

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, 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 IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Refugee Protection Act of 2019”.

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—PROTECTIONS FOR REFUGEES AND ASYLUM SEEKERS

2

- Sec. 101. Elimination of time limits on asylum applications.
- Sec. 102. Protecting certain vulnerable groups of asylum seekers.
- Sec. 103. Scope and standard for review.
- Sec. 104. Efficient asylum and refugee determination process.
- Sec. 105. Presumption of liberty.
- Sec. 106. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
- Sec. 107. Processing and custody at Customs and Border Patrol Facilities.
- Sec. 108. Study on the effect of expedited removal provisions, practices, and procedures on asylum claims.
- Sec. 109. Refugee opportunity promotion.
- Sec. 110. Protections for minors seeking asylum.
- Sec. 111. Fair day in court for kids.
- Sec. 112. Protection of stateless persons in the United States.
- Sec. 113. Authority to designate certain groups of refugees for consideration.
- Sec. 114. Multiple forms of relief.
- Sec. 115. Protection of refugee families.
- Sec. 116. Reform of refugee consultation process.
- Sec. 117. Admission of refugees in the absence of the annual presidential determination.
- Sec. 118. Update of reception and placement grants.
- Sec. 119. Protection for aliens interdicted at sea.
- Sec. 120. Modification of physical presence requirements for aliens serving as translators.
- Sec. 121. Protecting victims of terrorism from being defined as terrorists.
- Sec. 122. Assessment of the refugee economic contributions to the United States and self-sufficiency.
- Sec. 123. Refugee assistance.
- Sec. 124. Resettlement data.
- Sec. 125. Extension of eligibility period for social security benefits for certain refugees.
- Sec. 126. Prohibit criminal prosecution of refugees to align with our refugee convention obligations.
- Sec. 127. T and U visa reforms.
- Sec. 128. Transparency in refugee determinations.
- Sec. 129. Prohibition on discretionary denials based on transit through a third country.
- Sec. 130. Determination of budgetary effects.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN THE
WESTERN HEMISPHERE

- Sec. 201. Expansion of refugee and asylum processing.
- Sec. 202. Expanding refugee processing in Mexico and Central America for third country resettlement.
- Sec. 203. Strengthening regional humanitarian responses.
- Sec. 204. Information campaign on dangers of irregular migration.
- Sec. 205. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
- Sec. 206. Registration and intake.
- Sec. 207. Central American refugee program.
- Sec. 208. Central American minors program.
- Sec. 209. Central American family reunification parole program.
- Sec. 210. Central American worker referral program.
- Sec. 211. Informational campaign; case status hotline.

TITLE III—MATTERS AFFECTING REFUGEES AND ASYLEES IN
THE UNITED STATES

- Sec. 301. Prevention of erroneous in absentia orders of removal.
- Sec. 302. Employment authorization for asylum seekers.
- Sec. 303. Program to adjust the status of certain vulnerable refugees from Central America.
- Sec. 304. Terrorism-related inadmissibility grounds.
- Sec. 305. Setting the presidential determination.
- Sec. 306. United States Emergency Refugee Resettlement Contingency Fund.
- Sec. 307. Refugee resettlement; radius requirements.
- Sec. 308. Admission of refugees and asylees as legal permanent residents.

TITLE IV—SPECIAL IMMIGRANT VISA PROGRAMS

- Sec. 401. Improvement of the direct access program for United States-affiliated Iraqis.
- Sec. 402. Conversion of certain petitions.
- Sec. 403. Special immigrant visa program reporting requirement.
- Sec. 404. Improving application process for Afghan special immigrant visas.
- Sec. 405. Special immigrant status for certain surviving spouses and children.
- Sec. 406. Including certain special immigrants in the annual refugee survey.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Reporting requirement.
- Sec. 502. Authorization of appropriations.

1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

3 (1) In 2019, the world is in the midst of the
4 worst global displacement crisis in history, with
5 more than 70,800,000 forcibly displaced persons, in-
6 cluding 25,900,000 refugees over half of whom are
7 children, worldwide, according to estimates from the
8 United Nations High Commissioner for Refugees
9 (referred to in this section as “UNHCR”).

10 (2) Despite 1,400,000 refugees being in need of
11 resettlement to a third country, in 2018, less than
12 5 percent of global resettlement needs were met.

1 (3) The United States Refugee Admissions Pro-
2 gram (referred to in this section as “USRAP”) is a
3 life-saving solution critical to global humanitarian ef-
4 forts, which—

5 (A) strengthens global security;

6 (B) leverages United States foreign policy,
7 including diplomatic and strategic interests of
8 supporting allies, who often host significant and
9 a disproportionate share of refugees per capita,
10 and of stabilizing sensitive regions impacted by
11 forced migration by ensuring the United States
12 is sharing responsibility for global refugee pro-
13 tection;

14 (C) leverages refugee resettlement to the
15 United States to encourage other countries to
16 uphold the human rights of refugees including
17 ensuring refugees have the right to work, the
18 right to an education, freedom of movement,
19 and to ensure refugees are not returned to a
20 place where their life or freedom is at risk;

21 (D) serves individuals and families in need
22 of resettlement;

23 (E) provides economic and cultural bene-
24 fits to cities, States, and the United States as
25 a whole; and

1 (F) aligns with our international obliga-
2 tions, including the 1951 Refugee Convention
3 and its 1967 Protocol, of which the United
4 States is a signatory, the Convention against
5 Torture and Other Cruel, Inhuman or Degrad-
6 ing Treatment or Punishment, of which the
7 United States is a signatory, and the 1954
8 Convention relating to the Status of Stateless
9 Persons and the 1961 Convention on the Re-
10 duction of Statelessness.

11 (4) The United States has historically been,
12 and must continue to be, a global leader in—

13 (A) responding to displacement crises
14 around the world, including through providing
15 robust humanitarian support;

16 (B) promoting the safety, health, and well-
17 being of refugees and displaced persons;

18 (C) welcoming asylum seekers who come to
19 the United States seeking safety, and protecting
20 other at-risk migrants including survivors of
21 torture, victims of trafficking, and stateless
22 people; and

23 (D) working alongside other countries to
24 strengthen protection systems and support.

1 (5) The United States has been steadily reduc-
2 ing access to asylum protection through administra-
3 tive policy and programmatic changes, and reducing
4 resettlement of refugees in need of resettlement with
5 2 consecutive, historically low annual resettlement
6 goals after nearly 40 years with an average annual
7 United States refugee admission goal over 95,000,
8 and a number of policies and operational decisions
9 aimed at reducing or stopping the ability of asylum-
10 seekers to access our border.

11 (6) Refugees are the most vetted travelers to
12 enter the United States and are subject to extensive
13 screening checks, including in-person interviews, bio-
14 metric data checks, and multiple interagency checks.

15 (7) It is crucial, for the sake of refugees, asy-
16 lum seekers, and other migrants, United States dip-
17 lomatic and strategic interests, and local commu-
18 nities that benefit from refugees and asylees and
19 other migrants, for the United States to better
20 operationalize protection of refugees and asylum
21 seekers through reforms including—

22 (A) asylum reforms that ensure due proc-
23 ess;

24 (B) reforms that integrate stronger protec-
25 tion and ensure due process for asylum seekers,

1 children, victims of trafficking, stateless people,
2 and other migrants in the border migration en-
3 forcement, management, and adjudication sys-
4 tems, including—

5 (i) community-based, alternatives to
6 detention for asylum seekers and other vul-
7 nerable migrants;

8 (ii) improved detention conditions;

9 (iii) fairness in the arrest and adju-
10 dication process;

11 (iv) increasing the access to legal in-
12 formation and representation; and

13 (v) a stronger commitment to child
14 welfare in staffing and processes; and

15 (C) refugee reforms that—

16 (i) ensure at least a historically aver-
17 age annual admission goal;

18 (ii) help prevent the implementation
19 of a refugee policy that discriminates based
20 on race and religion;

21 (iii) improve opportunities for refu-
22 gees to achieve family unity; and

23 (iv) update and strengthen the sup-
24 port for refugees and the communities that
25 welcome refugees.

1 (bb) the Convention Against
2 Torture and Other Cruel, Inhu-
3 man or Degrading Treatment or
4 Punishment, done at New York
5 December 10, 1984; or

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

8 (B) includes any individual described in
9 subparagraph (A) whose application for asylum
10 or withholding of removal is pending judicial re-
11 view; and

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

16 (2) BEST INTEREST DETERMINATION.—The
17 term “best interest determination” means a formal
18 process with procedural safeguards designed to give
19 primary consideration to the child’s best interests in
20 decision-making.

21 (3) DEPARTMENT.—The term “Department”
22 means the Department of Homeland Security.

23 (4) INTERNATIONAL PROTECTION.—The term
24 “international protection” means asylum status, ref-
25 ugee status, protection under the Convention

1 Against Torture, and other regional protection sta-
2 tus available in the Western Hemisphere.

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

5 **TITLE I—PROTECTIONS FOR**
6 **REFUGEES AND ASYLUM**
7 **SEEKERS**

8 **SEC. 101. ELIMINATION OF TIME LIMITS ON ASYLUM APPLI-**
9 **CATIONS.**

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

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

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

16 (3) by redesignating subparagraph (C) as sub-
17 paragraph (B);

18 (4) in subparagraph (B), as redesignated, by
19 striking “subparagraph (D)” and inserting “sub-
20 paragraphs (C) and (D)”; and

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

23 “(C) CHANGED CIRCUMSTANCES.—Not-
24 withstanding subparagraph (B), an application
25 for asylum of an alien may be considered if the

1 alien demonstrates, to the satisfaction of the
2 Attorney General or the Secretary of Homeland
3 Security, the existence of changed cir-
4 cumstances that materially affect the appli-
5 cant’s eligibility for asylum.

6 “(D) MOTION TO REOPEN CERTAIN MERI-
7 TORIOUS CLAIMS.—Notwithstanding subpara-
8 graph (B) or section 240(c)(7), an alien may
9 file a motion to reopen an asylum claim during
10 the 2-year period beginning on the date of the
11 enactment of the Refugee Protection Act of
12 2019 if the alien—

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

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

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

24 “(iv) is not subject to the safe third
25 country exception in section 208(a)(2)(A)

1 or a bar to asylum under section 208(b)(2)
2 and was not denied asylum as a matter of
3 discretion; and

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

6 **SEC. 102. PROTECTING CERTAIN VULNERABLE GROUPS OF**
7 **ASYLUM SEEKERS.**

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

11 “(42)(A) The term ‘refugee’ means any person
12 who—

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

17 “(II) is unable or unwilling to return to,
18 and is unable or unwilling to avail himself or
19 herself of the protection of, that country be-
20 cause of persecution, or a well-founded fear of
21 persecution, on account of race, religion, nation-
22 ality, membership in a particular social group,
23 political opinion, or gender; or

1 “(ii) in such circumstances as the Presi-
2 dent may specify, after appropriate consultation
3 (as defined in section 207(e))—

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

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

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

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

3 “(i) the term ‘gender’ includes the con-
4 cepts of sex, sexual orientation, and gender
5 identity;

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

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

19 “(iv) the term ‘particular social group’
20 means, without any additional requirement not
21 listed in this clause, any group whose mem-
22 bers—

23 “(I) share—

24 “(aa) a characteristic that is im-
25 mutable or fundamental to identity,

1 conscience, or the exercise of the per-
2 son's human rights such that the per-
3 son should not be required to change
4 it; or

5 “(bb) a past experience or vol-
6 untary association that due to its his-
7 torical nature cannot be changed;

8 “(II) are perceived as a group by soci-
9 ety or shall be deemed a particular social
10 group;

11 “(D)(i) The burden of proof shall be on the ap-
12 plicant to establish that the applicant is a refugee.

13 “(ii) To establish that the applicant is a ref-
14 ugee, persecution—

15 “(I) shall be on account of race, religion,
16 nationality, membership in a particular social
17 group, political opinion, or gender; and

18 “(II) may be established by demonstrating
19 that—

20 “(aa) a protected ground is at least
21 one reason for the applicant's persecution
22 or fear of persecution;

23 “(bb) the persecution or feared perse-
24 cution would not have occurred or would

1 not occur in the future but for a protected
2 ground; or

3 “(cc) the persecution or feared perse-
4 cution had or will have the effect of harm-
5 ing the person because of a protected
6 ground.

7 “(E) Where past or feared persecution by a nonstate
8 actor is unrelated to a protected asylum ground, the caus-
9 al nexus link is established if the state’s failure to protect
10 the asylum applicant from the nonstate actor is on account
11 of a protected asylum ground.”.

12 (b) CONDITIONS FOR GRANTING ASYLUM.—Section
13 208(b) of the Immigration and Nationality Act (8 U.S.C.
14 1158(b)) is amended—

15 (1) in paragraph (1)(B)—

16 (A) in clause (i), by striking “at least one
17 central reason for persecuting the applicant”
18 and inserting “a factor in the applicant’s perse-
19 cution or fear of persecution”;

20 (B) in clause (ii), by striking the last sen-
21 tence and inserting the following: “If the trier
22 of fact determines that the applicant should
23 provide evidence that corroborates otherwise
24 credible testimony, the trier of fact shall pro-
25 vide notice and allow the applicant a reasonable

1 opportunity to file such evidence. The trier of
2 fact may not require such evidence if the appli-
3 cant does not have the evidence and dem-
4 onstrates that he or she cannot reasonably ob-
5 tain the evidence. Evidence shall not be consid-
6 ered reasonably obtainable if procurement of
7 such evidence would reasonably endanger the
8 life or safety of any person.”;

9 (C) by redesignating clause (iii) as clause
10 (iv);

11 (D) by inserting after clause (ii) the fol-
12 lowing:

13 “(iii) SUPPORTING EVIDENCE ACCEPT-
14 ED.—Direct or circumstantial evidence, in-
15 cluding evidence that the State is unable
16 or unwilling to protect individuals of the
17 applicant’s race, religion, nationality, par-
18 ticular social group, political opinion, or
19 gender, or that the State’s legal or social
20 norms tolerate persecution against individ-
21 uals of the applicant’s race, religion, na-
22 tionality, particular social group, political
23 opinion, or gender may establish that per-
24 secution is on account of one of the

1 grounds enumerated in subsection
2 (a)(42)(A)(i)(II).”; and

3 (E) in clause (iv), as redesignated, by
4 striking “, without regard to whether an incon-
5 sistency, inaccuracy, or falsehood goes to the
6 heart of the applicant’s claim, or any other rel-
7 evant factor.” and inserting “. If the trier of
8 fact determines that there are inconsistencies or
9 omissions, the alien shall be given an oppor-
10 tunity to explain and to provide support or evi-
11 dence to clarify such inconsistencies or omis-
12 sions.”; and

13 (2) in paragraph (2)(A)(vi), by inserting “A
14 stay in a third country that does not constitute firm
15 resettlement shall not be a ground of discretionary
16 denial of asylum.” after “United States.”.

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

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

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

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

17 **SEC. 103. SCOPE AND STANDARD FOR REVIEW.**

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

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

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

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

11 **SEC. 104. EFFICIENT ASYLUM AND REFUGEE DETERMINA-**
12 **TION PROCESS.**

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

16 (1) by striking paragraph (3)(C); and

17 (2) is further amended by inserting at the end:

18 “(4) INITIAL JURISDICTION.—

19 “(A) An asylum officer (as defined in sec-
20 tion 1225(b)(1)(E) of this title) shall have ini-
21 tial jurisdiction over any asylum application re-
22 gardless of whether filed in accordance with this
23 section or section 1225(b) of this title.

24 “(B) Where a final order of removal was
25 previously entered, an asylum officer (as de-

1 fined in section 1225(b)(1)(E) of this title)
2 shall have initial jurisdiction over any applica-
3 tions for withholding of removal under section
4 1231(b)(3) of this title and for protection under
5 the Convention Against Torture regardless of
6 whether filed in accordance with this section or
7 section 1225(b) of this title.”.

8 (b) DEFINITION OF ASYLUM OFFICER.—Section
9 235(b)(1)(E) of the Immigration and Nationality Act (8
10 U.S.C. 1225(b)(1)(E)) is amended—

11 (1) in clause (i), by striking “comparable to
12 that provided to full-time adjudicators” and insert-
13 ing “necessary for adjudication”;

14 (2) by redesignating clause (ii) as clause (iii);

15 (3) by inserting after clause (i) the following
16 new clause:

17 “(ii) adjudicates applications under
18 section 1158 of this title on a full-time
19 basis;” and

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

21 “(iv) only during exceptional cir-
22 cumstances and in the protection of na-
23 tional security may the Secretary tempo-
24 rarily designate individuals who do not
25 meet the requirement of clause (ii) to act

1 as asylum officers as defined by this sec-
2 tion, provided that the individual does not
3 currently hold or have held in the last 3
4 years a position whose central function was
5 immigration enforcement, including but
6 not limited to, Border Patrol agents, Cus-
7 toms and Border Protection officers, and
8 Immigration and Customs Enforcement of-
9 ficers. The Secretary shall annually report
10 to Congress the justification for desig-
11 nating temporary asylum officers, the
12 number of officers designated, the duration
13 of their service, the number of interviews
14 conducted, the percentage of granted, de-
15 nied, referred or otherwise closed asylum,
16 withholding and Convention Against Tor-
17 ture applications, and the percentage of
18 positive, negative, or otherwise closed fear
19 interview determinations.”.

20 (c) REFUGEE DETERMINATION PROCESS.—

21 (1) IN GENERAL.—The Secretary of State shall
22 place a high priority on the cases of persons referred
23 by the United Nations High Commission for Refu-
24 gees, groups of special humanitarian concern to the
25 United States, and refugees seeking reunification

1 with relatives living in the United States, regardless
2 of the nationality of such refugees.

3 (2) REGULATIONS.—The Secretary of State, in
4 consultation with the Secretary, shall promulgate
5 regulations to ensure that individuals seeking admis-
6 sion to the United States as refugees are not ex-
7 cluded from being interviewed due to such individ-
8 uals' close family relationship to United States citi-
9 zens or legal permanent residents, possession of
10 other qualifications for an immigrant visa, or pend-
11 ing application for admission to the United States.
12 Such regulations shall ensure that applicants for ad-
13 mission as refugees are permitted simultaneously to
14 pursue admission as a refugee and admission under
15 other visa categories for which they may be eligible.

16 (3) NOTIFICATION RELATING TO SEPARATE
17 TRAVEL.—If an application for admission to the
18 United States under section 207 of the Immigration
19 and Nationality Act (8 U.S.C. 1157) is placed on
20 hold for longer than 3 months or is subject to the
21 expiration and repetition of more than 3 screenings
22 and one or more members of the applicant's family
23 also have pending applications for admission under
24 such section, the Secretary shall notify any indi-
25 vidual on that case who is eligible to travel sepa-

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

4 **SEC. 105. PRESUMPTION OF LIBERTY.**

5 (a) ASYLUM SEEKERS.—

6 (1) CUSTODY DETERMINATION.—

7 (A) INITIAL DETERMINATION.—Not later
8 than 48 hours after taking an alien who has ex-
9 pressed a fear of return to their home country
10 or an intent to apply for asylum in the United
11 States into custody, or 48 hours after an alien
12 has expressed a fear of return to their home
13 country or an intent to apply for asylum in the
14 United States, the Secretary shall make an ini-
15 tial custody determination with regard to that
16 alien, and provide that determination in writing
17 to the alien. If the Secretary determines that
18 the release of an alien will not reasonably en-
19 sure the appearance of the alien as required or
20 will endanger the safety of any other person or
21 the community, the custody determination
22 under this paragraph will impose the least re-
23 strictive conditions, as described in subsection
24 (b)(1).

