE, MISREPRESENTATION,**  
 10 **EXTORTION, AND UNAUTHORIZED PRACTICE**  
 11 **OF LAW.**

12 Section 240(c)(7)(C) of the Immigration and Nation-  
 13 ality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding  
 14 at the end the following:

15 “(v) FRAUD, NEGLIGENCE, MISREPRE-  
 16 SENTATION, OR EXTORTION BY, OR AT-  
 17 TEMPTED, PROMISED, OR ACTUAL PRAC-  
 18 TICE OF LAW WITHOUT AUTHORIZATION  
 19 ON THE PART OF A REPRESENTATIVE.—  
 20 Notwithstanding subparagraph (A) and  
 21 clause (i), an alien may file a motion to re-  
 22 open at any time to apply for relief due to  
 23 fraud, negligence, misrepresentation, or ex-  
 24 tortion by, or attempted, promised, or ac-

1           tual practice of law without authorization  
 2           on the part of, a representative described  
 3           in subsection (a) or (b) of section 1292.1  
 4           of title 8, Code of Federal Regulations, or  
 5           a person who claimed to be such a rep-  
 6           resentative if the alien establishes by a pre-  
 7           ponderance of the evidence such fraud,  
 8           negligence, misrepresentation, or extortion  
 9           by, or attempted, promised, or actual prac-  
 10          tice of law without authorization on the  
 11          part of, such a representative or person.”.

12 **Subtitle C—Provisions Relating to**  
 13 **Removal of Parents of United**  
 14 **States Citizens**

15 **SEC. 121. REVIEW OF AND REPORTING ON REMOVAL OF**  
 16 **PARENTS OF UNITED STATES CITIZENS.**

17       (a) IN GENERAL.—Before the removal from the  
 18 United States of an alien parent or legal guardian of a  
 19 child under the age of 21 years who is a citizen of the  
 20 United States or an alien lawfully admitted for permanent  
 21 residence, the Director of U.S. Immigration and Customs  
 22 Enforcement (referred to in this section as the “Direc-  
 23 tor”) shall review and approve the removal of such alien.

24       (b) QUARTERLY REPORT.—Not less frequently than  
 25 quarterly, the Director shall submit to Congress a report

1 on each review conducted under subsection (a) during the  
 2 preceding quarter that describes the result of the review.

3 (c) NONDELEGATION.—The Director may not dele-  
 4 gate the responsibilities under this section.

5 **SEC. 122. REPORT ON ENFORCEMENT ACTIONS AGAINST**  
 6 **PARENTS OF UNITED STATES CITIZENS AND**  
 7 **DACA RECIPIENTS.**

8 With respect to alien parents of children who are citi-  
 9 zens of the United States, aliens lawfully admitted for per-  
 10 manent residence, or DACA recipients—

11 (1) not later than 90 days after the date of the  
 12 enactment of this Act, the Secretary of Homeland  
 13 Security shall submit to Congress a report on the  
 14 number of such aliens removed from the United  
 15 States during the period beginning on January 20,  
 16 2017, and ending on January 20, 2021; and

17 (2) not less frequently than quarterly, the Sec-  
 18 retary of Homeland Security shall submit to Con-  
 19 gress, for the preceding quarter, a report on—

20 (A) the number of such aliens arrested by  
 21 U.S. Immigration and Customs Enforcement or  
 22 U.S. Customs and Border Protection;

23 (B) the number of such aliens detained by  
 24 U.S. Immigration and Customs Enforcement or  
 25 U.S. Customs and Border Protection;

1 (C) the number of such aliens for whom  
2 U.S. Immigration and Customs Enforcement  
3 has obtained an order of removal;

4 (D) the number of such aliens removed  
5 from the United States and the countries to  
6 which such aliens were removed; and

7 (E) the number of such aliens processed  
8 through partnership programs with local law  
9 enforcement, including—

10 (i) the Secure Communities immigra-  
11 tion enforcement program operated by  
12 U.S. Immigration and Customs Enforce-  
13 ment;

14 (ii) a written agreement under section  
15 287(g) of the Immigration and Nationality  
16 Act (8 U.S.C. 1357(g)); and

17 (iii) detainers placed by U.S. Immi-  
18 gration and Customs Enforcement.

19 **SEC. 123. REPORT ON UNITED STATES CITIZENS ERRO-**  
20 **NEOUSLY DETAINED OR DEPORTED.**

21 (a) INITIAL REPORT.—Not later than 90 days after  
22 the date of the enactment of this Act, the Secretary of  
23 Homeland Security shall submit to Congress a report on  
24 the number of United States citizens detained or removed



1 from the United States during the period beginning on  
2 January 20, 2017, and ending on January 20, 2021.

3 (b) QUARTERLY REPORT.—Not less frequently than  
4 quarterly, the Secretary of Homeland Security shall sub-  
5 mit to Congress a report on any United States citizen de-  
6 tained or removed from the United States during the pre-  
7 ceding quarter, including a description of the actions  
8 taken by the Secretary in response to each such detention  
9 or removal.

10 **SEC. 124. PROTECTIONS FOR UNITED STATES CITIZEN**  
11 **CHILDREN ABROAD.**

12 (a) REPORT ON UNITED STATES CITIZEN CHILDREN  
13 ACCOMPANYING REMOVED PARENTS.—

14 (1) IN GENERAL.—Not less frequently than  
15 semiannually, the Secretary of State, with the co-  
16 operation of the Secretary of Homeland Security,  
17 shall submit to Congress a report on known citizens  
18 of the United States under the age of 18 years who  
19 leave the United States to accompany an alien par-  
20 ent or legal guardian who has been removed from  
21 the United States.

22 (2) ELEMENTS.—Each report required by para-  
23 graph (1) shall include, for the preceding reporting  
24 period—

1 (A) the number of such citizens of the  
2 United States; and

3 (B) for each such citizen of the United  
4 States—

5 (i) his or her current age;

6 (ii) the age at which he or she de-  
7 parted the United States;

8 (iii) his or her country of residence;

9 (iv) an assessment whether—

10 (I) either parent was deported or  
11 removed from the United States;

12 (II) either parent remains in the  
13 United States; and

14 (III) he or she was in foster care  
15 in the United States at any time; and

16 (v) an identification of any pending  
17 custody case in the United States with re-  
18 spect to such citizen, as applicable.

19 (3) COOPERATION OF SECRETARY OF HOME-  
20 LAND SECURITY.—The Secretary of Homeland Secu-  
21 rity shall provide to the Secretary of State any data  
22 of the Department of Homeland Security that the  
23 Secretary of State may require to prepare the report  
24 under this subsection.

1 (b) DIRECTORATE OF COMMUNITY OUTREACH.—  
 2 There is established within the Department of State a di-  
 3 rectorate for the purpose of conducting outreach to citi-  
 4 zens of the United States under the age of 18 years who  
 5 have left the United States to accompany an alien family  
 6 member who has been removed from the United States.