1 (B) PRESUMPTION OF RELEASE.—In a
2 custody determination under this subsection,
3 there shall be a presumption that the alien
4 should be released. The Secretary shall have the
5 duty of rebutting this presumption, which may
6 only be shown based on clear and convincing
7 evidence, including credible and individualized
8 information, that the use of alternatives to de-
9 tention, including release on recognizance, or a
10 reasonable bond, will not reasonably ensure the
11 appearance of the alien at removal proceedings,
12 or that the alien is a threat to another person
13 or the community. The fact that an alien has
14 a criminal charge pending against the alien may
15 not be the sole factor to justify the continued
16 detention of the alien. The fact that an alien
17 cannot reasonably provide government-issued
18 evidence of identity, including in the case where
19 an alien is unable to contact his or her govern-
20 ment in order to prevent alerting said govern-
21 ment of the alien’s whereabouts, may not be the
22 sole reason to justify the continued detention of
23 the alien. The fact that an alien has no pre-ex-
24 isting community ties in the United States shall
25 not preclude the release of the alien.

1 (b) ALTERNATIVES TO DETENTION.—

2 (1) LEAST RESTRICTIVE CONDITIONS RE-
3 QUIRED.—If the Secretary or an immigration judge
4 determines pursuant to a hearing under this section
5 that the release of an alien will not reasonably en-
6 sure the appearance of the alien as required or will
7 endanger the safety of any other person or the com-
8 munity, the Secretary or the immigration judge shall
9 order the least restrictive conditions, or combination
10 of conditions, that the Secretary or the judge deter-
11 mines will reasonably ensure the appearance of the
12 alien as required and the safety of any other person
13 and the community, which may include release on
14 recognizance, secured or unsecured release on bond,
15 or participation in a program described in paragraph
16 (2). Any conditions assigned to an alien pursuant to
17 this paragraph shall be reviewed by the immigration
18 judge on a monthly basis.

19 (2) ALTERNATIVES TO DETENTION.—

20 (A) IN GENERAL.—The Secretary shall es-
21 tablish programs that provide alternatives to
22 detaining aliens, which shall offer a continuum
23 of supervision mechanisms and options, includ-
24 ing community-based supervision programs and
25 community support. The Secretary shall con-

1 tract with nongovernmental community-based
2 organizations to provide programs, which may
3 include case management services, appearance
4 assistance services, and screenings of aliens who
5 have been detained.

6 (B) INDIVIDUALIZED DETERMINATION RE-
7 QUIRED.—In determining whether to order an
8 alien to participate in a program under this
9 subsection, the Secretary, or the immigration
10 judge, as appropriate shall make an individual-
11 ized determination to determine the appropriate
12 level of supervision for the alien. Participation
13 in a program under this subsection may not be
14 ordered for an alien for whom it is determined
15 that release on reasonable bond or recognizance
16 will reasonably ensure the appearance of the
17 alien as required and the safety of any other
18 person and the community.

19 (c) REGULAR REVIEW OF CUSTODY DETERMINA-
20 TIONS AND CONDITIONS OF RELEASE.—

21 (1) TIMING.—If an alien seeks to challenge the
22 initial custody determination under subsection
23 (a)(1), the alien shall be provided with the oppor-
24 tunity for a hearing before an immigration judge to
25 determine whether the alien should be detained,

1 which hearing shall occur not later than 72 hours
2 after the initial custody determination.

3 (2) SUBSEQUENT DETERMINATIONS.—An alien
4 who is detained under this section shall be provided
5 with a de novo custody determination hearing under
6 this subsection every 60 days, as well as upon show-
7 ing of a change in circumstances or good cause for
8 such a hearing.

9 (d) TRANSFER OF OBLIGATED FUNDS TO ALTER-
10 NATIVES TO DETENTION ACCOUNT.—As of the date of the
11 enactment of this Act, amounts obligated to the operation
12 of U.S. Immigration and Customs Enforcement detention
13 centers shall be transferred to the Alternatives to Deten-
14 tion Account for the implementation of community-based
15 case management alternatives to detention, operated by
16 non-profit organizations with experience in service provi-
17 sion to immigrant and refugee populations.

18 **SEC. 106. PROCEDURES FOR ENSURING ACCURACY AND**
19 **VERIFIABILITY OF SWORN STATEMENTS**
20 **TAKEN PURSUANT TO EXPEDITED REMOVAL**
21 **AUTHORITY.**

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

1 authority under section 235(b) of the Immigration and
2 Nationality Act (8 U.S.C. 1225(b)).

3 (b) RECORDING OF INTERVIEWS.—

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

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

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

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

16 (i) the written statement; or

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

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

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

24 (c) EXEMPTION AUTHORITY.—

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

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

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

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

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

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

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

1 **SEC. 107. PROCESSING AND CUSTODY AT CUSTOMS AND**
2 **BORDER PATROL FACILITIES.**

3 (a) AMENDMENT.—Section 235(a)(3) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1225(a)(3)) is
5 amended by adding at the end “No immigration officer
6 may turn back, instruct to return at a later time, refuse
7 to inspect, or otherwise reject in any manner whatsoever
8 an applicant for admission at a port of entry who indicates
9 either an intention to apply for asylum under section 208
10 or a fear of persecution.”.

11 (b) SHORT-TERM CUSTODY STANDARDS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary, in consultation with the head of the Office of
15 Civil Rights and Civil Liberties of the Department,
16 shall promulgate regulations establishing short-term
17 custody standards providing for basic minimums of
18 care at all U.S. Customs and Border Protection fa-
19 cilities holding individuals in U.S. Customs and Bor-
20 der Protection custody, including—

- 21 (A) Border Patrol stations;
22 (B) ports of entry;
23 (C) checkpoints;
24 (D) forward operating bases;
25 (E) secondary inspection areas; and
26 (F) short-term custody facilities.

1 (2) REQUIREMENTS.—The regulations promul-
2 gated in accordance with subsection (a) shall ensure
3 that detention space capacity will not be exceeded
4 except in emergency circumstances, and that all in-
5 dividuals in U.S. Customs and Border Protection
6 custody receive—

7 (A) potable water and a snack, and, if de-
8 tained for more than five hours, a nutritious
9 meal with regular nutritious meals (at least one
10 of which daily must be heated), and snacks,
11 thereafter;

12 (B) medically appropriate meals or snacks
13 if such individuals are pregnant or have medical
14 needs;

15 (C) access to bathroom facilities, as well as
16 basic toiletries and hygiene items, including
17 soap, a toothbrush, toilet paper, and other
18 items appropriate for the age and gender identi-
19 fication of such individuals, such as diapers and
20 feminine hygiene products;

21 (D) a cot, clean linens, and blankets, if de-
22 tained for more than 5 hours;

23 (E) adequate lighting and climate control
24 that achieves a reasonable indoor temperature;

1 (F) a physical and mental health screening
2 conducted promptly upon arrival in a manner
3 that complies with the requirements for such
4 screenings specified in the currently applicable
5 National Commission for Correctional Health
6 Care Jails Standards, as well as information
7 about the availability of, and how to access ,
8 health care services that is communicated in a
9 form and language such individuals are known
10 to understand;

11 (G) immediate physical and mental health
12 needs addressed by a qualified health care pro-
13 fessional as soon as possible;

14 (H) prompt notice of the ability to make
15 one telephone call at any time after arrest, tele-
16 phone access to make such call, and the phone
17 numbers to file a complaint with the Office of
18 the Inspector General and the Office for Civil
19 Rights and Civil Liberties of the Department;

20 (I) to the extent practicable, a reasonable
21 accommodation to respect such individuals' reli-
22 gious practices;

23 (J) all protections under the Prison Rape
24 Elimination Act of 2003 (42 U.S.C. 15601 et
25 seq.; Public Law 108–79), except that certain

1 protections shall not apply at a particular U.S.
2 Customs and Border Protection facility if the
3 Commissioner of U.S. Customs and Border
4 Protection determines that implementation at
5 that particular facility of such a protection
6 would be impracticable;

7 (K) safe transport, including prevention of
8 sexual assault during transfer, including in sub-
9 contracted transportation services, while such
10 individuals are transported from a U.S. Cus-
11 toms and Border Protection facility; and

12 (L) an administrative exit interview, upon
13 release from U.S. Customs and Border Protec-
14 tion custody and after individuals have an op-
15 portunity to receive and review their belongings,
16 with translations as necessary, which contains
17 the questions described in subsection (c), or
18 substantially similar questions.

19 (3) EXIT INTERVIEW QUESTIONS.—The ques-
20 tions described in this section are as follows:

21 (A) Have all belongings, including money
22 and identification been returned to you?

23 (B) Were you apprehended with family
24 members? If so, have you received information

1 about where your family member is and how
2 and when you may be reunited?

3 (C) Have you received information about
4 how to file a complaint?

5 (D) Do you wish to file a complaint now
6 about your treatment or conditions while in
7 U.S. Customs and Border Protection custody?

8 (4) FURTHER PROVISIONS.—The Commissioner
9 of U.S. Customs and Border Protection shall ensure
10 that all individuals in U.S. Customs and Border
11 Protection custody—

12 (A) have regular access to consular offi-
13 cials and Government-funded legal service pro-
14 viders through confidential in-person visits or
15 telephonic communications;

16 (B) receive copies of all signed documents;
17 and

18 (C) are transferred to an appropriate U.S.
19 Immigration and Customs Enforcement or De-
20 partment of Health and Human Services Office
21 of Refugee Resettlement facility or are released
22 from short-term custody within 72 hours of ap-
23 prehension.

24 (5) SURVEILLANCE OF CERTAIN INDIVIDUALS
25 IN U.S. CUSTOMS AND BORDER PROTECTION CUS-

1 TODY.—The Commissioner of U.S. Customs and
2 Border Protection shall ensure constant surveillance
3 of an individual in U.S. Customs and Border Protec-
4 tion custody who exhibits signs of hostility, depres-
5 sion, or similar behaviors, or who is reasonably
6 known to pose an elevated suicide risk.

7 (6) PHYSICAL AND MENTAL HEALTH ASSESS-
8 MENT.—The Commissioner of U.S. Customs and
9 Border Protection shall ensure that individuals in
10 U.S. Customs and Border Protection custody for
11 more than 24 hours, receive, in addition to the phys-
12 ical and mental health screening specified in sub-
13 section (b)(6), a physical and mental health assess-
14 ment by a qualified healthcare professional. To the
15 extent practicable, such individuals with known or
16 readily apparent disabilities, including temporary
17 disabilities, shall be housed in a manner that accom-
18 modates their mental or physical condition, or both,
19 and provides for the safety, comfort, and security of
20 such individuals.

21 (7) RETURN OF CERTAIN BELONGINGS.—Any
22 lawful, nonperishable belongings of an individual in
23 U.S. Customs and Border Protection custody that
24 are confiscated by personnel operating under Fed-
25 eral authority shall be returned to such individual

1 prior to the deportation or removal of such indi-
2 vidual.

3 (8) INSPECTION OF SHORT-TERM CUSTODY FA-
4 CILITIES.—Short-term custody facilities shall be in-
5 spected at least once every year by the Office for
6 Civil Rights and Civil Liberties of the Department,
7 with the results made public without the need to
8 submit a request under section 552 of title 5, United
9 States Code.

10 (9) CONSULTATION.—The Secretary shall seek
11 input from nongovernmental organizations regarding
12 their independent opinion of specific facilities and
13 permit regular access to nongovernmental organiza-
14 tions for human rights monitoring.

15 (10) REGULATIONS.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall promulgate regulations to—

18 (A) establish a publicly accessible online
19 system to track the location of individuals in
20 U.S. Customs and Border Protection custody
21 held in short-term custody, and provide an on-
22 line list of all locations with phone numbers
23 routinely used to hold individuals in short-term
24 custody;

1 (B) improve the education of individuals in
2 U.S. Customs and Border Protection custody
3 regarding administrative procedures and legal
4 rights under United States immigration law, in
5 consultation with the Executive Office for Im-
6 migration Review; and

7 (C) ensure notification of the Office of In-
8 spector General and Office for Civil Rights and
9 Civil Liberties of the Department within 48
10 hours of all instances in which—

11 (i) an individual in U.S. Customs and
12 Border Protection custody has died, in-
13 cluding during transfer to another facility
14 or while being released; or

15 (ii) an individual has died as the re-
16 sult of an encounter with U.S. Customs
17 and Border Protection.

18 (11) ANNUAL REPORTS.—Not later than 180
19 days after the date of the enactment of this Act and
20 annually thereafter, the Secretary shall submit to
21 Congress a report that details all instances in which
22 an individual in U.S. Customs and Border Protec-
23 tion custody has died in the prior fiscal year, includ-
24 ing during transfer to another facility or while being
25 released, as well as all instances in which an indi-

1 vidual has died as the result of an encounter with
2 U.S. Customs and Border Protection, and the result
3 of any subsequent investigation. Such reports shall
4 also detail all instances in which an individual, in-
5 cluding an individual in the custody of U.S. Customs
6 and Border Protection, has suffered serious injuries
7 requiring hospitalization as a result of the use of
8 force by U.S. Customs and Border Protection.

9 (c) CHILD WELFARE PROFESSIONALS.—

10 (1) DEFINED TERM.—The term “qualified child
11 welfare professional” means a State-licensed social
12 worker with expertise in developmentally appro-
13 priate, culturally competent, and trauma-centered
14 interviewing skills.

15 (2) GUIDELINES.—The Secretary, in consulta-
16 tion with the Secretary of Health and Human Serv-
17 ices, shall develop guidelines and train all relevant
18 staff in accordance with such guidelines, to ensure
19 that all children in the custody of the Department
20 are properly screened for protection needs.

21 (3) MEMORANDUM OF UNDERSTANDING.—The
22 Secretary and the Secretary of Health and Human
23 Services shall establish a memorandum of under-
24 standing for the placement of qualified child welfare
25 professionals, on a full-time or part-time basis, to

1 assist with screening for protection needs in all Cus-
2 toms and Border Protection offices or stations, child
3 apprehensions during the previous fiscal year, with
4 presumptive priority given to those offices or sta-
5 tions with the largest number of detained children.

6 (4) DUTIES.—At each Customs and Border
7 Protection office or station where a qualified child
8 welfare professional is assigned, the qualified child
9 welfare professional shall be responsible for screen-
10 ing children for protection needs, conducting assess-
11 ments when a child appears to be in imminent dan-
12 ger, and when practicable participating in interviews
13 to complete immigration forms and providing care,
14 including but not limited to the distribution of food,
15 water, and blankets, for children in custody. Protec-
16 tion need assessments shall take place as soon as
17 practicable but no later than 12 hours after the
18 child is taken into custody. Where, in the profes-
19 sional opinion of the qualified child welfare profes-
20 sional, a medical screening is required, Customs and
21 Border Protection shall ensure that such child is re-
22 ferred for a prompt medical screening by a licensed
23 medical professional who has expertise and experi-
24 ence in working with children.”

1 (d) TRAINING FOR BORDER SECURITY AND IMMIGRA-
2 TION ENFORCEMENT OFFICERS.—The Secretary shall en-
3 sure that U.S. Customs and Border Protection officers,
4 U.S. Border Patrol agents, U.S. Immigration and Cus-
5 toms Enforcement officers and agents, United States Air
6 and Marine Division agents, and agriculture specialists
7 stationed within 100 miles of any land or marine border
8 of the United States or at any United States port of entry
9 receive appropriate training, which shall be prepared in
10 collaboration with the Assistant Attorney General for the
11 Civil Rights Division of the Department of Justice, in—

12 (1) identifying and detecting fraudulent travel
13 documents;

14 (2) civil, constitutional, human, and privacy
15 rights of individuals;

16 (3) the scope of enforcement authorities, includ-
17 ing interrogations, stops, searches, seizures, arrests,
18 and detentions;

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

20 (5) immigration laws, including screening, iden-
21 tifying, and addressing vulnerable populations, such
22 as children, victims of crime and human trafficking,
23 and individuals fleeing persecution or torture;

24 (6) social and cultural sensitivity toward border
25 communities;

1 (7) the impact of border operations on commu-
2 nities; and

3 (8) any particular environmental concerns in a
4 particular area.

5 (e) **OVERSIGHT AND ACCOUNTABILITY OF FEDERAL**
6 **PROCESSING AND CARE OF ASYLUM SEEKERS AND REFU-**
7 **GEES.—**

8 (1) **IN GENERAL.**—Section 452 of the Home-
9 land Security Act of 2002 (6 U.S.C. 272) is amend-
10 ed to read as follows:

11 **“SEC. 452. OMBUDSMAN FOR BORDER AND IMMIGRATION**
12 **RELATED CONCERNS.**

13 “(a) **IN GENERAL.**—There shall be within the De-
14 partment an Ombudsman for Border and Immigration Re-
15 lated Concerns (in this section referred to as the ‘Ombuds-
16 man’). The individual appointed as Ombudsman shall have
17 a background in immigration or civil liberties law or law
18 enforcement. The Ombudsman shall report directly to the
19 Secretary.

20 “(b) **ORGANIZATIONAL INDEPENDENCE.**—The Sec-
21 retary shall take appropriate action to ensure the inde-
22 pendence of the Ombudsman’s office from other officers
23 or employees of the Department engaged in border secu-
24 rity or immigration activities.

1 “(c) STAFFING.—The Secretary shall take appro-
2 piate action to ensure that the Ombudsman’s office is
3 sufficiently staffed and resourced to carry out its duties
4 effectively and efficiently.

5 “(d) FUNCTIONS.—The functions of the Ombudsman
6 shall be as follows:

7 “(1) To establish an independent, neutral, and
8 appropriately confidential process to receive, inves-
9 tigate, resolve, and provide redress, including immi-
10 gration relief, monetary damages, or any other ac-
11 tion determined appropriate, for complaints, griev-
12 ances, or requests for assistance from individuals,
13 associations, and employers regarding the border se-
14 curity and immigration activities of the Department.

15 “(2) To conduct inspections of the facilities, in-
16 cluding privately-owned or operated contract facili-
17 ties, of U.S. Customs and Border Protection, U.S.
18 Immigration and Customs Enforcement, and United
19 States Citizenship and Immigration Services.

20 “(3) To assist individuals and families who
21 have been victims of crimes committed by aliens un-
22 lawfully present in the United States or of violence
23 near the United States border, and individuals and
24 families impacted by situations in which the Depart-
25 ment has exercised force against an individual, in-

1 cluding by use of a firearm, taser, explosive device,
2 chemical agent, baton, projectile, blunt instrument,
3 body part, canine, or vehicle.

4 “(4) To identify areas in which individuals, as-
5 sociations, and employers have identified concerns
6 with respect to interacting with U.S. Customs and
7 Border Protection, U.S. Immigration and Customs
8 Enforcement, or United States Citizenship and Im-
9 migration Services.

10 “(5) To propose changes in the administrative
11 practices of U.S. Customs and Border Protection,
12 U.S. Immigration and Customs Enforcement, and
13 United States Citizenship and Immigration Services
14 to mitigate problems identified under this section.

15 “(6) To review, examine, and make rec-
16 ommendations regarding the border security and im-
17 migration and enforcement activities of U.S. Cus-
18 toms and Border Protection, U.S. Immigration and
19 Customs Enforcement, and United States Citizen-
20 ship and Immigration Services.

21 “(7) To establish a uniform and standardized
22 complaint process regarding complaints against any
23 individual employed by U.S. Customs and Border
24 Protection or U.S. Immigration and Customs En-
25 forcement for violations of standards of professional

1 conduct. Such complaint process shall have the fol-
2 lowing components:

3 “(A) Require that all complaints receive an
4 independent review and investigation completed
5 not later than one year from the date of receipt
6 of each such complaint.

7 “(B) Require that complainants receive
8 written confirmation of receipt of their com-
9 plaints not later than 60 days from the date of
10 receipt of each such complaint, and a written
11 summary regarding the outcome of such com-
12 plaints not later than 30 days after the review
13 and investigation under subparagraph (A) is
14 complete, including findings of fact, rec-
15 ommended action, and available redress.

16 “(C) Feature a centralized multilingual on-
17 line complaint form that includes street ad-
18 dress, toll-free telephone number, and electronic
19 mailbox address to permit an individual to file
20 an immigration or border-related complaint and
21 submit supporting evidence through the portal
22 of choice of any such individual. Multilingual
23 information relating to such form shall be visi-
24 ble at ports of entry and at U.S. Border Patrol
25 interior checkpoints.

1 “(D) Include procedures for referring com-
2 plaints to the Office for Civil Rights and Civil
3 Liberties, Office of the Inspector General, or
4 other appropriate agency of the Department.

5 “(E) Establish a publicly accessible na-
6 tional, standardized database capable of track-
7 ing and analyzing complaints and their resolu-
8 tion.

9 “(F) Provide publicly accessible records,
10 with copies of complaints, and their resolutions
11 permanently preserved and available for inspec-
12 tion, while maintaining the confidentiality of
13 complainants’ identities.

14 “(8) To establish an online detainee locator sys-
15 tem for individuals held in U.S. Customs and Border
16 Protection custody.

17 “(e) OTHER RESPONSIBILITIES.—In addition to the
18 functions specified in subsection (d), the Ombudsman
19 shall—

20 “(1) monitor the coverage and geographic allo-
21 cation of local offices of the Ombudsman, including
22 appointing local ombudsmen for border and immi-
23 gration related concerns;

1 “(2) evaluate and take personnel actions (in-
2 cluding dismissal) with respect to any employee of
3 the Ombudsman;

4 “(3) recommend disciplinary action, including
5 contract termination, suspension, and debarment, or
6 termination, suspension, and sanctions, to the appro-
7 priate departmental entity regarding any contractor
8 proven to have violated departmental policies or pro-
9 cedures while executing any border security or immi-
10 gration activity;

11 “(4) refer to the Inspector General of the De-
12 partment any complaints of the violation of depart-
13 mental policies or procedures by any Department
14 employee relating to border security or immigration
15 activity; and

16 “(5) provide a complainant with a summary of
17 the outcome of any action taken in response to a
18 complaint, grievance, or request for assistance from
19 such complainant, including any findings of fact,
20 recommended action, and available redress.

21 “(f) COMPLAINANTS.—The following shall apply to
22 all complainants:

23 “(1) Any interested party, including a legal rep-
24 resentative, may file a complaint through the com-

1 plaint process established pursuant to subsection
2 (d)(7).

3 “(2) Complainants and other individuals identi-
4 fied in a complaint shall be protected from retalia-
5 tory action by law enforcement or by any officer of
6 the United States based on the content of such com-
7 plaint, and no information contained in a complaint
8 that is germane to such complaint may be used as
9 evidence in any removal or criminal proceedings
10 against the complainant or any individual identified
11 in such complaint.

12 “(3) Neither the filing of a complaint nor the
13 contents of a complaint shall in any way confer im-
14 munity or otherwise impact any removal or criminal
15 proceedings against a complainant or an individual
16 identified in such complaint.

17 “(4) No personally identifiable information re-
18 lated to an individual involved in a complaint which
19 would result in identification of such individual may
20 be published.

21 “(5) Complainants shall receive full assistance
22 from the Department in filing complaints, including
23 language assistance, accommodations for disabilities,
24 and accurate and complete responses to their ques-
25 tions.

1 “(g) REQUEST FOR INVESTIGATIONS.—The Ombuds-
2 man is authorized to request the Inspector General of the
3 Department to conduct inspections, investigations, and
4 audits related to subsections (d), (e), and (f).

5 “(h) COORDINATION WITH DEPARTMENT COMPO-
6 NENTS.—

7 “(1) IN GENERAL.—The Director of United
8 States Citizenship and Immigration Services, the As-
9 sistant Secretary of U.S. Immigration and Customs
10 Enforcement, and the Commissioner of U.S. Cus-
11 toms and Border Protection shall each establish pro-
12 cedures to provide formal responses to recommenda-
13 tions submitted to such officials by the Ombudsman
14 within 60 days of receiving such recommendations.

15 “(2) ACCESS TO INFORMATION.—The Secretary
16 shall establish procedures to provide the Ombuds-
17 man access to all departmental records necessary to
18 execute the responsibilities of the Ombudsman under
19 subsection (d) or (e) not later than 60 days after a
20 request from the Ombudsman for such information.

21 “(i) PUBLIC OUTREACH.—The Secretary shall—

22 “(1) take all appropriate action to advise the
23 public regarding the existence, duties, responsibil-
24 ities, and grievance processes of the Ombudsman’s
25 office; and

1 “(2) shall promulgate regulations to ensure—

2 “(A) the public’s ability to file grievances
3 with the Ombudsman’s office electronically; and

4 “(B) that absent written permission of all
5 affected parties, all documents submitted to the
6 Ombudsman’s office are used solely by the Om-
7 budsman’s office to advance the purposes de-
8 scribed in this section.

9 “(j) ANNUAL REPORTING.—Not later than June 30
10 of each year beginning in the year after the date of the
11 enactment of this subsection, the Ombudsman shall sub-
12 mit to the Committee on Homeland Security and the Com-
13 mittee on the Judiciary of the House of Representatives
14 and the Committee on Homeland Security and Govern-
15 mental Affairs and the Committee on the Judiciary of the
16 Senate a report that includes the following:

17 “(1) The number and type of complaints re-
18 ceived under this section, the demographics of com-
19 plainants, the results of investigations, including vio-
20 lations of standards and any disciplinary actions
21 taken, and an identification of any complaint pat-
22 terns that could be prevented or reduced by policy
23 training or practice changes.

24 “(2) An inventory of complaints referred to in
25 paragraph (1) for which action has been taken and

1 the time between receipt and resolution of each such
2 complaint.

3 “(3) An inventory of complaints referred to in
4 paragraph (1) for which action has not been taken
5 after one year, the period during which each com-
6 plaint has been open, and the reason for failure to
7 resolve each such complaint.

8 “(4) Recommendations the Ombudsman has
9 made to improve the services and responsiveness of
10 United States Citizenship and Immigration Services,
11 U.S. Immigration and Customs Enforcement, and
12 U.S. Customs and Border Protection, and any re-
13 sponses received from each such component or the
14 Department regarding such recommendations.

15 “(5) Other information as the Ombudsman de-
16 termines advisable.

17 “(k) ESTABLISHMENT OF BORDER COMMUNITIES LI-
18 AISON OFFICE.—

19 “(1) IN GENERAL.—The Ombudsman, in con-
20 junction with the Office for Civil Rights and Civil
21 Liberties of the Department, shall establish a Bor-
22 der Community Liaison Office (in this subsection re-
23 ferred to as the ‘Liaison Office’) in each U.S. Bor-
24 der Patrol sector on the northern and southern bor-
25 ders.

1 “(2) PURPOSES.—Each Liaison Office under
2 this subsection shall—

3 “(A) foster cooperation between the U.S.
4 Border Patrol, the Office of Field Operations of
5 the Department, U.S. Immigration and Cus-
6 toms Enforcement, and border communities;

7 “(B) consult with border communities on
8 the development of policies, directives, and pro-
9 grams of the U.S. Border Patrol, the Office of
10 Field Operations, and U.S. Immigration and
11 Customs Enforcement; and

12 “(C) receive feedback from border commu-
13 nities on the performance of the U.S. Border
14 Patrol, the Office of Field Operations, and U.S.
15 Immigration and Customs Enforcement.

16 “(3) MEMBERSHIP.—Each Liaison Office shall
17 be comprised of equal representation from the bor-
18 der community and U.S. Customs and Border Pro-
19 tection and U.S. Immigration and Customs Enforce-
20 ment, including at least:

21 “(A) One member of the community in
22 which each U.S. Border Patrol sector is located
23 who has expertise in migration, local public
24 safety, civil and human rights, the local commu-
25 nity, or community relations.

1 “(B) One member of an Indian tribe (as
2 such term is defined in section 4(e) of the In-
3 dian Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 5304(e)) or tribal organi-
5 zation.

6 “(C) One non-uniformed Border Patrol
7 agent with significant experience working for
8 the U.S. Border Patrol.

9 “(D) One non-uniformed CBP officer with
10 significant experience working for U.S. Customs
11 and Border Protection.

12 “(E) One Enforcement and Removal Oper-
13 ations (ERO) agent with significant experience
14 working for U.S. Immigration and Customs En-
15 forcement.”.

16 **SEC. 108. STUDY ON THE EFFECT OF EXPEDITED REMOVAL**
17 **PROVISIONS, PRACTICES, AND PROCEDURES**
18 **ON ASYLUM CLAIMS.**

19 (a) STUDY.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) COMMISSION.—The term “Commis-
22 sion” means the United States Commission on
23 International Religious Freedom.

24 (B) CREDIBLE FEAR OF PERSECUTION.—
25 The term “credible fear of persecution” has the

1 meaning given the term in section
2 235(b)(1)(B)(v) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)).

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

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

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

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

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

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

23 (B) incorrectly fails to refer such an alien
24 for an interview by an asylum officer to deter-
25 mine whether the alien has a credible fear of

1 persecution, including failing to record an
2 alien's expression of fear of persecution or tor-
3 ture;

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

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

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

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

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

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

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

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

1 (4) the Committee on Homeland Security of the
2 House of Representatives;

3 (5) the Committee on the Judiciary of the
4 House of Representatives; and

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

7 (c) STAFF.—

8 (1) FROM OTHER AGENCIES.—

9 (A) IDENTIFICATION.—The Commission
10 may identify employees of the Department, the
11 Department of Justice, and the Government
12 Accountability Office that have significant ex-
13 pertise and knowledge of refugee and asylum
14 issues.

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

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

24 (3) ACCESS TO PROCEEDINGS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the Secretary and the Attor-
3 ney General shall provide staff designated
4 under paragraph (1) or hired under paragraph
5 (2) with unrestricted access to all stages of all
6 proceedings conducted under section 235(b) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1225(b)).

9 (B) EXCEPTIONS.—The Secretary and the
10 Attorney General may not permit unrestricted
11 access under subparagraph (A) if—

12 (i) the alien subject to a proceeding
13 under such section 235(b) objects to such
14 access; or

15 (ii) the Secretary or Attorney General
16 determines that the security of a particular
17 proceeding would be threatened by such
18 access.

19 **SEC. 109. REFUGEE OPPORTUNITY PROMOTION.**

20 Section 209 of the Immigration and Nationality Act
21 (8 U.S.C. 1159) is amended—

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

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

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

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

12 “(1) is or was employed by—

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

18 “(B) the United States Government or a
19 contractor of the United States Government in
20 the alien’s country of nationality or last habit-
21 ual residence for the entire period of absence,
22 which may not exceed 1 year, and the alien was
23 under the protection of the United States Gov-
24 ernment or a contractor while performing work

1 on behalf of the United States Government dur-
2 ing the entire period of employment; and

3 “(2) returned immediately to the United States
4 upon the conclusion of the employment.”.

5 **SEC. 110. PROTECTIONS FOR MINORS SEEKING ASYLUM.**

6 (a) IN GENERAL.—Section 208 of the Immigration
7 and Nationality Act (8 U.S.C. 1158) is amended—

8 (1) in subsection (a)(2), as amended by section
9 3, by amending subparagraph (E) to read as follows:

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

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

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

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

20 “(C) INITIAL JURISDICTION.—An asylum
21 officer (as defined in section 235(b)(1)(E))
22 shall have initial jurisdiction over any asylum
23 application filed by an applicant who is younger
24 than 18 years of age on the earlier of—

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

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

5 (b) DERIVATIVE REFUGEES AND ASYLEES.—

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

10 (A) by amending paragraph (2) to read as
11 follows:

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

20 “(I) accompanying, or following to join,
21 such refugee; and

22 “(II) the spouse, child, mother, or father is
23 admissible (except as otherwise provided under
24 paragraph (3)) as an immigrant under this
25 chapter.

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

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

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

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

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

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

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

14 (C) by amending subparagraph (B) to read
15 as follows:

16 “(B) CONTINUED CLASSIFICATION OF CER-
17 TAIN ALIENS AS CHILDREN.—

18 “(i) An unmarried alien who seeks to
19 accompany, or follow to join, a mother or
20 father granted asylum under this sub-
21 section, and who was younger than 21
22 years of age on the date on which such
23 mother or father applied for asylum under
24 this section, shall continue to be classified
25 as a child for purposes of this paragraph

1 and section 209(b)(3) if the alien attained
2 21 years of age while such application was
3 pending.

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

12 (c) REINSTATEMENT OF REMOVAL.—Section 241(a)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1231(a)) is amended—

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

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

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

23 “(A) reentered the United States illegally
24 after having been removed or after having de-

1 parted voluntarily under an order of removal;
2 and

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

6 **SEC. 111. FAIR DAY IN COURT FOR KIDS.**

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

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

15 (A) in paragraph (4)—

16 (i) in subparagraph (A)—

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

19 (II) by striking the comma at the
20 end and inserting a semicolon;

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

24 (iii) by inserting after subparagraph
25 (A) the following:

1 “(II) the Attorney General may
2 appoint or provide counsel to aliens in
3 immigration proceedings;

4 “(III) at the beginning of the
5 proceedings or as expeditiously as pos-
6 sible, the alien shall automatically re-
7 ceive a complete copy of the alien’s
8 Alien File (commonly known as an ‘A-
9 file’) and Form I-862 (commonly
10 known as a ‘Notice to Appear’) in the
11 possession of the Department of
12 Homeland Security (other than docu-
13 ments protected from disclosure by
14 privilege, including national security
15 information referred to in subpara-
16 graph (D), law enforcement sensitive
17 information, and information prohib-
18 ited from disclosure pursuant to any
19 other provision of law) unless the
20 alien waives the right to receive such
21 documents by executing a knowing
22 and voluntary written waiver in a lan-
23 guage that he or she understands flu-
24 ently;” and

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

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

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

9 “(A) has received the documents required
10 under such paragraph; and

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

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

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

20 “(a) IN GENERAL.—In any”;

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

22 (i) by striking “(at no expense to the
23 Government)”;

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

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

2 “(b) APPOINTMENT OF COUNSEL.—

3 “(1) IN GENERAL.—The Attorney General may
4 appoint or provide counsel to aliens in any pro-
5 ceeding conducted under section 235(b), 236, 238,
6 240, or 241 or any other section of this Act.

7 “(2) ACCESS TO COUNSEL.—The Secretary of
8 Homeland Security shall facilitate access to counsel
9 for aliens detained inside immigration detention and
10 border facilities in any proceeding conducted under
11 section 235(b), 236, 238, 240, or 241.”.

12 (3) APPOINTMENT OF COUNSEL FOR CHILDREN
13 AND VULNERABLE INDIVIDUALS.—

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

18 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—
19 Notwithstanding subsection (b), the Attorney General
20 shall appoint counsel, at the expense of the Government
21 if necessary, at the beginning of the proceedings or as ex-
22 peditiously as possible, to represent in such proceedings
23 any alien who has been determined by the Secretary of
24 Homeland Security or the Attorney General to be—

25 “(1) a child;

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

3 “(A) a person with a disability; or

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

5 or

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

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to the Executive Office
12 of Immigration Review of the Department of Justice such
13 sums as may be necessary to carry out this section.”.

14 (B) RULEMAKING.—The Attorney General
15 shall promulgate regulations to implement sec-
16 tion 292(c) of the Immigration and Nationality
17 Act, as added by subparagraph (A), in accord-
18 ance with the requirements set forth in section
19 3006A of title 18, United States Code.

20 (b) ACCESS BY COUNSEL AND LEGAL ORIENTA-
21 TION.—

22 (1) ACCESS TO COUNSEL AT DETENTION FA-
23 CILITIES.—The Secretary shall provide access to
24 counsel for each alien—

1 (A) held or detained in a facility under the
2 supervision of U.S. Immigration and Customs
3 Enforcement, U.S. Customs and Border Protec-
4 tion, or the Department of Health and Human
5 Services; or

6 (B) detained in a private facility that con-
7 tracts with the Federal Government to house,
8 detain, or hold aliens.

9 (2) ACCESS TO LEGAL ORIENTATION PRO-
10 GRAMS.—The Secretary, in consultation with the At-
11 torney General, shall establish procedures to ensure
12 that legal orientation programs are available for all
13 aliens detained by the Department to inform such
14 aliens of the basic procedures of immigration hear-
15 ings, their rights relating to those hearings under
16 Federal immigration laws, information that may
17 deter such aliens from filing frivolous legal claims,
18 and any other information that the Attorney General
19 considers appropriate, such as a contact list of po-
20 tential legal resources and providers. Access to legal
21 orientation programs shall not be limited by the
22 alien’s current immigration status, prior immigra-
23 tion history, or potential for immigration relief.

24 (3) IMMIGRATION COURT INFORMATION HELP
25 DESK.—The Attorney General shall expand the ex-

1 isting Immigration Court Helpdesk pilot program to
2 all detained and non-detained immigration courts.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Execu-
5 tive Office for Immigration Review of the Depart-
6 ment of Justice such sums as may be necessary to
7 carry out this subsection.

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

10 (1) CONTRACT AUTHORITY.—The Secretary
11 shall establish a pilot program to increase the court
12 appearance rates of aliens described in paragraphs
13 (2) and (3) of section 292(c) of the Immigration and
14 Nationality Act, as added by subsection (a)(3)(A),
15 by contracting with nongovernmental, community-
16 based organizations to provide appropriate case
17 management services to such aliens.