7 **TITLE II—COMBATING FRAUD**  
 8 **AND PROMOTING CITIZENSHIP**

9 **SEC. 201. COMBATING IMMIGRATION SERVICES FRAUD.**

10 (a) SCHEMES TO PROVIDE FRAUDULENT IMMIGRA-  
 11 TION SERVICES.—

12 (1) IN GENERAL.—Chapter 47 of title 18,  
 13 United States Code, is amended by adding at the  
 14 end the following:

15 **“§ 1041. Schemes to provide fraudulent immigration**  
 16 **services**

17 “(a) IN GENERAL.—

18 “(1) OFFENSE.—It shall be unlawful to know-  
 19 ingly or recklessly execute a scheme or artifice, in  
 20 connection with any matter that is authorized by or  
 21 arises under any Federal immigration law or any  
 22 matter the offender claims or represents is author-  
 23 ized by or arises under any Federal immigration  
 24 law, to—

25 “(A) defraud any person; or

1           “(B) obtain or receive money or anything  
2           else of value from any person by means of false  
3           or fraudulent pretenses, representations, or  
4           promises.

5           “(2) PENALTY.—Any person who violates para-  
6           graph (1) shall be fined under this title, imprisoned  
7           for not more than 10 years, or both.

8           “(b) MISREPRESENTATION.—

9           “(1) OFFENSE.—It shall be unlawful for a per-  
10          son to knowingly and falsely represent that such  
11          person is an attorney or an accredited representative  
12          (as that term is defined in section 1292.1 of title 8,  
13          Code of Federal Regulations (or any successor regu-  
14          lation)) in any matter arising under any Federal im-  
15          migration law.

16          “(2) PENALTY.—Any person who violates para-  
17          graph (1) shall be fined under this title, imprisoned  
18          for not more than 15 years, or both.

19          “(c) REIMBURSEMENT.—Any person convicted of an  
20          offense under this section shall fully reimburse the client  
21          for any services that person fraudulently provided.”.

22          “(2) CLERICAL AMENDMENT.—The table of sec-  
23          tions for chapter 47 of title 18, United States Code,  
24          is amended by inserting after the item relating to  
25          section 1040 the following:

“1041. Schemes to provide fraudulent immigration services.”.

1 (b) LOCAL IMMIGRATION CONSUMER FRAUD INFOR-  
 2 MATION HOTLINES AND ASSISTANCE WEBSITES.—Title I  
 3 of the Omnibus Crime Control and Safe Streets Act of  
 4 1968 (34 U.S.C. 10101 et seq.) is amended by adding at  
 5 the end the following:

6 **“PART OO—IMMIGRATION CONSUMER FRAUD**  
 7 **HOTLINES AND WEBSITES**  
 8 **“SEC. 3051. IMMIGRATION CONSUMER FRAUD HOTLINES**  
 9 **AND WEBSITES.**

10 “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
 11 eral shall make grants to States, units of local govern-  
 12 ment, or any combination thereof, in partnership with  
 13 stakeholders, service providers, and nonprofit organiza-  
 14 tions.

15 “(b) MANDATORY GRANT USES.—Grant funds  
 16 awarded under this section shall be expended for each of  
 17 the following purposes:

18 “(1) IMMIGRATION CONSUMER FRAUD INFOR-  
 19 MATION WEBSITES.—To provide for the establish-  
 20 ment and operation of an immigration consumer  
 21 fraud information and assistance website, which  
 22 shall be a highly secure internet website that pro-  
 23 vides information and assistance to victims of immi-  
 24 gration consumer fraud. In establishing and oper-

1       ating the immigration consumer fraud and assist-  
2       ance website, the grantee shall—

3               “(A) use grant funds for startup and oper-  
4               ation costs associated with establishing and op-  
5               erating the website;

6               “(B) use a name or acronym as part of its  
7               web address that identifies the website with the  
8               geographic locality receiving the grant under  
9               subsection (a);

10              “(C) provide accurate information that de-  
11              scribes the services available to immigration  
12              consumer fraud victims, including free or low-  
13              cost legal assistance;

14              “(D) clearly include, in all pages of the  
15              website, that the information presented is for  
16              reference purposes only and does not constitute  
17              as legal advice; and

18              “(E) must provide translation of website  
19              content, in languages that are consistent with  
20              the criteria outlined in subsection (d)(2)(E)(i),  
21              either with a web page interface, or mirrored  
22              pages.

23              “(2) IMMIGRATION CONSUMER FRAUD HOT-  
24              LINES.—To establish or expand an immigration con-  
25              sumer fraud hotline to provide information and as-

1       sistance to victims of immigration consumer fraud.  
2       In addition, grantees may, in operating with the hot-  
3       line, work in conjunction with other local programs  
4       and activities that serve victims of immigration con-  
5       sumer fraud. In establishing and operating the hot-  
6       line, the entity shall—

7               “(A) contract with a carrier for the use of  
8               a toll-free telephone line;

9               “(B) employ, train and supervise personnel  
10              to answer incoming calls and provide assistance  
11              and referral services to callers on a 24-hour-a-  
12              day basis;

13              “(C) assemble and maintain a current  
14              database of information relating to services for  
15              victims of immigration consumer fraud to which  
16              callers throughout the United States may be re-  
17              ferred; and

18              “(D) be prohibited from asking hotline  
19              callers about their citizenship status.

20       “(c) RULE OF CONSTRUCTION.—Nothing in this Act  
21       shall require a grantee receiving funds under this Act to  
22       comply with a request lawfully made by the Department  
23       of Homeland Security under section 236 or 287 of the  
24       Immigration and Nationality Act (8 U.S.C. 1226 and

1 1357) to comply with a detainer for, or notify about the  
2 use of services provided under this Act by an individual.

3 “(d) APPLICATION.—The Attorney General may ap-  
4 prove an application for a grant under this section only  
5 if such application—

6 “(1) contains such agreements, assurances, and  
7 information, be in such form, and be submitted in  
8 such manner, as the Attorney General shall by rule  
9 require;

10 “(2) in the case of an application for a grant  
11 to carry out activities described in subsection (b)(2),  
12 includes a complete description of the applicant’s  
13 plan for the operation of an immigration consumer  
14 fraud hotline, including descriptions of—

15 “(A) the training program for hotline per-  
16 sonnel, including technology training to ensure  
17 that all persons affiliated with the hotline are  
18 able to effectively operate any technological sys-  
19 tems used by the hotline;

20 “(B) the hiring criteria for hotline per-  
21 sonnel;

22 “(C) the methods for the creation, mainte-  
23 nance, and updating of a resource database;

24 “(D) a plan for publicizing the availability  
25 of the hotline;



1           “(E) a plan for providing service to non-  
2 English speaking callers that—

3           “(i) is based on data from the bureau  
4 of the census and be consistent with the  
5 local area demographics where the immi-  
6 gration consumer fraud hotline will operate  
7 such plan will outline which languages are  
8 most prevalent and commonly requested  
9 for translation services; or

10           “(ii) is based on qualitative and quan-  
11 titative observation from community serv-  
12 ice providers offering immigration-related  
13 services; and

14           “(F) a plan for facilitating access to the  
15 hotline by persons with hearing impairments;  
16 and

17           “(3) in the case of an application for a grant  
18 to carry out activities described in subsection  
19 (b)(1)—

20           “(A) include a complete description of the  
21 applicant’s plan for the development, operation,  
22 maintenance, and updating of information and  
23 resources of the immigration consumer fraud  
24 information and assistance website;

1           “(B) include a certification that the appli-  
2           cant will implement a high level security system  
3           to ensure the confidentiality of the website, tak-  
4           ing into consideration the safety of immigration  
5           consumer fraud victims;

6           “(C) include an assurance that, after the  
7           third year of the website project, the recipient  
8           of the grant will develop a plan to secure other  
9           public or private funding resources to ensure  
10          the continued operation and maintenance of the  
11          website; and

12          “(D) demonstrate that the applicant has  
13          recognized expertise in the area of immigration  
14          consumer fraud and a record of high quality  
15          service to victims of immigration consumer  
16          fraud, including a demonstration of support  
17          from advocacy groups.