18 (2) SCOPE OF SERVICES.—Case management
19 services provided under paragraph (1) shall include
20 assisting aliens with—

21 (A) accessing legal counsel;

22 (B) complying with court-imposed dead-
23 lines and other legal obligations; and

24 (C) accessing social services, as appro-
25 prium.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the De-
3 partment such sums as may be necessary to carry
4 out this subsection.

5 (d) REPORT ON ACCESS TO COUNSEL.—

6 (1) REPORT.—Not later than December 31 of
7 each year, the Secretary, in consultation with the
8 Attorney General, shall prepare and submit a report
9 to the Committee on the Judiciary of the Senate and
10 the Committee on the Judiciary of the House of
11 Representatives regarding the extent to which aliens
12 described in section 292(c) of the Immigration and
13 Nationality Act, as added by subsection (a)(3)(A),
14 have been provided access to counsel.

15 (2) CONTENTS.—Each report submitted under
16 paragraph (1) shall include, for the immediately pre-
17 ceding 1-year period, the number and percentage of
18 aliens described in paragraphs (1), (2), and (3), re-
19 spectively, of section 292(c) of the Immigration and
20 Nationality Act, as added by subsection (a)(3)(A),
21 who were represented by counsel, including informa-
22 tion specifying—

23 (A) the stage of the legal process at which
24 the alien was represented;

1 (B) whether the alien was in government
2 custody; and

3 (C) the number and percentage of aliens
4 who received legal orientation presentations.

5 **SEC. 112. PROTECTION OF STATELESS PERSONS IN THE**
6 **UNITED STATES.**

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

10 **“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE**
11 **UNITED STATES.**

12 “(a) DEFINED TERM.—

13 “(1) IN GENERAL.—In this section, the term
14 ‘stateless person’ means an individual who is not
15 considered a national by any State under the oper-
16 ation of its law.

17 “(2) DESIGNATION OF SPECIFIC STATELESS
18 GROUPS.—The Secretary of Homeland Security, in
19 consultation with the Secretary of State, may, in the
20 discretion of the Secretary of Homeland Security,
21 designate specific groups of individuals who are con-
22 sidered stateless persons, for purposes of this sec-
23 tion.

24 “(b) MECHANISMS FOR REGULARIZING THE STATUS
25 OF STATELESS PERSONS.—

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

6 “(A) is a stateless person who is present in
7 the United States;

8 “(B) applies for such relief;

9 “(C) has not lost his or her nationality as
10 a result of voluntary action after arrival in the
11 United States, unless the loss was the result of
12 duress, coercion, or a reasonable expectation
13 that he or she had acquired or would acquire
14 another nationality or citizenship; and

15 “(D) is not inadmissible under paragraph
16 (2) or (3) of section 212(a) based on criminal
17 or national security grounds and is not de-
18 scribed in section 241(b)(3)(B)(i).

19 “(2) WAIVERS.—The Secretary of Homeland
20 Security or the Attorney General may waive any
21 provisions under paragraph (2) or (3) of section
22 212(a) (other than subparagraph (B), (D)(ii), (E),
23 (G), (H), or (I) of paragraph (2) or subparagraph
24 (A), (B), (C), (E), or (F) of paragraph (3)) with re-
25 spect to such an alien for humanitarian purposes, to

1 assure family unity, or if it is otherwise in the public
2 interest.

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

7 “(A) any available passport or travel docu-
8 ment issued at any time to the alien (whether
9 or not the passport or document has expired or
10 been canceled, rescinded, or revoked); or

11 “(B) an affidavit, sworn under penalty of
12 perjury—

13 “(i) stating that the alien has never
14 been issued a passport or travel document;
15 or

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

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

24 “(5) TRAVEL DOCUMENTS.—Upon request, the
25 Secretary of Homeland Security shall provide the

1 conditional resident recognized under subsection (b)
2 with a document that facilitates the alien's ability to
3 travel abroad and be admitted to the United States
4 upon return, if otherwise admissible.

5 “(6) TREATMENT OF SPOUSE AND CHIL-
6 DREN.—The spouse or child of an alien who has
7 been granted lawful conditional resident status
8 under paragraph (1) shall, if not otherwise eligible
9 for admission under paragraph (1), be granted law-
10 ful conditional resident status under this subsection
11 if accompanying, or following to join, such alien if—

12 “(A) the spouse or child is admissible (ex-
13 cept as otherwise provided in paragraph (2))
14 and is not described in section 241(b)(3)(B)(i);
15 and

16 “(B) the qualifying relationship to the
17 principal beneficiary existed on the date on
18 which such alien was granted conditional lawful
19 status.

20 “(c) ADJUSTMENT OF STATUS.—

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

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

3 “(B) the alien’s conditional lawful status
4 has not been terminated by the Secretary of
5 Homeland Security or the Attorney General,
6 pursuant to such regulations as the Secretary
7 or the Attorney General may prescribe; and

8 “(C) the alien has not otherwise acquired
9 permanent resident status.

10 “(2) REQUIREMENTS FOR ADJUSTMENT OF
11 STATUS.—The Secretary of Homeland Security or
12 the Attorney General, under such regulations as the
13 Secretary or the Attorney General may prescribe,
14 shall adjust the status of an alien granted condi-
15 tional lawful status under subsection (b) to that of
16 an alien lawfully admitted for permanent residence
17 if such alien—

18 “(A) is a stateless person;

19 “(B) properly applies for such adjustment
20 of status;

21 “(C) has been physically present in the
22 United States for at least 1 year after being
23 granted conditional lawful status under sub-
24 section (b);

1 “(D) has not acquired permanent foreign
2 residence that is substantially likely to result in
3 the acquisition of citizenship; and

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

8 “(3) RECORD.—Upon approval of an applica-
9 tion under this subsection, the Secretary of Home-
10 land Security or the Attorney General shall establish
11 a record of the alien’s admission for lawful perma-
12 nent residence as of the date that is 1 year before
13 the date of such approval.

14 “(d) TRAVEL DOCUMENTS.—Upon request, the Sec-
15 retary of Homeland Security shall provide alien lawfully
16 admitted for permanent residence under subsection (c)
17 with a document that facilitates the alien’s ability to travel
18 abroad and be admitted to the United States upon return,
19 if otherwise admissible.

20 “(e) PROVING THE CLAIM.—

21 “(1) IN GENERAL.—In determining an alien’s
22 eligibility for lawful conditional resident status or
23 lawful permanent resident status under this section,
24 the Secretary of Homeland Security or the Attorney
25 General shall consider any credible evidence relevant

1 to the application, including information from the
2 Secretary of State, especially the Bureaus of Popu-
3 lation Refugees and Migration and the Bureau of
4 Democracy, Human Rights and Labor.

5 “(2) BURDEN OF PROOF.—In determining an
6 alien’s eligibility for lawful conditional resident sta-
7 tus or lawful permanent resident status under this
8 section—

9 “(A) the applicant shall provide a full and
10 truthful account of his or her legal status in
11 any nation in which the applicant was born or
12 resided before entering the United States and
13 submit all evidence reasonably available; and

14 “(B) the Secretary of Homeland Security
15 shall obtain and submit to the immigration offi-
16 cer or immigration judge, the applicant, and,
17 where applicable, the applicant’s counsel all
18 available evidence regarding the applicant’s
19 legal status in the nation of birth or prior resi-
20 dence.

21 “(f) REVIEW.—

22 “(1) ADMINISTRATIVE REVIEW.—No appeal
23 shall lie from the denial of an application by the
24 Secretary, but such denial will be without prejudice

1 to the alien’s right to renew the application in pro-
2 ceedings under section 240.

3 “(2) MOTIONS TO REOPEN.—

4 “(A) IN GENERAL.—Notwithstanding any
5 limitation imposed by law on motions to reopen
6 removal, deportation, or exclusion proceedings,
7 any individual who is eligible for relief under
8 this section may file a motion to reopen pro-
9 ceedings in order to apply for relief under this
10 section.

11 “(B) DEADLINES.—Any motion under sub-
12 paragraph (A) shall be filed not later than the
13 later of—

14 “(i) 2 years after the date of the en-
15 actment of the Refugee Protection Act of
16 2019; or

17 “(ii) 90 days after the date of entry
18 of a final administrative order of removal,
19 deportation, or exclusion.

20 “(C) EFFECT OF OTHER LIMITATIONS.—

21 No time or numerical limitation may be con-
22 strued to restrict the filing of a motion to re-
23 open under this section if such limitation is
24 based on previously unavailable or changed
25 facts or circumstances that would undermine an

1 applicant’s access to nationality that was pre-
2 viously alleged by the Secretary of Homeland
3 Security or the applicant.

4 “(g) LIMITATIONS.—

5 “(1) APPLICABILITY.—Except under paragraph
6 (5) of subsection (b), the provisions of this section
7 shall only apply to aliens present in the United
8 States.

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

11 “(A) except under paragraphs (5) and (6)
12 of subsection (b), the admission of any alien to
13 the United States; or

14 “(B) the parole of any alien into the
15 United States.”.

16 (b) CONFORMING AMENDMENT.—Section 203(b)(4)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1153(b)(4)) is amended by inserting “to aliens granted
19 adjustment of status under section 210A(c) or” after
20 “level,”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 for the Immigration and Nationality Act is amended by
23 inserting after the item relating to section 210 the fol-
24 lowing:

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

1 **SEC. 113. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF**
2 **REFUGEES FOR CONSIDERATION.**

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

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

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

9 “(B)(i) The President, upon a recommendation of the
10 Secretary of State made in consultation with the Secretary
11 of Homeland Security, and after appropriate consultation,
12 may designate specifically defined groups of aliens—

13 “(I) whose resettlement in the United States is
14 justified by humanitarian concerns or is otherwise in
15 the national interest; and

16 “(II) who—

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

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

25 “(ii) An alien who establishes membership in a group
26 designated under clause (i) to the satisfaction of the Sec-

1 retary of Homeland Security shall be considered a refugee
2 for purposes of admission as a refugee under this section
3 unless the Secretary determines that such alien ordered,
4 incited, assisted, or otherwise participated in the persecu-
5 tion of any person on account of race, religion, nationality,
6 membership in a particular social group, or political opin-
7 ion.

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

11 “(iv) Categories of aliens established under section
12 599D of Public Law 101–167 (8 U.S.C. 1157 note)—

13 “(I) shall be designated under clause (i) until
14 the end of the first fiscal year commencing after the
15 date of the enactment of the Refugee Protection Act
16 of 2019; and

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

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

22 “(vi) A designation under clause (i) shall not influ-
23 ence decisions to grant, to any alien, asylum under section
24 208, protection under section 241(b)(3), or protection
25 under the Convention Against Torture and Other Cruel,

1 Inhuman or Degrading Treatment or Punishment, done
2 at New York December 10, 1984.

3 “(vii) A decision to deny admission under this section
4 to an alien who establishes to the satisfaction of the Sec-
5 retary that the alien is a member of a group designated
6 under clause (i)—

7 “(I) shall be in writing; and

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

11 “(aa) the facts underlying the determina-
12 tion; and

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

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on the first day of the first
17 fiscal year that begins after the date of the enactment of
18 this Act.

19 **SEC. 114. MULTIPLE FORMS OF RELIEF.**

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

23 (b) ASYLUM APPLICANTS WHO BECOME ELIGIBLE
24 FOR DIVERSITY VISAS.—Section 204(a)(1)(I) of the Im-

1 migration and Nationality Act (8 U.S.C. 1154(a)(1)(I))
2 is amended by adding at the end the following:

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

12 “(II) A petition under subclause (I) shall be filed not
13 later than 30 days before the end of the fiscal year for
14 which the petitioner received notice of eligibility for the
15 visa and shall contain such information and be supported
16 by such documentary evidence as the Secretary of State
17 may require.

18 “(III) The district director or immigration court shall
19 attempt to adjudicate each petition under this clause be-
20 fore the last day of the fiscal year for which the petitioner
21 was selected. Notwithstanding clause (ii)(II), if the district
22 director or immigration court is unable to complete such
23 adjudication during such fiscal year, the adjudication and
24 adjustment of the petitioner’s status may take place after
25 the end of such fiscal year.”.

1 **SEC. 115. PROTECTION OF REFUGEE FAMILIES.**

2 (a) REFUGEE OR ASYLEE FAMILIES.—A child of an
3 alien who qualifies for admission as a spouse or child
4 under section 207(c)(2)(A) or 208(b)(3) of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1157(c)(2)(A) and
6 1158(b)(3)), married son or daughter, adult son or daugh-
7 ter, sibling, parent, or grandparent shall be entitled to the
8 same admission status as such alien if the family mem-
9 ber—

10 (1) is accompanying or following to join such
11 alien; and

12 (2) is otherwise admissible under such section
13 207(c)(2)(A) or 208(b)(3).

14 (b) ELIMINATION OF TIME LIMITS ON REUNIFICA-
15 TION OF REFUGEE AND ASYLEE FAMILIES.—

16 (1) Section 207(c)(2)(A) of the Immigration
17 and Nationality Act (8 U.S.C. 1157(c)(2)(A)) is
18 amended by striking “A spouse or child” and insert-
19 ing, “Irrespective of when such refugee was admit-
20 ted to the United States, a spouse or child”.

21 (2) Section 208(b)(3)(A) of the Immigration
22 and Nationality Act (8 U.S.C. 1158(b)(3)(A)) is
23 amended by striking “or following to join, such
24 alien” and inserting, “or following to join, such
25 alien, irrespective of when such alien was granted
26 asylum”.

1 (c) REQUIREMENT FOR TIMELY ADJUDICATION OF
2 REFUGEE AND ASYLEE FAMILY REUNIFICATION APPLI-
3 CATIONS.—

4 (1) Paragraph 2 of the Immigration and Na-
5 tionality Act Section 207(c) is amended by inserting
6 after subparagraph (B) the following:

7 “(D) APPLICATION PROCESS.—

8 “(i) IN GENERAL.—Applications for
9 refugee status under this paragraph shall
10 be processed so that all steps under the
11 control of the respective departments inci-
12 dental to the issuance of such status, in-
13 cluding required screenings and back-
14 ground checks, are completed not later
15 than 12 months after the date on which an
16 alien submits a petition for such status.

17 “(ii) CONSTRUCTION.—Nothing in
18 this section shall be construed to limit the
19 ability of a Secretary referred to in this
20 subparagraph to take longer than 12
21 months to complete those steps incidental
22 to the approval of such applications for
23 refugee status in cases for which satisfac-
24 tion of national security concerns requires
25 additional time, provided that the Sec-

1 retary or his or her designee has deter-
2 mined that a particular case is a case
3 under this section and has notified the ap-
4 plicant of the designation.

5 “(iii) PROHIBITION ON DENIALS DUE
6 TO PROCESSING DELAYS.—No application
7 for refugee status under this paragraph
8 shall be denied in whole or in part on the
9 basis that processing could not be com-
10 pleted within 12 months.”.

11 (2) Section 208(b)(3) of the Immigration and
12 Nationality Act (8 U.S.C. 1158(b)(3)) is amended
13 by adding at the end the following:

14 “(D) APPLICATION PROCESS.—

15 “(i) IN GENERAL.—Applications for
16 asylum status under this paragraph shall
17 be processed so that all steps under the
18 control of the respective departments inci-
19 dental to the issuance of such status, in-
20 cluding required screenings and back-
21 ground checks, are completed not later
22 than 12 months after the date on which an
23 alien submits a petition for such status.

24 “(ii) CONSTRUCTION.—Nothing in
25 this section shall be construed to limit the

1 ability of a Secretary referred to in this
2 subparagraph to take longer than 12
3 months to complete those steps incidental
4 to the approval of such applications for
5 asylum status in cases for which satisfac-
6 tion of national security concerns requires
7 additional time, provided that the Sec-
8 retary or his or her designee has deter-
9 mined that a particular case is a case
10 under this section and has notified the ap-
11 plicant of the designation.

12 “(iii) PROHIBITION ON DENIALS DUE
13 TO PROCESSING DELAYS.—No application
14 for asylum status under this paragraph
15 shall be denied in whole or in part on the
16 basis that processing could not be com-
17 pleted within 12 months.”.

18 (d) TREATMENT OF SEPARATED REFUGEE CHIL-
19 DREN.—

20 (1) Section 207(c)(2)(A) of the Immigration
21 and Nationality Act (8 U.S.C. 1157(c)(2)(A)), as
22 previously amended by this Act, is further amended
23 by striking “(D), or (E)” in the first sentence and
24 inserting, “(D), (E), or (H)”.

1 (2) Section 101(b)(1) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

3 (A) by striking “or” at the end of subpara-
4 graph (F);

5 (B) by striking the period at the end of
6 subparagraph (G) and inserting “; or”; and

7 (C) by inserting the following new subpara-
8 graph:

9 “(H) a child under the age of 18 at the
10 time an application is filed to accord a principal
11 alien refugee status, who has been separated
12 from his or her birth or adoptive parents, and
13 who is living in a country of asylum under the
14 care of such principal alien.”.

15 (e) TREATMENT OF THE CHILDREN OF A REFUGEE’S
16 OR ASYLEE’S SPOUSE.—

17 (1) Section 207(b)(2) of the Immigration and
18 Nationality Act (8 U.S.C. 1157(b)(2)) is amended
19 by adding at the end the following new subpara-
20 graph (C):

21 “(C) A child (as defined in section
22 101(b)(1)(A), (B), (C),(D), or (E)) born to a
23 refugee spouse who qualifies for admission
24 under paragraph (A) shall, if not otherwise en-
25 titled to admission under paragraph (1) and if

1 not a person described in the second sentence
2 of section 101(a)(42), be entitled to the same
3 admission status as such refugee spouse if ac-
4 companying, or following to join, such refugee
5 spouse and if the child is admissible (except as
6 otherwise provided under paragraph (3)) as an
7 immigrant under this Act. Upon the child's ad-
8 mission to the United States, such admission
9 shall be charged against the numerical limita-
10 tion established in accordance with the appro-
11 priate subsection under which the refugee's ad-
12 mission is charged.”.

13 (2) Section 208(b)(3) of the Immigration and
14 Nationality Act (8 U.S.C. 1158(b)(3), as previously
15 amended by this Act, is further amended by adding
16 at the end the following new subparagraph (C):

17 “(C) A child (as defined in section
18 101(b)(1)(A), (B), (C),(D), or (E)) born to the
19 asylee spouse who qualifies for admission under
20 paragraph (A) shall, if not otherwise eligible for
21 asylum under this section, be granted to the
22 same status as such asylee spouse if accom-
23 panying, or following to join, such asylee
24 spouse.”.

1 (f) TREATMENT OF NON-IMMEDIATE RELATIVES OF
2 UNACCOMPANIED REFUGEE MINORS.—Section 207(c)(2)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1157(c)(2)), as amended by this Act, is further amended
5 by adding at the end the following new subparagraph (D):

6 “(D) In the case of an alien admitted
7 under this section who is a refugee child and
8 who was admitted under the Unaccompanied
9 Refugee Minor program, such alien’s parent,
10 grandparent, aunt, uncle, or sibling shall be
11 treated in accordance with subparagraph (A) if
12 such individual seeks to follow to join such ref-
13 ugee child and the minor consents to being
14 joined by such individual.”.

15 **SEC. 116. REFORM OF REFUGEE CONSULTATION PROCESS.**

16 Section 207 of the Immigration and Nationality Act
17 (8 U.S.C. 1157) is amended—

18 (1) in subsection (a), by adding at the end the
19 following:

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

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

3 “(4) Not later than 15 days after the last day of each
4 calendar quarter, the President shall submit a report to
5 the Committee on the Judiciary of the Senate and the
6 Committee on the Judiciary of the House of Representa-
7 tives that contains—

8 “(A) the number of refugees who were admitted
9 during the previous quarter;

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

12 “(C) the cumulative number of refugees who
13 were admitted during the fiscal year as of the end
14 of such quarter;

15 “(D) the number of refugees to be admitted
16 during the remainder of the fiscal year in order to
17 meet the refugee admissions goal for the fiscal year;
18 and

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

22 (3) in subsection (e)—

23 (A) by redesignating paragraphs (1)
24 through (7) as subparagraphs (A) through (G),
25 respectively;

1 (B) in the matter preceding subparagraph
2 (A), as redesignated—

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

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

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

11 “(2) To the extent possible”; and

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

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

15 “(i) the number of refugees the President ex-
16 pects to have ready to travel to the United States
17 at the beginning of the fiscal year;

18 “(ii) the number of refugees and the stipulated
19 populations the President expects to admit to the
20 United States in each quarter of the fiscal year; and

21 “(iii) the number of refugees the President ex-
22 pects to have ready to travel to the United States
23 at the end of the fiscal year.

24 “(B) The Secretary of Homeland Security shall en-
25 sure that an adequate number of refugees are processed

1 during the fiscal year to fulfill the refugee admissions
2 goals under subsections (a) and (b).

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

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

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

11 **SEC. 117. ADMISSION OF REFUGEES IN THE ABSENCE OF**
12 **THE ANNUAL PRESIDENTIAL DETERMINA-**
13 **TION.**

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

16 (1) by adding at the end of paragraph (1): “If
17 the President does not issue a determination under
18 this paragraph before the beginning of a fiscal year,
19 the number of refugees who may be admitted under
20 this section shall be not less than 95,000.”;

21 (2) by redesignating paragraphs (2), (3), (4),
22 and (5) as paragraphs (1), (2), (3), and (4), respec-
23 tively;

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

1 (A) by striking “after fiscal year 1982”;
2 and

3 (B) by adding at the end the following: “If
4 the President does not issue a determination
5 under this paragraph before the beginning of a
6 fiscal year, the number of refugees that may be
7 admitted under this section in each quarter be-
8 fore the issuance of such determination shall be
9 25 percent of the number of refugees admissible
10 under this section during the previous fiscal
11 year.”; and

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

14 **SEC. 118. UPDATE OF RECEPTION AND PLACEMENT**
15 **GRANTS.**

16 Beginning with fiscal year 2020, not later than 30
17 days before the beginning of each fiscal year, the Secretary
18 of State shall notify Congress of the amount of funds that
19 the Secretary will provide in its Reception and Placement
20 Grants in the coming fiscal year. In setting the amount
21 of such grants each year, the Secretary shall ensure that—

22 (1) the grant amount is adjusted so that it is
23 adequate to provide for the anticipated initial reset-
24 tlement needs of refugees, including adjusting the
25 amount for inflation and the cost of living;

1 (2) an amount is provided at the beginning of
2 the fiscal year to each national resettlement agency
3 that is sufficient to ensure adequate local and na-
4 tional capacity to serve the initial resettlement needs
5 of refugees the Secretary anticipates the agency will
6 resettle throughout the fiscal year; and

7 (3) additional amounts are provided to each na-
8 tional resettlement agency promptly upon the arrival
9 of refugees that, exclusive of the amounts provided
10 pursuant to paragraph (2), are sufficient to meet the
11 anticipated initial resettlement needs of such refu-
12 gees and support local and national operational costs
13 in excess of the estimates described in paragraph
14 (1).

15 **SEC. 119. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

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

18 (1) in the paragraph heading, by striking “TO
19 A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM
20 WOULD BE THREATENED” and inserting “OR RE-
21 TURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE
22 THREATENED OR ALIEN WOULD BE SUBJECTED TO
23 TORTURE”;

24 (2) in subparagraph (A)—

1 (A) by striking “Notwithstanding” and in-
2 serting the following:

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

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

6 “(ii) ASYLUM INTERVIEW.—Notwith-
7 standing paragraphs (1) and (2), a United
8 States officer may not return any alien
9 interdicted or otherwise encountered in
10 international waters or United States
11 waters who has expressed a fear of return
12 to his or her country of departure, origin,
13 or last habitual residence—

14 “(I) until such alien has had the
15 opportunity to be interviewed by an
16 asylum officer in a confidential setting
17 to determine whether that alien has a
18 well-founded fear of persecution be-
19 cause of the alien’s race, religion, na-
20 tionality, membership in a particular
21 social group, or political opinion, or
22 because the alien would be subject to
23 torture in that country; or

24 “(II) if an asylum officer has de-
25 termined that the alien has such a

1 well-founded fear of persecution or
2 would be subject to torture in his or
3 her country of departure, origin, or
4 last habitual residence.”;

5 (3) by redesignating subparagraphs (B) and
6 (C) as subparagraphs (C) and (D), respectively; and

7 (4) by inserting after subparagraph (A) the fol-
8 lowing:

9 “(B) PROTECTIONS FOR ALIENS INTER-
10 DICTED IN INTERNATIONAL OR UNITED STATES
11 WATERS.—The Secretary of Homeland Security
12 shall issue regulations establishing a uniform
13 procedure applicable to all aliens interdicted in
14 international or United States waters that—

15 “(i) provides each alien—

16 “(I) a meaningful opportunity to
17 express, through a translator who is
18 fluent in a language the alien claims
19 to understand, a fear of return to his
20 or her country of departure, origin, or
21 last habitual residence; and

22 “(II) in a confidential setting and
23 in a language the alien claims to un-
24 derstand, information concerning the
25 alien’s interdiction, including the abil-

1 ity to inform United States officers
2 about any fears relating to the alien’s
3 return or repatriation;

4 “(ii) provides each alien expressing
5 such a fear of return or repatriation a con-
6 fidential interview conducted by an asylum
7 officer, in a language the alien claims to
8 understand, to determine whether the
9 alien’s return to his or her country of ori-
10 gin or country of last habitual residence is
11 prohibited because the alien has a well-
12 founded fear of persecution—

13 “(I) because of the alien’s race,
14 religion, nationality, membership in a
15 particular social group, or political
16 opinion; or

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

19 “(iii) ensures that each alien can ef-
20 fectively communicate with United States
21 officers through the use of a translator flu-
22 ent in a language the alien claims to un-
23 derstand; and

24 “(iv) provides each alien who, accord-
25 ing to the determination of an asylum offi-

1 cer, has a well-founded fear of persecution
2 for the reasons specified in clause (ii) or
3 would be subject to torture, an opportunity
4 to seek protection in—

5 “(I) a country other than the
6 alien’s country of origin or country of
7 last habitual residence in which the
8 alien has family or other ties that will
9 facilitate resettlement; or

10 “(II) if the alien has no such
11 ties, a country that will best facilitate
12 the alien’s resettlement, which may in-
13 clude the United States.”.

14 **SEC. 120. MODIFICATION OF PHYSICAL PRESENCE RE-**
15 **QUIREMENTS FOR ALIENS SERVING AS**
16 **TRANSLATORS.**

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

21 “(1) IN GENERAL.—

22 “(A) CONTINUOUS RESIDENCE.—An ab-
23 sence from the United States described in para-
24 graph (2) shall not be considered to break any
25 period for which continuous residence in the

1 United States is required for naturalization
2 under title III of the Immigration and Nation-
3 ality Act (8 U.S.C. 1401 et seq.).

4 “(B) PHYSICAL PRESENCE.—In the case of
5 a lawful permanent resident, for an absence
6 from the United States described in paragraph
7 (2), the time spent outside of the United States
8 in the capacity described in paragraph (2) shall
9 be counted towards the accumulation of the re-
10 quired physical presence in the United States.”.

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

19 **SEC. 121. PROTECTING VICTIMS OF TERRORISM FROM**
20 **BEING DEFINED AS TERRORISTS.**

21 (a) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1182(a)(3)(B)) is amended to read as follows:

24 “(B) TERRORIST ACTIVITIES.—

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

4 “(I) the alien has engaged in a
5 terrorist activity;

6 “(II) a consular officer, the At-
7 torney General, or the Secretary of
8 Homeland Security knows, or has rea-
9 sonable ground to believe, that the
10 alien is engaged, or is likely to engage
11 after entry, in any terrorist activity;

12 “(III) the alien has, under cir-
13 cumstances indicating an intention to
14 cause death or serious bodily harm,
15 incited terrorist activity;

16 “(IV) the alien is a representa-
17 tive of—

18 “(aa) a terrorist organiza-
19 tion; or

20 “(bb) a political, social, or
21 other group that endorses or es-
22 pouses terrorist activity;

23 “(V) the alien is a member of a
24 terrorist organization;

1 “(VI) the alien endorses or es-
2 pouses terrorist activity or persuades
3 others to endorse or espouse terrorist
4 activity or support a terrorist organi-
5 zation;

6 “(VII) the alien has received
7 military-type training (as defined in
8 section 2339D(c)(1) of title 18,
9 United States Code) from, or on be-
10 half of, any organization that, at the
11 time the training was received, was a
12 terrorist organization; or

13 “(VIII) the alien is an officer, of-
14 ficial, representative, or spokesman of
15 the Palestine Liberation Organization.

16 “(ii) EXCEPTIONS.—

17 “(I) LACK OF KNOWLEDGE.—
18 Clause (i)(V) shall not apply to an
19 alien who is a member of a terrorist
20 organization described in clause
21 (iii)(V)(cc) if the alien demonstrates
22 by clear and convincing evidence that
23 the alien did not know, and should not
24 reasonably have known, that the orga-
25 nization was a terrorist organization.

1 death or serious bodily injury, a
2 terrorist activity;

3 “(bb) to prepare or plan a
4 terrorist activity;

5 “(cc) to gather information
6 on potential targets for terrorist
7 activity;

8 “(dd) to solicit funds or
9 other things of value for—

10 “(AA) a terrorist activ-
11 ity;

12 “(BB) a terrorist orga-
13 nization described in item
14 (aa) or (bb) of clause
15 (iii)(V); or

16 “(CC) a terrorist orga-
17 nization described in clause
18 (iii)(V)(cc), unless the solici-
19 tor can demonstrate by
20 clear and convincing evi-
21 dence that he or she did not
22 know, and should not rea-
23 sonably have known, that
24 the organization was a ter-
25 rorist organization;

1 “(ee) to solicit any indi-
2 vidual—

3 “(AA) to engage in con-
4 duct otherwise described in
5 this subsection;

6 “(BB) for membership
7 in a terrorist organization
8 described in item (aa) or
9 (bb) of clause (iii)(V); or

10 “(CC) for membership
11 in a terrorist organization
12 described in clause
13 (iii)(V)(cc) unless the solie-
14 itor can demonstrate by
15 clear and convincing evi-
16 dence that he or she did not
17 know, and should not rea-
18 sonably have known, that
19 the organization was a ter-
20 rorist organization; or

21 “(ff) to commit an act that
22 the actor knows, or reasonably
23 should know, affords material
24 support, including a safe house,
25 transportation, communications,

1 funds, transfer of funds or other
2 material financial benefit, false
3 documentation or identification,
4 weapons (including chemical, bio-
5 logical, or radiological weapons),
6 explosives, or training—

7 “(AA) for the commis-
8 sion of a terrorist activity;

9 “(BB) to any individual
10 who the actor knows, or rea-
11 sonably should know, has
12 committed or plans to com-
13 mit a terrorist activity;

14 “(CC) to a terrorist or-
15 ganization described in item
16 (aa) or (bb) of clause
17 (iii)(V) or to any member of
18 such an organization; or

19 “(DD) to a terrorist or-
20 ganization described in
21 clause (iii)(V)(cc), or to any
22 member of such an organi-
23 zation, unless the actor can
24 demonstrate by clear and
25 convincing evidence that he

1 or she did not know, and
2 should not reasonably have
3 known, that the organization
4 was a terrorist organization.

5 “(II) MATERIAL SUPPORT.—The
6 term ‘material support’ means sup-
7 port that is significant and of a kind
8 directly relevant to terrorist activity.

9 “(III) REPRESENTATIVE.—The
10 term ‘representative’ includes—

11 “(aa) an officer, official, or
12 spokesman of an organization;
13 and

14 “(bb) any person who di-
15 rects, counsels, commands, or in-
16 duces an organization or its
17 members to engage in terrorist
18 activity.

19 “(IV) TERRORIST ACTIVITY.—
20 The term ‘terrorist activity’ means
21 any activity which is unlawful under
22 the laws of the place where it is com-
23 mitted (or which, if it had been com-
24 mitted in the United States, would be
25 unlawful under the laws of the United

1 States or any State) and which in-
2 volves—

3 “(aa) the highjacking or
4 sabotage of any conveyance (in-
5 cluding an aircraft, vessel, or ve-
6 hicle);

7 “(bb) the seizing or detain-
8 ing, and threatening to kill, in-
9 jure, or continue to detain, an-
10 other individual in order to com-
11 pel a third person (including a
12 governmental organization) to do
13 or abstain from doing any act as
14 an explicit or implicit condition
15 for the release of the individual
16 seized or detained;

17 “(cc) a violent attack upon
18 an internationally protected per-
19 son (as defined in section
20 1116(b)(4) of title 18, United
21 States Code) or upon the liberty
22 of such a person;

23 “(dd) an assassination;

24 “(ee) the use, with the in-
25 tent to endanger the safety of

1 one or more individuals or to
2 cause substantial damage to
3 property, of any—

4 “(AA) biological agent,
5 chemical agent, or nuclear
6 weapon or device; or

7 “(BB) explosive, fire-
8 arm, or other weapon or
9 dangerous device (other than
10 for mere personal monetary
11 gain); or

12 “(ff) a threat, attempt, or
13 conspiracy to carry out any of
14 the activities described in items
15 (aa) through (ee).

16 “(V) **TERRORIST ORGANIZA-**
17 **TION.**—The term ‘terrorist organiza-

18 **tion’** means an organization—
19 “(aa) designated under sec-

20 tion 219;
21 “(bb) otherwise designated,
22 upon publication in the Federal
23 Register, by the Secretary of
24 State in consultation with or
25 upon the request of the Attorney

1 General or the Secretary of
2 Homeland Security, as a terrorist
3 organization, after finding that
4 the organization engages in the
5 activities described in items (aa)
6 through (ff) of subclause (I); or
7 “(cc) that is a group of two
8 or more individuals, whether or-
9 ganized or not, which engages in,
10 or has a subgroup which engages
11 in, the activities described in
12 items (aa) through (ff) of sub-
13 clause (I).”.

14 (b) CHILD SOLDIERS.—

15 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1182(a)(3)(G)) is amended by adding at the end the
18 following “This subparagraph shall not apply to an
19 alien who establishes that the actions giving rise to
20 inadmissibility under this subparagraph were com-
21 mitted under duress or carried out while the alien
22 was younger than 18 years of age.”.

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

1 (A) by redesignating subparagraph (F) as
2 subparagraph (G);

3 (B) by redesignating subparagraph (E) (as
4 added by section 5502(b)), as subparagraph
5 (F); and

6 (C) in subparagraph (G), as redesignated,
7 by adding at the end the following “This sub-
8 paragraph shall not apply to an alien who es-
9 tablishes that the actions giving rise to deport-
10 ability under this subparagraph were committed
11 under duress or carried out while the alien was
12 younger than 18 years of age.”.

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

17 “(B)(i) The Secretary of State, after consulta-
18 tion with the Attorney General and the Secretary of
19 Homeland Security, or the Secretary of Homeland
20 Security, after consultation with the Secretary of
21 State and the Attorney General, may conclude, in
22 such Secretary’s sole, unreviewable discretion, that
23 subsection (a)(3)(B) shall not apply to an alien or
24 that subsection (a)(3)(B)(iii)(V)(cc) shall not apply
25 to a group. The Secretary of State may not exercise

1 discretion under this clause with respect to an alien
2 after removal proceedings against the alien have
3 commenced under section 240.”.

4 **SEC. 122. ASSESSMENT OF THE REFUGEE ECONOMIC CON-**
5 **TRIBUTIONS TO THE UNITED STATES AND**
6 **SELF-SUFFICIENCY.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study regarding the eco-
9 nomic, social, and other contributions that refugees bring
10 to the United States.

11 (b) MATTERS TO BE STUDIED.—In the study re-
12 quired under subsection (a), the Comptroller General
13 shall, to the extent practicable, determine and analyze—

14 (1) refugee economic contributions, including—

15 (A) the top industries refugees work in
16 after 1 year, 5 years, and 10 years of arrival;

17 (B) the economic and spending power of
18 refugees after 1 year, 5 years, and 10 years of
19 arrival;

20 (C) the rate of home ownership of refugees
21 after 1 year, 5 years, and 10 years of arrival;

22 (D) the net amount of revenue refugees
23 bring over government benefits accessed after 1
24 year, 5 years, and 10 years of arrival;

1 (E) the gross amount of taxes refugees
2 contribute after 1 year, 5 years, and 10 years
3 of arrival;

4 (F) the rate of entrepreneurship after 1
5 year, 5 years, and 10 years of arrival;

6 (G) the number of jobs created by refugee
7 businesses; and

8 (H) the labor markets for which refugees
9 fill critical gaps;

10 (2) refugee self-sufficiency, un-met needs and
11 outcomes, including—

12 (A) how the Office of Refugee Resettle-
13 ment defines self-sufficiency;

14 (B) if this definition is adequate in ad-
15 dressing refugee needs in the United States;

16 (C) an analysis of the unmet needs and
17 outcomes of refugees;

18 (D) an evaluation of the Office of Refugee
19 Resettlement's budgetary resources and projec-
20 tion of the amount of additional resources need-
21 ed to fully address the unmet needs of refugees,
22 and all other populations within Office of Ref-
23 ugee Resettlement's mandate, with regard to
24 self-sufficiency; and

1 (E) recommendations on ways in which the
2 Office of Refugee Resettlement can improve the
3 rate of self-sufficiency, outcomes, and the do-
4 mestic refugee program in relation to the mat-
5 ters analyzed under paragraphs (1) and (2).

6 (c) REPORT.—Not later than 2 years after the date
7 of the enactment of this Act, and not more than every
8 5 years thereafter, the Comptroller General shall submit
9 a report to Congress that contains the results of the study
10 required under subsections (a) and (b).

11 **SEC. 123. REFUGEE ASSISTANCE.**

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

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

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

1 secondary migration) as of the beginning of the
2 fiscal year;

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

7 “(iii) projections on the number, projec-
8 tions on regional allocations, and nature of in-
9 coming refugees and other populations, such as
10 demographics, case management or medical
11 needs, served by the Office during the subse-
12 quent fiscal year.”.