18          “(e) RENEWAL OF GRANTS.—A grant made under  
19          this section may be renewed, without limitations on the  
20          duration of such renewal, to provide additional funds, if  
21          the Attorney General determines that the funds made  
22          available to the recipient were used in a manner required  
23          under an approved application and if the recipient can  
24          demonstrate significant progress in achieving the objec-  
25          tives of the initial application.

1       “(f) NO COST EXTENSIONS.—Notwithstanding sub-  
2 section (e), the Attorney General may extend a grant pe-  
3 riod, without limitations as to the duration of such exten-  
4 sion, to provide additional time to complete the objectives  
5 of the initial grant award.

6       “(g) AUTHORIZATION OF APPROPRIATIONS.—

7           “(1) IN GENERAL.—There is authorized to be  
8 appropriated to carry out this section \$15,000,000  
9 for fiscal year 2022 and each succeeding fiscal year.

10          “(2) WEBSITES.—Of the amounts appropriated  
11 to carry out this section, not less than 20 percent  
12 shall be used for purposes of carrying out activities  
13 under subsection (b)(1).

14          “(3) AVAILABILITY.—Funds authorized to be  
15 appropriated under this section may remain avail-  
16 able until expended.

17       “(h) PROHIBITION OF DATA SHARING FOR IMMIGRA-  
18 TION ENFORCEMENT PURPOSES.—

19           “(1) IN GENERAL.—Notwithstanding section  
20 642 of the Illegal Immigration Reform and Immig-  
21 rant Responsibility Act of 1996 (8 U.S.C. 1373),  
22 an entity receiving a grant under this section may  
23 not disclose or use personally identifiable informa-  
24 tion provided by individuals using a website or a hot-

1 line, a website or hotline under subsection (b), for  
2 the purposes of enforcing the immigration laws.

3 “(2) REFERRALS PROHIBITED.—An entity re-  
4 ceiving a grant under this section may not refer any  
5 individual participating in any program funded  
6 under this section to U.S. Immigration and Customs  
7 Enforcement or to U.S. Customs and Border Protec-  
8 tion.

9 “(3) PERSONALLY IDENTIFIABLE INFORMATION  
10 DEFINED.—For purposes of this section, the term  
11 ‘personally identifiable information’ means any infor-  
12 mation about an individual elicited, collected, stored,  
13 or maintained by an entity receiving a grant under  
14 this section, including—

15 “(A) any information that can be used to  
16 distinguish or trace the identity of an indi-  
17 vidual, such as a name, residential address, a  
18 social security number, a date and place of  
19 birth, or a parent’s maiden name; and

20 “(B) any other information that is linked  
21 or linkable to an individual, such as medical,  
22 educational, financial, and employment informa-  
23 tion.

1 **“SEC. 3052. REPORT.**

2 “A State or unit of local government that receives  
3 funds under this part during a fiscal year shall submit  
4 to the Attorney General a description and an evaluation  
5 report on a date specified by the Attorney General regard-  
6 ing the effectiveness of the programs carried out with a  
7 grant under this part.”.

8 (c) GRANTS TO STATES AND LOCAL JURISDICTIONS  
9 TO PROMOTE OUTREACH CAMPAIGNS AGAINST IMMIGRA-  
10 TION CONSUMER FRAUD.—Title I of the Omnibus Crime  
11 Control and Safe Streets Act of 1968 (34 U.S.C. 10101  
12 et seq.), as amended by subsection (b), is amended by in-  
13 serting after part OO the following:

14 **“PART PP—GRANTS TO STATES AND LOCAL JU-**  
15 **RISDICTIONS TO PROMOTE OUTREACH CAM-**  
16 **PAIGNS AGAINST IMMIGRATION CONSUMER**  
17 **FRAUD**

18 **“SEC. 3061. GRANTS TO STATES AND LOCAL JURISDICTIONS**  
19 **TO PROMOTE OUTREACH CAMPAIGNS**  
20 **AGAINST IMMIGRATION CONSUMER FRAUD.**

21 “(a) GRANT AUTHORIZATION.—

22 “(1) IN GENERAL.—The Attorney General shall  
23 make grants to States, units of local government, or  
24 any combination thereof, in partnership with stake-  
25 holders, service providers, and nonprofit organiza-  
26 tions.

1           “(2) PURPOSE.—The purpose of grants distrib-  
2           uted under this subsection is to enable States and  
3           localities to work with parties in paragraph (1) to  
4           carry out outreach campaigns in any of the fol-  
5           lowing:

6                   “(A) Access to legal resources, including  
7                   free or low-cost legal resources for persons of  
8                   low-income.

9                   “(B) Workshops educating the general  
10                  public on immigration consumer fraud, includ-  
11                  ing methods to identify such fraud and best  
12                  practices on prevention.

13                  “(C) Hiring of casework staff, attorneys,  
14                  translators, accredited representatives and other  
15                  similar staff to provide support for outreach ob-  
16                  jectives.

17                  “(D) Printed materials or digital media de-  
18                  signed with the intent to educate the public on  
19                  where to obtain trusted legal resources, and  
20                  how to prevent becoming a victim of immigra-  
21                  tion consumer fraud.

22                  “(E) Public service announcements in tele-  
23                  vision or radio, providing information on re-  
24                  sources and assistance on preventing immigra-  
25                  tion consumer fraud.

1           “(F) Translation services, including trans-  
2           lated equivalents of subparagraphs (A), (B),  
3           (C) or (D), consistent with the grantee’s imme-  
4           diate translation needs based on—

5                   “(i) data from the Bureau of the Cen-  
6                   sus and be consistent with the local area  
7                   demographics where the outreach cam-  
8                   paign will operate, along with a description  
9                   of the languages are most prevalent or  
10                  commonly requested for translation serv-  
11                  ices; or

12                   “(ii) quantitative or qualitative obser-  
13                   vation from community service providers  
14                   offering immigration-related services.

15           “(b) CONTENTS.—In accordance with such require-  
16           ments as the Attorney General may by rule establish, each  
17           application for a grant under this section shall—

18                   “(1) include a long-term strategy and detailed  
19                   implementation plan that reflects consultation with  
20                   community groups and appropriate stakeholders;

21                   “(2) explain the applicant’s inability to address  
22                   the need without Federal assistance;

23                   “(3) identify related governmental and commu-  
24                   nity initiatives which compliment or will be coordi-  
25                   nated with the proposal; and

1           “(4) identify local service providers and non-  
2           profit organizations that have substantial or signifi-  
3           cant experience dealing with immigration-related  
4           matters.