13 (b) REPORT ON SECONDARY MIGRATION.—Section
14 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

15 (1) by striking “a periodic” and inserting “an
16 annual”; and

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

1 those States, and unmet needs of those secondary
2 migrants.”.

3 (c) ASSISTANCE MADE AVAILABLE TO SECONDARY
4 MIGRANTS.—Section 412(a)(1) of such Act (8 U.S.C.
5 1522(a)(1)) is amended by adding at the end the fol-
6 lowing:

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

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

18 (e) LEGAL ASSISTANCE FOR REFUGEES AND
19 ASYLEES.—Section 412(c)(1)(A) of such Act (8 U.S.C.
20 1522(c)(1)(A)) is amended—

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

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

23 and

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

1 “(iii) to provide legal services for refu-
2 gees to assist them in obtaining immigra-
3 tion benefits for which they are eligible;
4 and”.

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

10 (1) issue a proposed rule of the new formula by
11 which grants and contracts are to be allocated pur-
12 suant to the amendments made by subsection (c);
13 and

14 (2) solicit public comment.

15 (g) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the first day of the first
17 fiscal year that begins after the date of the enactment of
18 this Act.

19 **SEC. 124. RESETTLEMENT DATA.**

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

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

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

1 “(11)(A) The Assistant Secretary of Health
2 and Human Services for Refugee and Asylee Reset-
3 tlement (referred to in this section as the ‘Assistant
4 Secretary’) shall expand the Office of Refugee Re-
5 settlement’s data analysis, collection, and sharing
6 activities in accordance with this paragraph.

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

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

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

3 “(ii) the number of refugees at severe risk
4 of becoming homeless.

5 “(D) The Assistant Secretary shall gather lon-
6 gitudinal information relating to refugee self-suffi-
7 ciency and economic contributions to the United
8 States, including employment status, earnings and
9 advancement, every 5 years after the refugee’s ar-
10 rival beginning on the 5th year and ending on the
11 15th year after their arrival to the extent prac-
12 ticable.

13 “(E) The longitudinal study shall consider addi-
14 tional factors related to self-sufficiency and integra-
15 tion, including family sufficiency and care taking,
16 barriers to and opportunities for integration for the
17 children of refugees and their descendants, as well
18 as elderly resettled refugees.

19 “(F) The Assistant Secretary shall annually—

20 “(i) update the data collected under this
21 paragraph; and

22 “(ii) submit a report to Congress and
23 make publicly available on the Office of Refugee
24 Resettlement website that contains the updated
25 data within nine months of the end of the fiscal

1 year following the year for which the data was
2 collected.”.

3 **SEC. 125. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**
4 **SECURITY BENEFITS FOR CERTAIN REFU-**
5 **GEES.**

6 (a) EXTENSION OF ELIGIBILITY PERIOD.—

7 (1) IN GENERAL.—Section 402(a)(2)(M)(i) of
8 the Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996 (8 U.S.C.
10 1612(a)(2)(M)(i)) is amended—

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

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

15 (2) CONFORMING AMENDMENT.—The heading
16 for section 402(a)(2)(M)(i) of such Act is amended
17 by striking “TWO-YEAR EXTENSION” and inserting
18 “EXTENSION”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect as of October 1,
21 2016.

22 (b) EXTENSION OF PERIOD FOR COLLECTION OF
23 UNEMPLOYMENT COMPENSATION DEBTS RESULTING
24 FROM FRAUD.—Paragraph (8) of section 6402(f) of the
25 Internal Revenue Code of 1986 (relating to collection of

1 unemployment compensation debts resulting from fraud)
2 is amended by striking “10 years” and inserting “10 years
3 and 2 months”.

4 **SEC. 126. PROHIBIT CRIMINAL PROSECUTION OF REFUGEE**
5 **GEES TO ALIGN WITH OUR REFUGEE CON-**
6 **VENTION OBLIGATIONS.**

7 (a) **IN GENERAL.**—An alien who has expressed a
8 credible or reasonable fear of persecution, filed an applica-
9 tion for asylum or withholding of removal, or expressed
10 an intent to file such an application, may not be pros-
11 ecuted under section 275(a) or 276(a) of the Immigration
12 and Nationality Act (8 U.S.C. 1325(a), 1326(a)) until the
13 date on which any such application has been finally adju-
14 dicated, including any appeals thereto.

15 (b) **AFFIRMATIVE DEFENSE.**—In the case that an
16 alien is prosecuted under section 275(a) or 276(a) of the
17 Immigration and Nationality Act (8 U.S.C. 1325(a),
18 1326(a)) in violation of subsection (a), it shall be a de-
19 fense that the alien has expressed a credible or reasonable
20 fear of persecution, filed an application for asylum or
21 withholding of removal, or expressed an intent to file such
22 an application, and that such application has not been fi-
23 nally adjudicated, including any appeals thereto.

24 (c) **TREATY OBLIGATIONS.**—In accordance with the
25 treaty obligations of the United States under Article 31

1 of the United Nations Convention Relating to the Status
2 of Refugees, no alien who has been granted asylum or
3 withholding of removal in the United States may be pros-
4 ecuted under section 275(a) or 276(a) of the Immigration
5 and Nationality Act (8 U.S.C. 1325(a), 1326(a)).

6 **SEC. 127. T AND U VISA REFORMS.**

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

9 “(8) Notwithstanding any provision of this Act grant-
10 ing eligibility for employment in the United States, the
11 Secretary of Homeland Security shall grant employment
12 authorization to an alien who has filed an application for
13 nonimmigrant status under section 101(a)(15)(T) on the
14 date that is the earlier of—

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

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

20 (b) U VISAS.—

21 (1) INCREASED ACCESSIBILITY.—Section
22 214(p)(2)(A) of the Immigration and Nationality
23 Act (8 U.S.C. 1184(p)(2)(A)) is amended by strik-
24 ing “10,000” and inserting “20,000”.

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

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

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

8 “(8) WORK AUTHORIZATION.—Notwithstanding any
9 provision of this Act granting eligibility for employment
10 in the United States, the Secretary of Homeland Security
11 shall grant employment authorization to an alien who has
12 filed an application for nonimmigrant status under section
13 101(a)(15)(U) on the date that is the earlier of—

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

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

19 **SEC. 128. TRANSPARENCY IN REFUGEE DETERMINATIONS.**

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

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

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

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

6 “(B) is authorized by the Secretary of Home-
7 land Security to be recognized as the representative
8 of such applicant in an adjudication under this sec-
9 tion.

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

12 “(i) shall be in writing; and

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

16 “(I) the facts underlying the determina-
17 tion; and

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

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

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

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

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

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

10 “(E) A decision on a request for review under this
11 paragraph—

12 “(i) shall be in writing; and

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

15 **SEC. 129. PROHIBITION ON DISCRETIONARY DENIALS**
16 **BASED ON TRANSIT THROUGH A THIRD**
17 **COUNTRY.**

18 Section 208(b)(2)(A)(vi) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1158(b)(2)(A)(vi)) is amended by
20 adding at the end the following: “Stays in third countries
21 not amounting to firm resettlement shall not be grounds
22 for discretionary denial of asylum.”.

23 **SEC. 130. DETERMINATION OF BUDGETARY EFFECTS.**

24 The budgetary effects of this Act, for the purpose of
25 complying with the Statutory Pay-As-You-Go Act of 2010

1 (Public Law 111–139), shall be determined by reference
2 to the latest statement titled “Budgetary Effects of
3 PAYGO Legislation” for this Act, jointly submitted for
4 printing in the Congressional Record by the Chairmen of
5 the Senate Budget Committee, provided that such state-
6 ment has been submitted prior to the vote on passage.

7 **TITLE II—REFUGEE AND ASY-**
8 **LUM SEEKER PROCESSING IN**
9 **THE WESTERN HEMISPHERE**

10 **SEC. 201. EXPANSION OF REFUGEE AND ASYLUM PROC-**
11 **ESSING.**

12 (a) REFUGEE PROCESSING.—The Secretary of State,
13 in consultation with the Secretary, shall work with inter-
14 national partners, including the United Nations High
15 Commissioner for Refugees, to support and strengthen the
16 domestic capacity of countries in the Western Hemisphere
17 to process and accept refugees for resettlement and adju-
18 dicate asylum claims, including by—

19 (1) providing support and technical assistance
20 to expand and improve the capacity to identify, proc-
21 ess, and adjudicate refugee claims, adjudicate appli-
22 cations for asylum, or otherwise accept refugees re-
23 ferred for resettlement by the United Nations High
24 Commissioner for Refugees or host nations, includ-
25 ing by increasing the number of refugee and asylum

1 officers who are trained in the relevant legal stand-
2 ards for adjudicating claims for protection;

3 (2) establishing and expanding safe and secure
4 refugee reception centers to facilitate the safe and
5 orderly movement of individuals and families seeking
6 international protection;

7 (3) improving national refugee and asylum reg-
8 istration systems to ensure that any person seeking
9 refugee status, asylum, or other humanitarian pro-
10 tections—

11 (A) receives due process and meaningful
12 access to existing humanitarian protections;

13 (B) is provided with adequate information
14 about his or her rights, including the right to
15 seek protection;

16 (C) is properly screened for security, in-
17 cluding biographic and biometric capture; and

18 (D) receives appropriate documents to pre-
19 vent fraud and ensure freedom of movement
20 and access to basic social services; and

21 (4) developing the capacity to conduct best in-
22 terest determinations for unaccompanied children
23 with international protection needs to ensure that
24 such children are properly registered and that their
25 claims are appropriately considered.

1 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
2 TION.—The Secretary of State, in coordination with the
3 Secretary, as appropriate, shall—

4 (1) carry out diplomatic engagement to secure
5 commitments from governments to resettle refugees
6 from Central America; and

7 (2) take all necessary steps to ensure effective
8 cooperation among governments resettling refugees
9 from Central America.

10 **SEC. 202. EXPANDING REFUGEE PROCESSING IN MEXICO**
11 **AND CENTRAL AMERICA FOR THIRD COUN-**
12 **TRY RESETTLEMENT.**

13 (a) IN GENERAL.—The Secretary of State, in con-
14 sultation with the Secretary, shall coordinate with the
15 United Nations High Commissioner for Refugees to sup-
16 port and provide technical assistance to the Government
17 of Mexico and the governments of other countries in the
18 region to increase access to global resettlement for eligible
19 children and families with protection needs, in accordance
20 with international law and best practices, by—

21 (1) establishing and expanding in-country ref-
22 ugee reception centers to meet the humanitarian
23 needs of those seeking international protection;

24 (2) improving the refugee registration system to
25 ensure that all refugees—

1 (A) are provided with adequate informa-
2 tion about their rights, including their right to
3 seek protection;

4 (B) are properly screened for security, in-
5 cluding biographic and biometric capture;

6 (C) receive due process and meaningful ac-
7 cess to existing legal protections; and

8 (D) receive proper documents in order to
9 prevent fraud and ensure freedom of movement
10 and access to basic social services;

11 (3) creating or expanding a corps of trained
12 refugee officers capable of evaluating and deciding
13 individual claims for protection, consistent with
14 international law and obligations; and

15 (4) developing the capacity to conduct best in-
16 terest determinations for unaccompanied alien chil-
17 dren to ensure that—

18 (A) such children with international pro-
19 tection needs are properly registered; and

20 (B) their needs are properly met, which
21 may include family reunification or resettlement
22 in the United States or another country based
23 on international protection needs and the best
24 interests of the child.

1 (b) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Secretary, shall submit a report to
4 the committees listed in section 311(b) that describes the
5 plans of the Secretary of State to assist in developing the
6 refugee processing capabilities described in subsection (a).

7 (c) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) the conditions in Mexico, as of the date of
10 the enactment of this Act, do not meet the necessary
11 threshold for the United States Government to sign
12 a safe third country agreement with the Government
13 of Mexico; and

14 (2) individuals of any nationality, who enter the
15 United States from Mexico and request humani-
16 tarian protection, such as asylum, in the United
17 States—

18 (A) are not subject to section 235(b)(2)(C)
19 of the Immigration and Nationality Act (8
20 U.S.C. 1225(b)(2)(C)); and

21 (B) cannot be returned to Mexico while
22 their request for humanitarian protection is
23 pending.

1 **SEC. 203. STRENGTHENING REGIONAL HUMANITARIAN RE-**
2 **SPONSES.**

3 The Secretary of State, in consultation with the Sec-
4 retary, and in coordination with international partners, in-
5 cluding the United Nations High Commissioner for Refu-
6 gees, shall support and coordinate with the government
7 of each country hosting a significant population of refu-
8 gees and asylum seekers from El Salvador, Guatemala,
9 and Honduras to—

10 (1) establish and expand temporary shelter and
11 shelter network capacity to meet the immediate pro-
12 tection and humanitarian needs of refugees and asy-
13 lum seekers, including shelters for families, women,
14 unaccompanied children, and other vulnerable popu-
15 lations;

16 (2) deliver gender-, trauma-, and age-sensitive
17 humanitarian assistance to refugees and asylum
18 seekers, including access to accurate information,
19 legal representation, education, livelihood opportuni-
20 ties, cash assistance, and health care;

21 (3) establish and expand sexual, gender-based,
22 and domestic violence prevention, recovery, and hu-
23 manitarian programming;

24 (4) fund national- and community-led humani-
25 tarian organizations in humanitarian response; and

1 (5) support local integration initiatives to help
2 refugees and asylum seekers rebuild their lives and
3 contribute in a meaningful way to the local economy
4 in their host country.

5 **SEC. 204. INFORMATION CAMPAIGN ON DANGERS OF IR-**
6 **REGULAR MIGRATION.**

7 (a) IN GENERAL.—The Secretary of State, in con-
8 sultation with the Secretary, shall design and implement
9 public information campaigns in El Salvador, Guatemala,
10 and Honduras to—

11 (1) disseminate information about the potential
12 dangers of travel to the United States;

13 (2) provide accurate information about United
14 States immigration law and policy; and

15 (3) provide accurate information about the
16 availability of asylum and other humanitarian pro-
17 tections in countries in the Western Hemisphere.

18 (b) ELEMENTS.—The information campaigns imple-
19 mented pursuant to subsection (a) shall, to the greatest
20 extent possible—

21 (1) be targeted at regions with high rates of vi-
22 olence, high levels of out-bound migration, or signifi-
23 cant populations of internally displaced persons;

24 (2) be in local languages;

1 (3) employ a variety of communications media;
2 and

3 (4) be developed in consultation with program
4 officials at the Department, the Department of
5 State, and other government, nonprofit, or academic
6 entities in close contact with migrant populations
7 from El Salvador, Guatemala, and Honduras, in-
8 cluding repatriated migrants.

9 (c) DEFINITION OF INTERNALLY DISPLACED PER-
10 SONS.—In this section, the term “internally displaced per-
11 sons” means persons or a group of persons who have been
12 forced to leave their homes or places of habitual residence,
13 in particular due to armed conflict, generalized violence,
14 violations of human rights, or natural or human-made dis-
15 asters, and who have not crossed an internationally recog-
16 nized state border.

17 **SEC. 205. IDENTIFICATION, SCREENING, AND PROCESSING**
18 **OF REFUGEES AND OTHER INDIVIDUALS ELI-**
19 **GIBLE FOR LAWFUL ADMISSION TO THE**
20 **UNITED STATES.**

21 (a) DESIGNATED PROCESSING CENTERS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary
24 of State, in consultation with the Secretary, shall
25 enter into agreements for the establishment by the

1 Secretary of Designated Processing Centers for the
2 registration, screening, and processing of refugees
3 and other eligible individuals in North and Central
4 America, and the resettlement or relocation of these
5 individuals to the United States or other countries.

6 (2) LOCATIONS.—One or more Designated
7 Processing Centers shall be established in a safe and
8 secure location identified by the United States and
9 the host government in—

10 (A) El Salvador;

11 (B) Guatemala;

12 (C) Honduras;

13 (D) Mexico;

14 (E) Costa Rica; and

15 (F) any other country deemed appropriate
16 by the Secretary of State to accept and process
17 requests and applications under this title, in-
18 cluding any country in North or Central Amer-
19 ica hosting significant numbers of refugees or
20 other displaced individuals.

21 (b) ASSISTANT DIRECTOR OF REGIONAL PROC-
22 ESSING.—

23 (1) IN GENERAL.—There shall be an Assistant
24 Director of Regional Processing, who shall report to
25 the Director of U.S. Citizenship and Immigration

1 Services, and who shall oversee the establishment
2 and operation of all Designated Processing Centers.

3 (2) DUTIES.—The Assistant Director of Re-
4 gional Processing, in coordination with the Secretary
5 and the Director of U.S. Citizenship and Immigra-
6 tion Services, shall—

7 (A) coordinate with the Secretary of State
8 and the host country to ensure that each Des-
9 ignated Processing Center is safe, secure, and
10 reasonably accessible to the public to facilitate
11 the registration, screening, and processing of
12 individuals under this title;

13 (B) establish standard operating proce-
14 dures for the registration, screening, and proc-
15 essing of individuals under this title;

16 (C) oversee the administration of such pro-
17 cedures; and

18 (D) carry out other duties and powers pre-
19 scribed by the Director of U.S. Citizenship and
20 Immigration Services.

21 (c) PERSONNEL.—

22 (1) REFUGEE OFFICERS AND RELATED PER-
23 SONNEL.—The Secretary, in consultation with the
24 Director of U.S. Citizenship and Immigration Serv-
25 ices and the Assistant Director of Regional Proc-

1 essing, shall ensure that sufficient numbers of ref-
2 ugee officers and other personnel are assigned to
3 each Designated Processing Center to fulfill the re-
4 quirements of this title.

5 (2) SUPPORT PERSONNEL.—The Secretary and
6 the Attorney General shall hire and assign sufficient
7 personnel to ensure that absent exceptional cir-
8 cumstances, all security and law enforcement back-
9 ground checks required under this title are com-
10 pleted in 180 days or less.

11 (d) OPERATIONS.—

12 (1) IN GENERAL.—Absent extraordinary cir-
13 cumstances, each Designated Processing Center
14 shall commence operations not later than 270 days
15 after the date of the enactment of this Act.

16 (2) PRODUCTIVITY.—The Secretary, in coordi-
17 nation with the Secretary of State, shall monitor the
18 activities of each Designated Processing Center and
19 establish metrics and criteria for evaluating the pro-
20 ductivity of each Designated Processing Center.

21 (3) CONTINUING OPERATIONS.—Each Des-
22 igned Processing Center shall remain in operation
23 for at least 5 fiscal years, and shall continue in oper-
24 ation until such time as the Secretary, in consulta-
25 tion with the Secretary of State, determines, under

1 the metrics and criteria established under paragraph
2 (2), that for at least 4 consecutive calendar quarters
3 the Designated Processing Center has failed to
4 maintain sufficient productivity.

5 (e) CONGRESSIONAL REPORTS.—Not later than Jan-
6 uary 31 following the end of each fiscal year, and begin-
7 ning with the first fiscal year that at least one Designated
8 Processing Center commences operations, the Secretary,
9 in consultation with the Secretary of State, shall submit
10 a report to the Committee on the Judiciary and the Com-
11 mittee on Foreign Relations of the Senate and to the Com-
12 mittee on the Judiciary and the Committee on Foreign
13 Affairs of the House of Representatives on the number
14 of individuals who have been registered, screened, and
15 processed for benefits under this title at each Designated
16 Processing Center, including the number of benefits re-
17 quests that have been approved and the number of bene-
18 fits requests that have been denied.