5           “(c) RENEWAL OF GRANTS.—A grant made under  
6           this section may be renewed, without limitations on the  
7           duration of such renewal, to provide additional funds, if  
8           the Attorney General determines that the funds made  
9           available to the recipient were used in a manner required  
10          under an approved application and if the recipient can  
11          demonstrate significant progress in achieving the objec-  
12          tives of the initial application.

13          “(d) NO COST EXTENSIONS.—Notwithstanding sub-  
14          section (c), the Attorney General may extend a grant pe-  
15          riod, without limitations as to the duration of such exten-  
16          sion, to provide additional time to complete the objectives  
17          of the initial grant award.

18          “(e) SUSPENSION OF FUNDS.—If the Attorney Gen-  
19          eral determines that a grant recipient under this section  
20          is not in substantial compliance with the terms and re-  
21          quirements of an approved grant application, the Attorney  
22          General may revoke or suspend funding of that grant, in  
23          whole, or in part.

24          “(f) AUTHORIZATION OF APPROPRIATIONS.—



1           “(1) IN GENERAL.—There is authorized to be  
2           appropriated to carry out this section \$10,000,000  
3           for fiscal year 2022 and each succeeding fiscal year.

4           “(2) AVAILABILITY.—Funds authorized to be  
5           appropriated under this section may remain avail-  
6           able until expended.

7           “(g) PROHIBITION ON DATA SHARING FOR IMMIGRA-  
8           TION ENFORCEMENT PURPOSES.—

9           “(1) IN GENERAL.—Notwithstanding section  
10           642 of the Illegal Immigration Reform and Immig-  
11           grant Responsibility Act of 1996 (8 U.S.C.1373), an  
12           entity receiving a grant under this section may not  
13           disclose or use personally identifiable information  
14           provided by individuals participating in outreach  
15           campaigns specified in subsection (a) for the pur-  
16           poses of enforcing the immigration laws.

17           “(2) REFERRALS PROHIBITED.—An entity re-  
18           ceiving a grant under this section may not refer any  
19           individual participating in any program funded  
20           under this section to U.S. Immigration and Customs  
21           Enforcement or to U.S. Customs and Border Protec-  
22           tion.

23           “(3) PERSONALLY IDENTIFIABLE INFORMATION  
24           DEFINED.—For purposes of this section, the term  
25           ‘personally identifiable information’ means any infor-

1       mation about an individual elicited, collected, stored,  
 2       or maintained by an entity receiving a grant under  
 3       this section, including—

4               “(A) any information that can be used to  
 5       distinguish or trace the identity of an indi-  
 6       vidual, such as a name, residential address, a  
 7       social security number, a date and place of  
 8       birth, or a parent’s maiden name; and

9               “(B) any other information that is linked  
 10       or linkable to an individual, such as medical,  
 11       educational, financial, and employment informa-  
 12       tion

13   **“SEC. 3062. REPORT.**

14       “A State or unit of local government that receives  
 15       funds under this part during a fiscal year shall submit  
 16       to the Attorney General a description and an evaluation  
 17       report on a date specified by the Attorney General regard-  
 18       ing the effectiveness of the programs carried out with a  
 19       grant under this part.”.

20       (d) GRANTS TO STATES AND LOCAL JURISDICTIONS  
 21       TO INCREASE ENFORCEMENT AGAINST IMMIGRATION  
 22       CONSUMER FRAUD.—Title I of the Omnibus Crime Con-  
 23       trol and Safe Streets Act of 1968 (34 U.S.C. 10101 et  
 24       seq.), as amended by subsections (b) and (c), is amended  
 25       by inserting after part PP the following:

1 **“PART QQ—GRANTS TO STATES AND LOCAL JU-**  
2 **RISDICTIONS TO INCREASE ENFORCEMENT**  
3 **AGAINST IMMIGRATION CONSUMER FRAUD**

4 **“SEC. 3071. GRANTS TO STATES AND LOCAL JURISDICTIONS**  
5 **TO INCREASE ENFORCEMENT AGAINST IMMI-**  
6 **GRATION CONSUMER FRAUD.**

7 “(a) GRANT AUTHORIZATION.—

8 “(1) IN GENERAL.—The Attorney General shall  
9 make grants to States, units of local government, or  
10 any combination thereof.

11 “(2) PURPOSE.—The purpose of grants distrib-  
12 uted under this subsection is to enable States and  
13 localities to increase the enforcement of—

14 “(A) State and local laws against immigra-  
15 tion consumer fraud; and

16 “(B) section 1041 of title 18, United  
17 States Code.

18 “(3) PERMITTED USE OF FUNDS.—A State or  
19 unit of local government that receives a grant under  
20 this section may use funds from the grant for activi-  
21 ties, including—

22 “(A) hiring staff, such as compliance offi-  
23 cers that are charged with investigating and en-  
24 forcing Federal, State, and local laws against  
25 immigration consumer fraud;

1           “(B) training staff, such as the compliance  
2 officers described in subparagraph (A);

3           “(C) investigating complaints of immigra-  
4 tion consumer fraud; and

5           “(D) taking action against violations of  
6 Federal, State, and local laws relating to immi-  
7 gration consumer fraud, which may include the  
8 prosecution of violators.

9           “(b) CONTENTS.—In accordance with such require-  
10 ments as the Attorney General may by rule establish, each  
11 application for a grant under this section shall—

12           “(1) include a detailed implementation plan  
13 that reflects consultation with community groups  
14 and appropriate stakeholders; and

15           “(2) explain the inability of the State or unit of  
16 local government to address the need to increase en-  
17 forcement of immigration consumer fraud laws with-  
18 out Federal assistance.

19           “(c) RENEWAL OF GRANTS.—A grant made under  
20 this section may be renewed, without limitations on the  
21 duration of such renewal, to provide additional funds, if  
22 the Attorney General determines that the funds made  
23 available to the recipient were used in a manner required  
24 under an approved application and if the recipient can

1 demonstrate significant progress in achieving the objec-  
2 tives of the initial application.

3 “(d) NO COST EXTENSIONS.—Notwithstanding sub-  
4 section (c), the Attorney General may extend a grant pe-  
5 riod, without limitations as to the duration of such exten-  
6 sion, to provide additional time to complete the objectives  
7 of the initial grant award.

8 “(e) SUSPENSION OF FUNDS.—If the Attorney Gen-  
9 eral determines that a grant recipient under this section  
10 is not in substantial compliance with the terms and re-  
11 quirements of an approved grant application, the Attorney  
12 General may revoke or suspend funding of that grant, in  
13 whole, or in part.

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There is authorized to be  
16 appropriated to carry out this section \$10,000,000  
17 for fiscal year 2022 and each succeeding fiscal year.

18 “(2) AVAILABILITY.—Funds authorized to be  
19 appropriated under this section may remain avail-  
20 able until expended.

21 “(g) PROHIBITION ON DATA SHARING FOR IMMIGRA-  
22 TION ENFORCEMENT PURPOSES.—

23 “(1) IN GENERAL.—

24 “(A) DISCLOSURE PROHIBITED.—Notwith-  
25 standing section 642 of the Illegal Immigration

1 Reform and Immigrant Responsibility Act of  
2 1996 (8 U.S.C.1373), an entity receiving a  
3 grant under this section may not disclose or use  
4 personally identifiable information provided by  
5 an individual involved with the work funded  
6 under this section for the purposes of enforcing  
7 the immigration laws.

8 “(B) EXCEPTION.—An entity receiving a  
9 grant under this section may disclose or use  
10 personally identifiable information provided by  
11 an individual involved with the work funded  
12 under this section if—

13 “(i) the disclosure or use required in  
14 order to prosecute a case; and

15 “(ii) the individual explicitly permits  
16 the use or disclosure.

17 “(2) REFERRALS PROHIBITED.—An entity re-  
18 ceiving a grant under this section may not refer any  
19 individual involved with work funded under this sec-  
20 tion to U.S. Immigration and Customs Enforcement  
21 or to U.S. Customs and Border Protection.

22 “(3) PERSONALLY IDENTIFIABLE INFORMATION  
23 DEFINED.—For purposes of this section, the term  
24 ‘personally identifiable information’ means any infor-  
25 mation about an individual elicited, collected, stored,

1 or maintained by an entity receiving a grant under  
2 this section, including—

3 “(A) any information that can be used to  
4 distinguish or trace the identity of an indi-  
5 vidual, such as a name, residential address, a  
6 social security number, a date and place of  
7 birth, or a parent’s maiden name; and

8 “(B) any other information that is linked  
9 or linkable to an individual, such as medical,  
10 educational, financial, and employment informa-  
11 tion.

12 **“SEC. 3072. REPORT.**

13 “A State or unit of local government that receives  
14 funds under this part during a fiscal year shall submit  
15 to the Attorney General a description and an evaluation  
16 report on a date specified by the Attorney General regard-  
17 ing the effectiveness of the programs carried out with a  
18 grant under this part.”.

19 **SEC. 202. REQUIREMENTS FOR IMMIGRATION CONSULT-**  
20 **ANTS.**

21 (a) **IN GENERAL.**—Not later than 180 days after the  
22 date of the enactment of this Act, the Commission, in con-  
23 sultation with the Director of the Executive Office for Im-  
24 migration Review and the Secretary of Homeland Secu-  
25 rity, shall promulgate regulations, in accordance with sec-

1 tion 553 of title 5, United States Code, that require an  
2 immigration consultant—

3           (1) to disclose in all advertising or promotional  
4 material and by displaying a notice at the regular  
5 place of business (if any) of the consultant that the  
6 consultant is not an immigration attorney, cannot  
7 provide legal advice or legal services on immigration  
8 matters, and is not authorized to represent aliens  
9 before an immigration court or the Board of Immi-  
10 gration Appeals or authorized to represent others be-  
11 fore the Department of Homeland Security in con-  
12 nection with an application for an immigration ben-  
13 efit or an immigration proceeding;

14           (2) if the consultant enters into a written con-  
15 tract for the provision of immigration consulting  
16 services—

17                   (A) to ensure that the contract states  
18 that—

19                           (i) the consultant is not an immigra-  
20 tion attorney, cannot provide legal advice  
21 or legal services on immigration matters,  
22 and is not authorized to represent aliens  
23 before an immigration court or the Board  
24 of Immigration Appeals or authorized to  
25 represent others before the Department of



1 Homeland Security in connection with an  
2 application for an immigration benefit or  
3 an immigration proceeding; and

4 (ii) the client has the right to have the  
5 contract reviewed by an attorney;

6 (B) to provide the client with a copy of the  
7 contract in English and, if requested by the cli-  
8 ent, in one or more other languages;

9 (C) to inform the client of the right to re-  
10 quest a copy of the contract in languages other  
11 than English, as required by subparagraph (B);  
12 and

13 (D) to ensure that the contract provides  
14 the client with the right to rescind the contract  
15 at any time during the 72-hour period after en-  
16 tering into the contract;

17 (3) not to collect fees for immigration con-  
18 sulting services before having rendered the services  
19 for which the fees are charged;

20 (4) to return to the client any original docu-  
21 ment obtained from the client (unless the original  
22 document must be provided to a Federal or State  
23 agency or another person and has been so provided)  
24 and to furnish to the client for no additional charge  
25 a copy of any document prepared or obtained by the

1 consultant for the client or otherwise used in connec-  
2 tion with immigration consulting services for the cli-  
3 ent (other than notes or other documents prepared  
4 by the consultant for internal use in order to provide  
5 such services); and

6 (5) to retain for not less than 3 years after  
7 ceasing to provide immigration consulting services  
8 for a client a copy of any document required by  
9 paragraph (4) to be returned or furnished to the cli-  
10 ent.

11 (b) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”  
13 means the Federal Trade Commission.

14 (2) IMMIGRATION CONSULTANT.—The term  
15 “immigration consultant” means a person engaged  
16 in the provision of immigration consulting services,  
17 except that such term does not include a person who  
18 is—

19 (A) authorized to represent aliens before  
20 an immigration court or the Board of Immigra-  
21 tion Appeals; or

22 (B) authorized to represent others in con-  
23 nection with an application or proceeding de-  
24 scribed in paragraph (3)(A) before the Depart-  
25 ment of Homeland Security in accordance with

1 regulations promulgated by the Secretary of  
2 Homeland Security.

3 (3) IMMIGRATION CONSULTING SERVICES.—

4 (A) IN GENERAL.—The term “immigration  
5 consulting services” means assistance, advice,  
6 or services provided to an individual in connec-  
7 tion with—

8 (i) application (or consideration of ap-  
9 plication) by such individual for an immi-  
10 gration benefit; or

11 (ii) an immigration proceeding involv-  
12 ing such individual before or with the De-  
13 partment of Homeland Security or the Ex-  
14 ecutive Office for Immigration Review.

15 (B) INCLUSIONS.—Such term includes the  
16 following:

17 (i) Assistance with procuring sup-  
18 porting documentation requested by such  
19 an agency, such as a birth certificate or  
20 marriage license.

21 (ii) Referring a client to an attorney  
22 for legal representation.

23 (iii) Assistance with complying with  
24 requirements relating to biometric services.

1 (C) EXCLUSIONS.—Such term does not in-  
2 clude the following:

3 (i) Completing a form of a Federal or  
4 State agency or submitting such form to  
5 such agency.

6 (ii) Translating the responses of a cli-  
7 ent to the information requested on such a  
8 form or in other communications with such  
9 an agency.

10 (4) STATE.—The term “State” means each of  
11 the several States, the District of Columbia, each  
12 commonwealth, territory, or possession of the United  
13 States, and each federally recognized Indian tribe.

14 (c) APPLICABILITY AND ENFORCEMENT OF REGULA-  
15 TIONS.—

16 (1) GENERAL APPLICATION.—The requirements  
17 of the regulations promulgated under subsection (a)  
18 apply, according to their terms, to those persons,  
19 partnerships, and corporations over which the Com-  
20 mission has authority pursuant to section 5(a)(2) of  
21 the Federal Trade Commission Act (15 U.S.C.  
22 45(a)(2)).