19 **SEC. 206. REGISTRATION AND INTAKE.**

20 (a) REGISTRATION.—Each Designated Processing
21 Center shall receive and register individuals seeking to
22 apply for benefits under this title.

23 (b) INTAKE.—Consistent with this title, registered in-
24 dividuals shall be assessed to determine the benefits for
25 which they may be eligible, including—

1 (1) refugee resettlement pursuant to the Cen-
2 tral American Refugee Program described in section
3 303;

4 (2) the Central American Minors Program de-
5 scribed in section 304;

6 (3) the Central American Family Reunification
7 Parole Program described in section 305; and

8 (4) referral for suitable temporary worker pro-
9 grams under the Central American Worker Referral
10 Program described in section 306.

11 (c) EXPEDITED PROCESSING.—Expedited processing
12 of applications and requests under this title shall be grant-
13 ed in emergency situations, for humanitarian reasons, or
14 if other circumstances warrant expedited treatment in the
15 exercise of discretion.

16 **SEC. 207. CENTRAL AMERICAN REFUGEE PROGRAM.**

17 (a) IN GENERAL.—In addition to any refugees des-
18 ignated for admission under section 207 of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1157), in each of fiscal
20 years 2020, 2021, 2022, 2023, and 2024, not less than
21 100,000 nationals of El Salvador, Guatemala, and Hon-
22 duras combined shall be admitted into the United States
23 under this section. Admission under this subsection shall
24 be available to any such national who registers at a Des-
25 ignated Processing Center and is determined to be admis-

1 sible as a refugee of special humanitarian concern to the
2 United States consistent with this section.

3 (b) INITIAL PROCESSING.—

4 (1) IN GENERAL.—Any individual who registers
5 at a Designated Processing Center and who ex-
6 presses a fear of persecution or an intention to apply
7 for refugee status may make an application for ref-
8 ugee resettlement under this section. Upon filing of
9 a completed application, the applicant shall be re-
10 ferred to a refugee officer for further processing con-
11 sistent with this section.

12 (2) SUBMISSION OF BIOGRAPHIC AND BIOMET-
13 RIC DATA.—An applicant described in paragraph (1)
14 shall be required to submit biographic and biometric
15 data in accordance with procedures established by
16 the Assistant Director of Regional Processing. The
17 Assistant Director shall provide an alternative proce-
18 dure for applicants who are unable to provide all re-
19 quired biographic and biometric data due to a phys-
20 ical or mental impairment.

21 (3) BACKGROUND CHECKS.—The Assistant Di-
22 rector of Regional Processing shall utilize biometric,
23 biographic, and other appropriate data to conduct
24 security and law enforcement background checks of
25 applicants to determine whether there is any crimi-

1 nal, national security, or other ground that would
2 render the applicant ineligible for admission as a
3 refugee under section 207 of the Immigration and 4
4 Nationality Act (8 U.S.C. 1157).

5 (4) ORIENTATION.—The Assistant Director of
6 Regional Processing shall provide prospective appli-
7 cants for refugee resettlement with information on
8 applicable requirements and legal standards. All ori-
9 entation materials, including application forms and
10 instructions, shall be provided in English and Span-
11 ish.

12 (5) INTERNATIONAL ORGANIZATIONS.—The
13 Secretary of State, in consultation with the Sec-
14 retary, shall enter into agreements with international
15 organizations, including the United Nations High
16 Commissioner for Refugees, to facilitate the proc-
17 essing and preparation of case files for applicants
18 under this section.

19 (c) ADJUDICATION OF APPLICATIONS.—

20 (1) IN GENERAL.—Not later than 60 days after
21 the date on which an applicant is referred under
22 subsection (b)(1), the applicant shall be interviewed
23 by a refugee officer for a determination of whether
24 the applicant is a refugee of special humanitarian
25 concern, as described in paragraph (5).

1 (2) DECISION.—Not later than 14 days after
2 the date on which an applicant is interviewed under
3 paragraph (1), the refugee officer shall issue a writ-
4 ten decision on the application.

5 (3) APPROVAL OF APPLICATION.—If the refugee
6 officer approves an application under this section,
7 the applicant shall be processed for resettlement to
8 the United States as a refugee under section 207 of
9 the Immigration and Nationality Act. The security
10 and law enforcement background checks required
11 under subsection (b)(3) shall be completed, to the
12 satisfaction of the Assistant Director of Regional
13 Processing, before the date on which an approved
14 applicant may be admitted to the United States.

15 (4) DENIAL OF APPLICATION.—If the refugee
16 officer denies an application under this section, the
17 officer shall include a reasoned, written explanation
18 for the denial and refer the applicant for a deter-
19 mination of eligibility for other benefits under this
20 title, consistent with section 302(b). A denied appli-
21 cant may request review of the decision by a super-
22 visory refugee officer not later than 30 days after
23 the date of the denial. The supervisory refugee offi-
24 cer shall issue a final written decision within 30
25 days of the request for review.

1 (5) REFUGEES OF SPECIAL HUMANITARIAN
2 CONCERN.—For the purposes of this section, refu-
3 gees of special humanitarian concern to the United
4 States shall include individuals who have suffered, or
5 have a well- founded fear of suffering—

6 (A) domestic, sexual, or other forms of
7 gender-based violence, including persecution
8 based on sexual orientation or gender identity;

9 (B) violence, extortion, or other forms of
10 persecution (including forced recruitment) com-
11 mitted by gangs or other organized criminal or-
12 ganizations;

13 (C) a severe form of trafficking in persons;
14 or

15 (D) other serious human rights abuses.

16 (6) SPOUSES AND MINOR CHILDREN.—The
17 spouse or child of any applicant who qualifies for ad-
18 mission under section 207(c) of the Immigration and
19 Nationality Act shall be granted the same status as
20 the applicant if accompanying or following to join
21 such applicant, consistent with such section.

22 (7) REFUGEE STATUS.—An individual who is
23 admitted to the United States as a refugee under
24 this section shall enjoy the same rights and privi-
25 leges and shall be subject to the same grounds for

1 termination of refugee status as provided in sections
2 207 and 209 of the Immigration and Nationality
3 Act.

4 (8) FEES.—No fee shall be imposed for the fil-
5 ing, processing, or adjudication of an application
6 under this section.

7 (d) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

8 (1) IN GENERAL.—Notwithstanding subsection
9 (b), an applicant for refugee resettlement under this
10 section may be referred to another country for the
11 processing of the applicant’s refugee claim if—

12 (A) another country agrees to immediately
13 process the applicant’s refugee claim in accord-
14 ance with the terms and procedures of a bilat-
15 eral agreement under paragraph (2); and

16 (B) the applicant lacks substantial ties to
17 the United States as defined in paragraph (3)
18 or requests resettlement to a country other than
19 the United States.

20 (2) BILATERAL AGREEMENTS FOR REFERRAL
21 OF REFUGEES.—

22 (A) IN GENERAL.—The Secretary of State,
23 in consultation with the Secretary, shall enter
24 into bilateral agreements with other countries
25 for the referral, processing, and resettlement of

1 individuals who register with a Designated
2 Processing Center and seek to apply for refugee
3 resettlement under this section. Such agree-
4 ments shall be limited to countries with the
5 demonstrated capacity to accept and adjudicate
6 applications for refugee status, and other forms
7 of international protection, and resettle refugees
8 consistent with obligations under the 1951
9 United Nations Convention Relating to the Sta-
10 tus of Refugees and the 1967 United Nations
11 Protocol Relating to the Status of Refugees.

12 (B) INTERNATIONAL ORGANIZATIONS.—
13 The Secretary of State, in consultation with the
14 Secretary, shall enter into agreements with
15 international organizations, including the
16 United Nations High Commissioner for Refu-
17 gees, to facilitate the referral, processing, and
18 resettlement of individuals covered under this
19 paragraph.

20 (3) SUBSTANTIAL TIES DEFINED.—An indi-
21 vidual has substantial ties to the United States if
22 the individual—

23 (A) has a spouse, parent, son, daughter,
24 sibling, grandparent, aunt, or uncle who resides
25 in the United States;

1 (B) can demonstrate previous residence in
2 the United States for not less than 2 years; or

3 (C) can otherwise demonstrate substantial
4 ties to the United States as defined by the Sec-
5 retary.

6 (e) EMERGENCY RELOCATION COORDINATION.—The
7 Secretary of State, in consultation with the Secretary,
8 shall enter into bilateral or multilateral agreements with
9 other Western Hemisphere countries to establish safe and
10 secure emergency transit centers for individuals who reg-
11 ister at a Designated Processing Center, are deemed to
12 face an imminent risk of harm, and require temporary
13 placement in a safe location pending a final decision on
14 an application under this section. Such agreements shall
15 be developed in consultation with the United Nations High
16 Commissioner for Refugees and shall conform to inter-
17 national humanitarian standards.

18 (f) EXPANSION OF REFUGEE CORPS.—Not later than
19 60 days after the date of the enactment of this Act, and
20 subject to the availability of amounts provided in advance
21 in appropriation Acts, the Secretary shall appoint addi-
22 tional refugee officers as may be necessary to carry out
23 this section.

1 **SEC. 208. CENTRAL AMERICAN MINORS PROGRAM.**

2 (a) ELIGIBILITY.—If it is determined as a result of
3 the assessment under section 302(b) that an alien is eligi-
4 ble for special immigrant status in accordance with this
5 subsection, the Designated Processing Center shall accept
6 a petition for such status filed by the alien, or on behalf
7 of the alien by a parent or legal guardian, and, subject
8 to subsection (d) and notwithstanding any other provision
9 of law, the Secretary shall provide the alien with status
10 as a special immigrant under section 101(a)(27) of the
11 Immigration and Nationality Act. An alien shall be eligible
12 under this subsection if the alien—

13 (1) is a national of El Salvador, Honduras, or
14 Guatemala;

15 (2) is an unmarried child (as defined in section
16 101(b)(1) of the Immigration and Nationality Act)
17 of an individual who is lawfully present in the
18 United States;

19 (3) is otherwise eligible to receive an immigrant
20 visa; and

21 (4) is otherwise admissible to the United States
22 (excluding the grounds of inadmissibility specified in
23 section 212(a)(4) of the Immigration and Nation-
24 ality Act).

25 (b) MINOR CHILDREN.—Any child (as defined in sec-
26 tion 101(b)(1) of the Immigration and Nationality Act)

1 of an alien described in subsection (b) is entitled to the
2 same special immigrant status if accompanying or fol-
3 lowing to join the alien.

4 (c) NUMERICAL LIMITATIONS.—

5 (1) IN GENERAL.—The total number of aliens
6 who may be provided special immigrant status under
7 this section may not exceed 10,000 per year for the
8 fiscal year during which at least one Designated
9 Processing Center commences operations, and for
10 each of the 4 fiscal years that immediately follow.

11 (2) EXCLUSION FROM NUMERICAL LIMITA-
12 TIONS.—Aliens provided special immigrant status
13 under this section shall not be counted against any
14 numerical limitation under section 201, 202, or 203
15 of the Immigration and Nationality Act.

16 (3) CARRY FORWARD.—If the numerical limita-
17 tion under paragraph (1) is not reached during a
18 given fiscal year, the numerical limitation under
19 such paragraph for the following fiscal year shall be
20 increased by a number equal to the difference be-
21 tween—

22 (A) the total number of aliens provided
23 special immigrant status under paragraph (1)
24 for the given fiscal year; and

1 (B) the number of aliens provided special
2 immigrant status under this section during the
3 given fiscal year.

4 (d) PETITION AND ADJUDICATION.—

5 (1) IN GENERAL.—Absent exceptional cir-
6 cumstances, an eligible alien shall be permitted to
7 submit a petition for special immigrant status under
8 this section up to 90 days after the date the alien
9 was determined to be eligible for such status.

10 (2) ADJUDICATION DEADLINES.—Absent excep-
11 tional circumstances, petitions submitted under this
12 section shall be adjudicated not later than 180 days
13 after submission.

14 (3) APPLICANTS UNDER PRIOR CAM PRO-
15 GRAM.—The Secretary shall deem an application
16 filed under the Central American Minors Refugee
17 Program, established on December 1, 2014 and ter-
18 minated on August 16, 2017, and which was not the
19 subject of a final disposition prior to January 31,
20 2018, to be a petition filed under this section. Ab-
21 sent exceptional circumstances, the Secretary shall
22 make a final determination on such petitions not
23 later than 180 days after the date of enactment of
24 this Act. The Secretary shall promptly notify all rel-
25 evant parties of the conversion of a CAM application

1 into a special immigrant petition, and shall provide
2 instructions for withdrawal of the petition if the
3 alien no longer wishes to proceed with the requested
4 relief.

5 (4) BIOMETRICS AND BACKGROUND CHECKS.—

6 (A) SUBMISSION OF BIOMETRIC AND BIO-
7 GRAPHIC DATA.—Petitioners for special immi-
8 grant status under this section shall be required
9 to submit biometric and biographic data in ac-
10 cordance with procedures established by the As-
11 sistant Director of Regional Processing. The
12 Assistant Director shall provide an alternative
13 procedure for applicants who are unable to pro-
14 vide all required biometric data due to a phys-
15 ical or mental impairment.

16 (B) BACKGROUND CHECKS.—The Assist-
17 ant Director of Regional Processing shall utilize
18 biometric, biographic, and other appropriate
19 data to conduct security and law enforcement
20 background checks of petitioners to determine
21 whether there is any criminal, national security,
22 or other ground that would render the applicant
23 ineligible for special immigrant status under
24 this section.

1 (C) COMPLETION OF BACKGROUND
2 CHECKS.—The security and law enforcement
3 background checks required under subpara-
4 graph (B) shall be completed, to the satisfac-
5 tion of the Assistant Director of Regional Proc-
6 essing, before the date on which a petition for
7 special immigrant status under this section may
8 be approved.

9 **SEC. 209. CENTRAL AMERICAN FAMILY REUNIFICATION PA-**
10 **ROLE PROGRAM.**

11 (a) IN GENERAL.—If it is determined as a result of
12 the assessment under section 302(b) that an alien is eligi-
13 ble for parole in accordance with this subsection, the Des-
14 ignated Processing Center shall accept a completed appli-
15 cation for parole filed by the alien, or on behalf of the
16 alien by a parent or legal guardian, and the Secretary
17 shall grant parole, as provided under section 212(d)(5),
18 to that alien. An alien shall be eligible under this sub-
19 section if the alien—

20 (1) is a national of El Salvador, Guatemala, or
21 Honduras;

22 (2) is the beneficiary of an approved immigrant
23 visa petition under section 203(a) of the Immigra-
24 tion and Nationality Act; and

1 (3) does not have an immigrant visa that is im-
2 mediately available, but the visa is expected to be
3 available within 5 years of the date the alien reg-
4 isters with a Designated Processing Center.

5 (b) APPLICATION AND ADJUDICATION.—

6 (1) IN GENERAL.—Absent exceptional cir-
7 cumstances, an eligible alien shall be permitted to
8 submit an application for parole under this section
9 up to 90 days after the date the alien is determined
10 to be eligible for parole.

11 (2) ADJUDICATION DEADLINES.—Absent excep-
12 tional circumstances, applications submitted under
13 this section shall be adjudicated not later than 180
14 days after submission.

15 (3) BIOMETRICS AND BACKGROUND CHECKS.—

16 (A) SUBMISSION OF BIOMETRIC AND BIO-
17 GRAPHIC DATA.—Applicants for parole under
18 this section shall be required to submit biomet-
19 ric and biographic data in accordance with pro-
20 cedures established by the Assistant Director of
21 Regional Processing. The Assistant Director
22 shall provide an alternative procedure for appli-
23 cants who are unable to provide all required bi-
24 ometric data due to a physical or mental im-
25 pairment.

1 (B) BACKGROUND CHECKS.—The Assist-
2 ant Director of Regional Processing shall utilize
3 biometric, biographic, and other appropriate
4 data to conduct security and law enforcement
5 background checks of applicants to determine
6 whether there is any criminal, national security,
7 or other ground that would render the applicant
8 ineligible for parole under this section.

9 (C) COMPLETION OF BACKGROUND
10 CHECKS.—The security and law enforcement
11 background checks required under subpara-
12 graph (B) shall be completed to the satisfaction
13 of the Assistant Director of Regional Proc-
14 essing before the date on which an application
15 for parole may be approved.

16 (4) APPROVAL.—Designated Processing Centers
17 shall issue appropriate travel documentation to
18 aliens granted parole. Such documentation must be
19 presented to U.S. Customs and Border Protection at
20 a port of entry for parole into the United States
21 within 120 days of issuance.

22 **SEC. 210. CENTRAL AMERICAN WORKER REFERRAL PRO-**
23 **GRAM.**

24 (a) IN GENERAL.—An alien who registers with a
25 Designated Processing Center shall be screened for refer-

1 ral for suitable temporary worker programs as provided
2 in this section.

3 (b) QUALIFYING TEMPORARY WORKER PRO-
4 GRAMS.—In accordance with the standard operating pro-
5 cedures described in section 301(b)(2)(B) of this title, and
6 using tools and resources developed by the Secretary in
7 consultation with the Secretary of Labor, Designated
8 Processing Centers shall—

9 (1) connect prospective workers to United
10 States employers or recruiters seeking temporary
11 workers to perform agricultural labor or services as
12 described in section 101(a)(15)(H)(ii)(a) of the Im-
13 migration and Nationality Act, or other temporary
14 or seasonal work as described in section
15 101(a)(15)(H)(ii)(b) of the Immigration and Nation-
16 ality Act; and

17 (2) connect prospective workers to an organiza-
18 tion, approved by the Department of State to spon-
19 sor exchange visitors as described under section
20 101(a)(15)(J) of the Immigration and Nationality
21 Act, for placement as an au pair with a qualified
22 host family in the United States.

23 (c) OTHER TEMPORARY WORK PROGRAMS.—The
24 Secretary, in consultation with the Secretary of Labor,
25 may, as a matter of discretion, develop tools and resources

1 and establish procedures to allow Designated Processing
2 Centers to connect prospective workers to other temporary
3 employment, training, or exchange visitor opportunities in
4 the United States that require nonimmigrant visa sponsor-
5 ship.

6 (d) ELIGIBILITY.—Eligibility for referral under this
7 section shall be limited to nationals of El Salvador, Guate-
8 mala, or Honduras who—

9 (1) have registered with a Designated Proc-
10 essing Center; and

11 (2) have agreed in writing to participate in the
12 referral program.

13 Eligible individuals shall only be referred to prospective
14 employers or designated organizations for possible visa
15 sponsorship and employment in an area or areas in which
16 the individual has indicated a willingness and desire to
17 work.