23 (2) ENFORCEMENT BY FEDERAL TRADE COM-  
24 MISSION.—

1 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
2 TICES.—A violation of a regulation promulgated  
3 under subsection (a) shall be treated as a viola-  
4 tion of a regulation under section 18(a)(1)(B)  
5 of the Federal Trade Commission Act (15  
6 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
7 tive acts or practices.

8 (B) POWERS OF COMMISSION.—The Com-  
9 mission shall enforce the regulations promul-  
10 gated under subsection (a) in the same manner,  
11 by the same means, and with the same jurisdic-  
12 tion, powers, and duties provided in the Federal  
13 Trade Commission Act (15 U.S.C. 41 et seq.),  
14 and any person who violates such a regulation  
15 shall be subject to the penalties and entitled to  
16 the privileges and immunities provided in such  
17 Act.

18 (3) ACTIONS BY STATES.—

19 (A) IN GENERAL.—In any case in which  
20 the attorney general of a State, or an official or  
21 agency of a State, has reason to believe that an  
22 interest of the residents of such State has been  
23 or is threatened or adversely affected by an act  
24 or practice in violation of a regulation promul-  
25 gated under subsection (a), the State, as parens

1 patriae, may bring a civil action on behalf of  
2 the residents of the State in an appropriate  
3 State court or an appropriate district court of  
4 the United States—

5 (i) to enjoin such act or practice;

6 (ii) to enforce compliance with such  
7 regulation;

8 (iii) to obtain on behalf of residents of  
9 the State—

10 (I) damages for actual monetary  
11 loss from the violation, or up to  
12 \$10,000 in damages for each such vio-  
13 lation, whichever is greater;

14 (II) restitution; or

15 (III) other compensation; or

16 (iv) to obtain such other legal and eq-  
17 uitable relief as the court may consider to  
18 be appropriate.

19 (B) NOTICE.—Before filing an action  
20 under this subsection, the attorney general, offi-  
21 cial, or agency of the State involved shall pro-  
22 vide to the Commission a written notice of such  
23 action and a copy of the complaint for such ac-  
24 tion. If the attorney general, official, or agency  
25 determines that it is not feasible to provide the

1 notice described in this paragraph before the  
2 filing of the action, the attorney general, offi-  
3 cial, or agency shall provide written notice of  
4 the action and a copy of the complaint to the  
5 Commission immediately upon the filing of the  
6 action.

7 (C) AUTHORITY OF FEDERAL TRADE COM-  
8 MISSION.—

9 (i) IN GENERAL.—On receiving notice  
10 under subparagraph (B) of an action  
11 under this subsection, the Commission  
12 shall have the right—

13 (I) to intervene in the action;

14 (II) upon so intervening, to be  
15 heard on all matters arising therein;  
16 and

17 (III) to file petitions for appeal.

18 (ii) LIMITATION ON STATE ACTION  
19 WHILE FEDERAL ACTION IS PENDING.—If  
20 the Commission or the Attorney General of  
21 the United States has instituted a civil ac-  
22 tion for violation of a regulation promul-  
23 gated under subsection (a) (referred to in  
24 this subparagraph as the “Federal ac-  
25 tion”), no State attorney general, official,

1 or agency may bring an action under this  
2 subsection during the pendency of the Fed-  
3 eral action against any defendant named in  
4 the complaint in the Federal action for any  
5 violation of such regulation alleged in such  
6 complaint.

7 (D) RULE OF CONSTRUCTION.—For pur-  
8 poses of bringing a civil action under this para-  
9 graph, nothing in this Act shall be construed to  
10 prevent an attorney general, official, or agency  
11 of a State from exercising the powers conferred  
12 on the attorney general, official, or agency by  
13 the laws of such State to conduct investigations,  
14 administer oaths and affirmations, or compel  
15 the attendance of witnesses or the production of  
16 documentary and other evidence.

17 (4) PRIVATE RIGHT OF ACTION.—

18 (A) IN GENERAL.—A person injured by an  
19 act or practice in violation of a regulation pro-  
20 mulgated under subsection (a) may bring in an  
21 appropriate State court or an appropriate dis-  
22 trict court of the United States—

23 (i) an action to enjoin the violation;

24 (ii) an action to recover damages for  
25 actual monetary loss from the violation, or



1 to receive up to \$10,000 in damages for  
2 each such violation, whichever is greater;  
3 or

4 (iii) both such actions.

5 (B) WILLFUL OR KNOWING VIOLATIONS.—

6 If the court finds that the defendant acted will-  
7 fully or knowingly in committing a violation de-  
8 scribed in subparagraph (A), the court may, in  
9 its discretion, increase the amount of the award  
10 to an amount equal to not more than 3 times  
11 the amount available under subparagraph  
12 (A)(ii).

13 (C) COSTS AND ATTORNEY’S FEES.—The  
14 court shall award to a prevailing plaintiff in an  
15 action under this subsection the costs of such  
16 action and reasonable attorney’s fees, as deter-  
17 mined by the court.

18 (D) NONEXCLUSIVE REMEDY.—The rem-  
19 edy provided by this subsection shall be in addi-  
20 tion to any other remedies available to the per-  
21 son.

22 **SEC. 203. FEE AND BACKLOG TRANSPARENCY.**

23 Section 286(m) of the Immigration and Nationality  
24 Act (8 U.S.C. 1356(m)) is amended to read as follows:

25 “(m) IMMIGRATION SERVICE FEES.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), all fees designated by the Secretary of  
3           Homeland Security in regulations as ‘immigration  
4           adjudication fees’ shall be deposited as offsetting re-  
5           ceipts into the ‘Immigration Examinations Fee Ac-  
6           count’ in the Treasury of the United States, whether  
7           such fees are collected directly by the Secretary or  
8           through clerks of courts.

9           “(2) VIRGIN ISLANDS AND GUAM.—

10           “(A) GUAM.—All fees described in para-  
11           graph (1) that are received by the Secretary of  
12           Homeland Security from applicants residing in  
13           Guam shall be remitted to the Department of  
14           Revenue and Taxation of Guam.

15           “(B) VIRGIN ISLANDS.—All fees described  
16           in paragraph (1) that are received by the Sec-  
17           retary of Homeland Security from applicants  
18           residing in the United States Virgin Islands  
19           shall be remitted to the Treasury Division of  
20           the United States Virgin Islands.

21           “(3) REPORT REQUIREMENT BEFORE FEE IN-  
22           CREASE.—The Secretary of Homeland Security may  
23           not increase any immigration service fee above the  
24           level of such fee as of January 1, 2019, before the  
25           date that is 60 days after the date on which the Sec-

1       retary submits to the Committee on the Judiciary of  
2       the Senate and the Committee on the Judiciary of  
3       the House of Representatives a report that—

4               “(A) identifies the direct and indirect costs  
5               associated with providing adjudication and nat-  
6               uralization services;

7               “(B) distinguishes the costs referred to in  
8               subparagraph (A) from immigration enforce-  
9               ment and national security costs;

10              “(C) identifies the costs allocated for pre-  
11              mium processing services to business customers,  
12              as prescribed under subsection (u);

13              “(D) describes the extent to which the fee  
14              prescribed in subsection (u) is set at a level  
15              that ensures full recovery of the costs referred  
16              to in subparagraph (C);

17              “(E) identifies the amount of funding that  
18              is being allocated for the infrastructure im-  
19              provements in the adjudication and customer-  
20              service processes prescribed under subsection  
21              (u); and

22              “(F) contains information regarding the  
23              amount by which such fee will be increased.

24              “(4) ADJUDICATIONS DELAY AND BACKLOG RE-  
25              PORT.—Not less frequently than quarterly, the Sec-

1       retary of Homeland Security shall submit to the  
2       Committee on the Judiciary of the Senate and the  
3       Committee on the Judiciary of the House of Rep-  
4       resentatives a report that identifies each instance in  
5       which—

6               “(A) the processing time of more than 10  
7               percent of adjudications in any single category  
8               of immigration benefits surpasses the agency’s  
9               stated processing goal as of January 1, 2019;

10              “(B) the processing time of more than 5  
11              percent of applications for legal permanent resi-  
12              dence surpasses 150 days; and

13              “(C) the processing time of more than 5  
14              percent of applications for naturalization sur-  
15              passes 150 days.”.

16 **SEC. 204. NATIONAL OFFICE FOR NEW AMERICANS.**

17       (a) DEFINITIONS.—In this section:

18              (1) DIRECTOR.—The term “Director” means  
19              the Director of the National Office of New Ameri-  
20              cans.

21              (2) FEDERAL AGENCY.—The term “Federal  
22              agency” has the meaning given the term “agency”  
23              in section 551 of title 5, United States Code.

1           (3) OFFICE.—The term “Office” means the  
2           National Office for New Americans established  
3           under subsection (b).

4           (b) ESTABLISHMENT.—There is established within  
5           the Executive Office of the President an office, to be  
6           known as the “National Office of New Americans”, to  
7           carry out the purposes described in subsection (c).

8           (c) PURPOSES.—The purposes of the Office are—

9           (1) to welcome and support immigrants and  
10          refugees in the United States;

11          (2) to promote and support immigrant and ref-  
12          ugee integration into, and inclusion in, the social,  
13          economic, and civic life of the United States;

14          (3) to ensure that the Federal Government and  
15          Federal agencies promote the pursuit of United  
16          States citizenship among immigrants and refugees;

17          (4) to ensure access to quality English language  
18          learning programs that support the successful inte-  
19          gration of immigrant adults, including by enhanc-  
20          ing—

21                  (A) employment and career prospects and  
22                  economic integration; and

23                  (B) social integration in local communities  
24                  and participation in civic life, including engage-  
25                  ment with State and local governments, schools,

1           and private and nonprofit community institu-  
2           tions;

3           (5) to provide equal access to workforce devel-  
4           opment programs, including by ensuring that such  
5           programs meet the demand and unique language,  
6           training, and educational needs of immigrants and  
7           refugees;

8           (6) to coordinate the efforts of Federal, State,  
9           and local entities to support the effective social, eco-  
10          nomic, linguistic, and civic integration of immi-  
11          grants, refugees, and their children;

12          (7) to provide advice and leadership to the  
13          President, Members of Congress, and other Federal  
14          Government officials on the challenges and opportu-  
15          nities facing such entities with respect to immigrant  
16          and refugee integration;

17          (8) to evaluate the scale, quality, and effective-  
18          ness of Federal Government efforts with respect to  
19          immigrant and refugee social and economic integra-  
20          tion, including access to United States citizenship,  
21          English language learning, education, and workforce  
22          development programs;

23          (9) to identify the anticipated effects of new  
24          Federal policies on existing integration efforts and

1 advise the President on how to address potential in-  
2 tegration needs and the effects of such policies;

3 (10) with respect to immigrant and refugee in-  
4 tegration efforts, to consult on a biannual basis with  
5 State and local government officials on challenges  
6 and opportunities presented by such efforts;

7 (11) with respect to the activities described in  
8 paragraphs (8) through (10), to ensure the inclusion  
9 of the perspectives of immigrants and refugees; and

10 (12) to submit to the President and the appro-  
11 priate committees of Congress a biannual report  
12 that describes the activities of the Office and the re-  
13 sults of the consultation process described in para-  
14 graphs (8) through (11).

15 (d) DIRECTOR.—

16 (1) IN GENERAL.—The Office shall be headed  
17 by a Director of the National Office of New Ameri-  
18 cans, who shall be appointed by the President, by  
19 and with the advice and consent of the Senate.

20 (2) RESPONSIBILITIES.—The Director shall—

21 (A) establish policies, objectives, and prior-  
22 ities for the Office with respect to immigrant  
23 and refugee integration;

24 (B) with the assistance of the Deputy Di-  
25 rector for Citizenship and Inclusion, the Deputy

1 Director for Workforce and Economy, the Dep-  
2 uty Director for Children’s Integration Success,  
3 and the Associate Director of State and Local  
4 Affairs, carry out the purposes of the Office, as  
5 described in subsection (c);

6 (C) make recommendations to the Presi-  
7 dent on changes in the organization, manage-  
8 ment, programs, and budget of each Federal  
9 agency to promote the integration of immi-  
10 grants and refugees;

11 (D) with respect to efforts to promote  
12 United States citizenship and the integration of  
13 immigrants and refugees, consult, support, and  
14 coordinate with State and local government ef-  
15 forts; and

16 (E) serve as a member of the Domestic  
17 Policy Council and the National Economic  
18 Council.

19 (3) POWERS OF THE DIRECTOR.—In carrying  
20 out the responsibilities under paragraph (2) and the  
21 purposes described in subsection (c), the Director  
22 may—

23 (A) select, appoint, employ, and fix com-  
24 pensation of such officers and employees as



1           may be necessary to carry out such responsibil-  
2           ities and purposes;

3           (B) with the concurrence of the head of  
4           the applicable Federal agency, direct the tem-  
5           porary reassignment within the Federal Govern-  
6           ment of personnel employed by such Federal  
7           agency;

8           (C) use for administrative purposes, on a  
9           reimbursable basis, the available service, equip-  
10          ment, personnel, and facilities of Federal, State,  
11          and local agencies;

12          (D) procure the services of experts and  
13          consultants in accordance with section 3109 of  
14          title 5, United States Code (relating to appoint-  
15          ments in the Federal service) at rates of com-  
16          pensation for individuals not to exceed the daily  
17          equivalent of the rate of pay payable for level  
18          GS-18 of the General Schedule under section  
19          5332 of title 5, United States Code;

20          (E) accept and use donations of property  
21          from Federal, State, and local government  
22          agencies;

23          (F) use the mail in the same manner as  
24          other Federal agencies; and

1 (G) monitor the implementation of immi-  
2 grant and refugee integration-related activities  
3 of the Federal Government, including by—

4 (i) conducting program and perform-  
5 ance audits and evaluations of each Fed-  
6 eral agency; and

7 (ii) requesting assistance from the In-  
8 spector General of the applicable Federal  
9 agencies in such audits and evaluations.

10 (e) DEPUTY DIRECTORS.—

11 (1) IN GENERAL.—There shall be in the Office  
12 a Deputy Director for Citizenship and Inclusion, a  
13 Deputy Director for Workforce and Economy, and a  
14 Deputy Director for Children’s Integration and Suc-  
15 cess, each of whom shall be appointed by the Presi-  
16 dent, in consultation with the Director.

17 (2) RESPONSIBILITIES.—

18 (A) DEPUTY DIRECTOR FOR CITIZENSHIP  
19 AND INCLUSION.—The Deputy Director for  
20 Citizenship and Inclusion shall, among other  
21 duties as assigned by the Director, assist the  
22 Director in promoting—

23 (i) the inclusion of immigrants and  
24 refugees in the social, economic, and civic

1 life of their communities and the United  
2 States; and

3 (ii) access to United States citizen-  
4 ship.

5 (B) DEPUTY DIRECTOR FOR WORKFORCE  
6 AND ECONOMY.—The Deputy Director for  
7 Workforce and Economy shall, among other du-  
8 ties as assigned by the Director, assist the Di-  
9 rector in—

10 (i) promoting the participation of im-  
11 migrants and refugees in the United States  
12 workforce; and

13 (ii) increasing the contributions of im-  
14 migrants and refugees to the United States  
15 economy.

16 (C) DEPUTY DIRECTOR FOR CHILDREN'S  
17 INTEGRATION SUCCESS.—The Deputy Director  
18 for Children's Integration Success shall, among  
19 other duties as assigned by the Director, assist  
20 the Director in ensuring that Federal policies  
21 and programs intended to support the healthy  
22 development and educational success of children  
23 are effective in reaching and serving the chil-  
24 dren of immigrant families.

25 (f) BUREAU OF STATE AND LOCAL AFFAIRS.—

1           (1) IN GENERAL.—There is established within  
2 the Office a Bureau of State and Local Affairs.

3           (2) ASSOCIATE DIRECTOR.—

4           (A) IN GENERAL.—The Bureau of State  
5 and Local Affairs shall be headed by an Asso-  
6 ciate Director of State and Local Affairs, who  
7 shall be appointed by the President, in con-  
8 sultation with the Director.

9           (B) DUTIES.—The Associate Director of  
10 State and Local Affairs shall, among other du-  
11 ties as assigned by the Director, assist the Di-  
12 rector in coordinating the efforts of State and  
13 local entities to support the economic, linguistic,  
14 and civic integration of immigrants, refugees,  
15 and their children.

16       (g) ACCESS BY CONGRESS.—The establishment of  
17 the Office within the Executive Office of the President  
18 shall not affect access by any Member of Congress or any  
19 member of a committee of the Senate or the House of  
20 Representatives to—

21           (1) the Office;

22           (2) any information, document, or study in the  
23 possession of, or conducted by or at the direction of,  
24 the Director; or

25           (3) personnel of the Office.

1 (h) LIMITATION.—An individual may not serve as Di-  
 2 rector, Deputy Director for Citizenship and Inclusion,  
 3 Deputy Director for Workforce and the Economy, Deputy  
 4 Director for Children’s Integration Success, or Associate  
 5 Director of State and Local Affairs while serving in any  
 6 other position in the Federal Government.

7 **TITLE III—BUILDING**  
 8 **COMMUNITY TRUST**

9 **SEC. 301. PROTECTING ALIENS WHO ARE VICTIMS OF OR**  
 10 **WITNESSES TO CRIMES OR ARE DEFENDING**  
 11 **CIVIL RIGHTS.**

12 (a) IN GENERAL.—The Director of U.S. Immigration  
 13 and Customs Enforcement shall ensure, except as provided  
 14 in subsection (b), that removal proceedings are not initi-  
 15 ated against any alien who is known to be—

16 (1) a victim of domestic violence, human traf-  
 17 ficking, or any other serious crime;

18 (2) a witness involved in a pending criminal in-  
 19 vestigation or prosecution;

20 (3) a plaintiff in a nonfrivolous lawsuit regard-  
 21 ing violations of his or her civil rights, including  
 22 with respect to union organizing and employment  
 23 discrimination, as described in the memorandum of  
 24 the U.S. Immigration and Customs Enforcement en-  
 25 titled “Prosecutorial Discretion: Certain Victims,

1 Witnesses, and Plaintiffs’ issued on June 17, 2011;  
2 or

3 (4) actively engaged in an activity related to the  
4 preservation of his or her employment, housing, or  
5 other legally protected rights.

6 (b) EXCEPTIONS.—

7 (1) IN GENERAL.—Notwithstanding subsection  
8 (a), an alien described in such subsection may be  
9 subject to removal proceedings if the Secretary of  
10 Homeland Security determines, on a case-by-case  
11 basis, that there is sufficient evidence to conclude  
12 that the alien—

13 (A) has committed a serious crime;

14 (B) poses a threat to public safety;

15 (C) has engaged in serious violations of  
16 human rights;

17 (D) has engaged in significant immigration  
18 fraud; or

19 (E) has filed a claim in bad faith with in-  
20 tent to delay or avoid the removal of an alien.

21 (2) SAVINGS PROVISION.—Nothing in this sub-  
22 section may be construed to deny any alien who has  
23 been a victim of domestic violence, human traf-  
24 ficking, or certain other crimes from receiving the  
25 immigration benefits to which he or she is entitled

1 under the Violence Against Women Act of 1994  
2 (title IV of Public Law 103–322), the Trafficking  
3 Victims Protection Act of 2000 (22 U.S.C. 7101 et  
4 seq.), or any other applicable law.

5 (c) EFFECT OF VIOLATION.—With respect to a re-  
6 moval proceeding commenced as a result of an enforce-  
7 ment action carried out in violation of subsection (a)—

8 (1) information resulting from such enforce-  
9 ment action may not be entered into the record of  
10 proceeding or received into evidence;

11 (2) the alien who is the subject of the removal  
12 proceeding may file a motion for the immediate ter-  
13 mination of the removal proceeding; and

14 (3) in considering whether to administratively  
15 close the removal proceeding, the immigration judge  
16 shall give appropriate weight to the circumstances of  
17 such enforcement action.

18 **SEC. 302. SEMIANNUAL REPORT ON CERTAIN ENFORCE-**  
19 **MENT ACTIONS.**

20 The Secretary of Homeland Security shall submit a  
21 semiannual report to the Committee on the Judiciary of  
22 the Senate, the Committee on Appropriations of the Sen-  
23 ate, the Committee on the Judiciary of the House of Rep-  
24 resentatives, and the Committee on Appropriations of the  
25 House of Representatives that identifies, for the most re-

1 cent 180-day period for which such data is available, the  
2 number of arrests, detentions, and removals of aliens de-  
3 scribed in section 302(a).

4 **SEC. 303. RULE OF CONSTRUCTION.**

5 Nothing in this Act or the amendments made by this  
6 Act shall be construed to modify—

7 (1) the applicability of any ground of inadmis-  
8 sibility or deportability relating to criminal convic-  
9 tions; or

10 (2) the eligibility criteria relating to criminal  
11 convictions for any application or form of relief  
12 under the immigration laws.

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