18 (e) LIMITATIONS.—Nothing in this section shall be
19 construed—

20 (1) to limit the obligations of an employer, re-
21 cruiter, designated organization, or other entity to
22 fulfill all requirements for nonimmigrant visa spon-
23 sorship as required under the relevant provisions of
24 the Immigration and Nationality Act and regulations
25 issued by the Secretary or the Attorney General;

1 (2) to guarantee employment or visa sponsor-
2 ship for any prospective worker who registers with
3 a Designated Processing Center; or

4 (3) to allow a Designated Processing Center,
5 employer, recruiter, or designated organization to
6 charge or collect any placement or referral fee for
7 services rendered under this section.

8 **SEC. 211. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**
9 **LINE.**

10 (a) **INFORMATIONAL CAMPAIGN.**—The Secretary
11 shall implement an informational campaign, in English
12 and Spanish, in the United States, El Salvador, Guate-
13 mala, and Honduras to increase awareness of the provi-
14 sions of this title.

15 (b) **CASE STATUS HOTLINE.**—Not later than 90 days
16 after the date of the enactment of this Act, the Secretary
17 shall establish a case status hotline providing confidential
18 processing information on pending cases.

1 **TITLE III—MATTERS AFFECTING**
2 **REFUGEES AND ASYLEES IN**
3 **THE UNITED STATES**

4 **SEC. 301. PREVENTION OF ERRONEOUS IN ABSENTIA OR-**
5 **DERS OF REMOVAL.**

6 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1229(a)) is amended—

9 (1) in paragraph (1)(F), by inserting “the Sec-
10 retary of Homeland Security or” before “the Attor-
11 ney General” each place such term appears; and

12 (2) in paragraph (2)(A), by striking “the alien
13 or to the alien’s counsel of record” and inserting
14 “the alien and to the alien’s counsel of record.”

15 (b) REMOVAL IN ABSENTIA.—Section 240(b) of the
16 Immigration and Nationality Act (8 U.S.C. 1229a(b)) is
17 amended—

18 (1) in paragraph (5)—

19 (A) subparagraph (A), to read as follows:

20 “(A) REMOVAL IN ABSENTIA.—

21 “(i) IN GENERAL.—Any alien who,
22 after a proceeding under this section is re-
23 scheduled by an immigration judge due to
24 the alien’s failure to attend such pro-
25 ceeding, and written notice required under

1 paragraph (1) or (2) of section 239(a) has
2 been provided to the alien and the alien’s
3 counsel of record, does not attend a pro-
4 ceeding under this section, may be ordered
5 removed in absentia if the Service estab-
6 lishes by clear, unequivocal, and convincing
7 evidence that—

8 “(I) sufficient written notice was
9 so provided;

10 “(II) the alien is removable (as
11 defined in subsection (e)(2)); and

12 “(III) in the case of an alien re-
13 quired to periodically report to the
14 Department of Homeland Security,
15 the alien has demonstrated a pattern
16 of failing to report.

17 “(ii) SUFFICIENT NOTICE.—The writ-
18 ten notice by the Attorney General shall be
19 considered sufficient for purposes of this
20 subparagraph if provided at the most re-
21 cent address provided under section
22 239(a)(1)(F).”;

23 (B) in paragraph (C)—

24 (i) in clause (i) —

1 (I) by striking “within 180 days”
2 and inserting “at any time”; and

3 (II) by striking “or’” at the end;

4 (ii) in clause (ii), by striking the pe-
5 riod at the end and inserting “; or”;

6 (iii) by inserting after clause (ii) the
7 following:

8 “(iii) upon a motion to reopen filed at
9 any time if the alien is a minor child; or

10 “(iv) by striking ‘clause (i) or (ii) and
11 inserting clause (i), (ii), or (iii).’”; and

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

13 “(8) CHECK-IN HISTORY.—Before an immigra-
14 tion judge conducts a proceeding under this section,
15 the Secretary of Homeland Security shall report to
16 the immigration judge the extent to which the alien
17 has complied with any requirement to report periodi-
18 cally the alien’s whereabouts to the Secretary of
19 Homeland Security.”.

20 (c) RESCISSION OF ORDERS OF REMOVAL.—Section
21 240(b)(5)(C) of the Immigration and Nationality Act (8
22 U.S.C. 1229a(b)(5)(C)) is amended to read as follows:

23 “(C) RESCISSION OF ORDER.—Such an
24 order may be rescinded only-

1 “(i) upon a motion to reopen filed at
2 any time after the date of the order of re-
3 moval if the alien demonstrates that the
4 failure to appear was because of excep-
5 tional circumstances (as defined in sub-
6 section (e)(1)), or

7 “(ii) upon a motion to reopen filed at
8 any time if the alien demonstrates that the
9 alien did not receive notice in accordance
10 with paragraph (1) or (2) of section 240 or
11 the alien demonstrates that the alien was
12 in Federal or State custody and the failure
13 to appear was through no fault of the
14 alien, or

15 “(iii) upon a motion to reopen filed at
16 any time if the alien is a minor child; or

17 “(iv) upon a motion to reopen filed at
18 any time if the alien has a pending claim
19 for asylum, withholding of removal, or
20 Convention Against Torture, or dem-
21 onstrates he/she has a credible claim to
22 any of those protections.”.

1 **SEC. 302. EMPLOYMENT AUTHORIZATION FOR ASYLUM**
2 **SEEKERS.**

3 Paragraph (2) of section 208(d) of the Immigration
4 and Nationality Act (8 U.S.C. 1158(d)) is amended to
5 read as follows:

6 “(2) EMPLOYMENT AUTHORIZATION.—

7 “(A) ELIGIBILITY.—The Secretary of
8 Homeland Security shall authorize employment
9 for an applicant for asylum who is not in deten-
10 tion and whose application for asylum has not
11 been determined frivolous.

12 “(B) APPLICATION.—An applicant for asy-
13 lum who is not otherwise eligible for employ-
14 ment authorization shall not be granted such
15 authorization prior to 30 days after the date of
16 filing of the application for asylum.

17 “(C) TERM.—Employment authorization
18 for an applicant for asylum—

19 “(i) shall be for a period of 1 year;
20 and

21 “(ii) shall be renewable for additional
22 1-year periods for the entire continuous pe-
23 riod necessary to adjudicate the applicant’s
24 asylum claim, including administrative or
25 judicial review.”.

1 **SEC. 303. PROGRAM TO ADJUST THE STATUS OF CERTAIN**
2 **VULNERABLE REFUGEES FROM CENTRAL**
3 **AMERICA.**

4 (a) DEFINITION OF REFUGEE STATUS.—In this sec-
5 tion, the term “refugee status” has the meaning given the
6 term in section 101(a)(42) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1101(a)(42)), except that the alien
8 may apply inside his or her country of nationality if there
9 is a designated application processing center present.

10 (b) PURPOSE.—The purpose of this section is to es-
11 tablish a refugee processing program for nationals of El
12 Salvador, Guatemala, and Honduras to respond to country
13 conditions and the growing need to provide an alternative
14 to the dangerous journey to the United States of America.

15 (c) ADMISSION OF ELIGIBLE CENTRAL AMERICAN
16 ALIENS AS REFUGEES.—Notwithstanding the numerical
17 limitations set forth in sections 201, 202, and 207 of the
18 Immigration and Nationality Act (8 U.S.C. 1151, 1152,
19 and 1157), the Secretary shall adjust the status of an
20 alien who is a national of El Salvador, Guatemala, or Hon-
21 duras to that of an alien admitted as a refugee if the
22 alien—

23 (1) applies for such refugee status at a Des-
24 ignated Application Processing Center (as defined in
25 subsection (e)); and

26 (2) is eligible under subsection (d).

1 (d) CENTRAL AMERICANS ELIGIBLE FOR REFUGEE
2 ADMISSION.—

3 (1) IN GENERAL.—Admission as a refugee or
4 adjustment of status to that of a refugee shall be
5 available to any alien, or members of the alien’s
6 family, if—

7 (A) the alien is a national of El Salvador,
8 Guatemala, or Honduras;

9 (B) the alien otherwise meets the definition
10 of a refugee, except that the alien may apply
11 from inside his or her country of nationality;

12 (C)(i) the alien presents himself or herself
13 at a Designated Application Processing Center
14 for consideration of refugee status under this
15 section; or

16 (ii) in the case of an alien who is a minor,
17 a parent or legal guardian of the alien presents
18 an application for the alien; and

19 (D) the alien passes all relevant medical,
20 national security, and background checks.

21 (2) EFFECT OF DENIAL OF REFUGEE STA-
22 TUS.—The denial of refugee status under the Cen-
23 tral American Minors Program—

24 (A) shall not be held determinative with re-
25 spect to an adjudication under this section; and

1 (B) shall not prejudice the results of an
2 adjudication under this section.

3 (e) DESIGNATED APPLICATION PROCESSING CEN-
4 TERS.—

5 (1) ESTABLISHMENT.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of State shall establish a minimum of 4 Des-
8 ignated Application Processing Centers in 4 dif-
9 ferent physical locations in the countries referred to
10 in paragraph (2), with the consent of the host coun-
11 try, if necessary.

12 (2) LOCATIONS.—The Secretary of State shall
13 ensure that at least 1 Designated Application Proc-
14 essing Center is established in—

15 (A) El Salvador, Guatemala, Honduras,
16 and Mexico; and

17 (B) any other country in Central America
18 selected by the Secretary of State.

19 (3) APPLICATION FOR REFUGEE STATUS.—The
20 Secretary of State shall ensure that any alien who
21 is physically present at a Designated Application
22 Processing Center is permitted—

23 (A) to apply for refugee status under this
24 section;

1 (B) to include his or her family in the ap-
2 plication for refugee status, regardless of such
3 alien's status; and

4 (C) if the alien applying for refugee status
5 is an unaccompanied minor, to have legal coun-
6 sel present at all interviews.

7 (4) ADJUDICATION.—Applications submitted at
8 a Designated Application Processing Center under
9 this section shall be adjudicated by refugee officers
10 from the Refugee, Asylum and International Oper-
11 ations Directorate of U.S. Citizenship and Immigra-
12 tion Services.

13 (5) ADJUDICATION DEADLINES.—

14 (A) FIRST YEAR.—Applications submitted
15 under this section during the 1-year period be-
16 ginning on the date of the enactment of this
17 Act shall be adjudicated not later than 1 year
18 after submission.

19 (B) SUBSEQUENT APPLICATIONS.—Appli-
20 cations submitted under this section after the
21 period described in subparagraph (A) shall be
22 adjudicated not later than 6 months after sub-
23 mission.

1 (f) EXCEPTIONS.—Subsections (c)(1) and (d)(1)(C)
2 shall be waived by the Secretary if the alien, or his or
3 her family—

4 (1) is a national of El Salvador or Honduras;

5 (2) was in temporary protected status under
6 section 244 of the Immigration and Nationality Act
7 (8 U.S.C. 1254a) on the date on which his or her
8 country of nationality's designation under subsection
9 (b) of such section was terminated;

10 (3) has maintained physical presence in the
11 United States since the effectiveness date of the
12 most recent designation, extension, or termination;
13 and

14 (4) would be eligible to reapply, under such sec-
15 tion 244, if his or her country of nationality's des-
16 ignation had not been terminated.

17 (g) APPLICATION FEES.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary shall ensure that applicants
20 for refugee status are not charged fees in order to
21 apply for humanitarian relief under this section.

22 (2) PREVIOUS DENIAL.—The Secretary may
23 charge a reasonable fee to an alien who applies for
24 refugee status under this section after having pre-

1 viously been denied refugee status unless such denial
2 occurred before the alien attained 21 years of age.

3 **SEC. 304. TERRORISM-RELATED INADMISSIBILITY**
4 **GROUND.**

5 (a) LIMITATION OF TIER III INADMISSIBILITY TO
6 PEOPLE WHO POSE A THREAT TO THE UNITED
7 STATES.—

8 (1) SECURITY AND RELATED GROUNDS.—

9 (A) IN GENERAL.—Any alien who a con-
10 sular officer or the Attorney General knows, or
11 has reasonable ground to believe, seeks to enter
12 the United States to engage solely, principally,
13 or incidentally in—

14 (i) any activity—

15 (I) to violate any law of the
16 United States relating to espionage or
17 sabotage; or

18 (II) to violate or evade any law
19 prohibiting the export from the
20 United States of goods, technology, or
21 sensitive information;

22 (ii) any other unlawful activity; or

23 (iii) any activity a purpose of which is
24 the opposition to, or the control or over-
25 throw of, the Government of the United

1 States by force, violence, or other unlawful
2 means, is inadmissible.

3 (B) TERRORIST ACTIVITIES.—

4 (i) IN GENERAL.—Any alien who—

5 (I) has engaged in a terrorist ac-
6 tivity;

7 (II) a consular officer, the Attor-
8 ney General, or the Secretary knows,
9 or has reasonable ground to believe, is
10 engaged in or is likely to engage after
11 entry in any terrorist activity (as de-
12 fined in clause (iv));

13 (III) has, under circumstances
14 indicating an intention to cause death
15 or serious bodily harm, incited ter-
16 rorist activity;

17 (IV) is a representative (as de-
18 fined in clause (v)) of—

19 (aa) a terrorist organization
20 (as defined in clause (vi) (I) or
21 (II));

22 (bb) a terrorist organization
23 as defined in clause (vi)(III), and
24 there are reasonable grounds for
25 regarding the alien as a danger

1 to the security of the United
2 States; or

3 (cc) a political, social, or
4 other group that endorses or es-
5 pouses terrorist activity;

6 (V) is a member of a terrorist or-
7 ganization described in subclause (I)
8 or (II) of clause (vi);

9 (VI) is a member of a terrorist
10 organization described in clause
11 (vi)(III), unless the alien can dem-
12 onstrate by clear and convincing evi-
13 dence that the alien did not know, and
14 should not reasonably have known,
15 that the organization was a terrorist
16 organization, if there are reasonable
17 grounds for regarding the alien as a
18 danger to the security of the United
19 States;

20 (VII) endorses or espouses ter-
21 rorist activity or persuades others to
22 endorse or espouse terrorist activity or
23 support a terrorist organization as de-
24 fined in clause (vi) (I) or (II), or to
25 support a terrorist organization as de-

1 fined in clause (vi)(III), where there
2 are reasonable grounds for regarding
3 the alien as a danger to the security
4 of the United States;

5 (VIII) has received military-type
6 training (as defined in section 2339D
7 (c)(1) of title 18) from or on behalf of
8 any organization that, at the time the
9 training was received, was a terrorist
10 organization (as defined in clause (vi)
11 (I) or (II)), or was a terrorist organi-
12 zation as defined in clause (vi)(III)
13 and there are reasonable grounds for
14 regarding the alien as a danger to the
15 security of the United States; or

16 (IX) is the spouse or child of an
17 alien who is inadmissible under this
18 subparagraph, if the activity causing
19 the alien to be found inadmissible oc-
20 curred within the last 5 years, is inad-
21 missible.

22 An alien who is an officer, official, rep-
23 resentative, or spokesman of the Palestine
24 Liberation Organization is considered, for

1 purposes of this Act, to be engaged in a
2 terrorist activity.

3 (ii) EXCEPTION.—Subclause (IX) of
4 clause (i) does not apply to a spouse or
5 child—

6 (I) who did not know or should
7 not reasonably have known of the ac-
8 tivity causing the alien to be found in-
9 admissible under this section; or

10 (II) whom the consular officer or
11 Attorney General has reasonable
12 grounds to believe has renounced the
13 activity causing the alien to be found
14 inadmissible under this section.

15 (iii) TERRORIST ACTIVITY DEFINED.—
16 As used in this chapter, the term “terrorist
17 activity” means any activity which is un-
18 lawful under the laws of the place where it
19 is committed (or which, if it had been com-
20 mitted in the United States, would be un-
21 lawful under the laws of the United States
22 or any State) and which involves any of
23 the following:

1 (I) The highjacking or sabotage
2 of any conveyance (including an air-
3 craft, vessel, or vehicle).

4 (II) The seizing or detaining, and
5 threatening to kill, injure, or continue
6 to detain, another individual in order
7 to compel a third person (including a
8 governmental organization) to do or
9 abstain from doing any act as an ex-
10 plicit or implicit condition for the re-
11 lease of the individual seized or de-
12 tained.

13 (III) A violent attack upon an
14 internationally protected person (as
15 defined in section 1116 (b)(4) of title
16 18) or upon the liberty of such a per-
17 son.

18 (IV) An assassination.

19 (V) The use of any—

20 (aa) biological agent, chem-
21 ical agent, or nuclear weapon or
22 device, or

23 (bb) explosive, firearm, or
24 other weapon or dangerous device
25 (other than for mere personal

1 monetary gain), with intent to
2 endanger, directly or indirectly,
3 the safety of one or more individ-
4 uals or to cause substantial dam-
5 age to property.

6 (VI) A threat, attempt, or con-
7 spiracy to do any of the foregoing.

8 (iv) ENGAGE IN TERRORIST ACTIVITY
9 DEFINED.—As used in this chapter, the
10 term “engage in terrorist activity” means,
11 in an individual capacity or as a member
12 of an organization—

13 (I) to commit or to incite to com-
14 mit, under circumstances indicating
15 an intention to cause death or serious
16 bodily injury, a terrorist activity;

17 (II) to prepare or plan a terrorist
18 activity;

19 (III) to gather information on
20 potential targets for terrorist activity;

21 (IV) to solicit funds or other
22 things of value for—

23 (aa) a terrorist activity;

1 (bb) a terrorist organization
2 described in clause (vi)(I) or
3 (vi)(II); or

4 (cc) a terrorist organization
5 described in clause (vi)(III), un-
6 less the solicitor can demonstrate
7 by clear and convincing evidence
8 that he did not know, and should
9 not reasonably have known, that
10 the organization was a terrorist
11 organization, if there are reason-
12 able grounds for regarding the
13 solicitor as a danger to the secu-
14 rity of the United States;

15 (V) to solicit any individual—

16 (aa) to engage in conduct
17 otherwise described in this sub-
18 section;

19 (bb) for membership in a
20 terrorist organization described
21 in clause (vi)(I) or (vi)(II); or

22 (cc) for membership in a
23 terrorist organization described
24 in clause (vi)(III), unless the so-
25 licitor can demonstrate by clear

1 and convincing evidence that he
2 did not know, and should not
3 reasonably have known, that the
4 organization was a terrorist orga-
5 nization, if there are reasonable
6 grounds for regarding the solici-
7 tor as a danger to the security of
8 the United States; or

9 (VI) to commit an act that the
10 actor knows, or reasonably should
11 know, affords material support, in-
12 cluding a safe house, transportation,
13 communications, funds, transfer of
14 funds or other material financial ben-
15 efit, false documentation or identifica-
16 tion, weapons (including chemical, bi-
17 ological, or radiological weapons), ex-
18 plosives, or training—

19 (aa) for the commission of a
20 terrorist activity;

21 (bb) to any individual who
22 the actor knows, or reasonably
23 should know, has committed or
24 plans to commit a terrorist activ-
25 ity;

1 (cc) to a terrorist organiza-
2 tion described in subclause (I) or
3 (II) of clause (vi) or to any mem-
4 ber of such an organization; or

5 (dd) to a terrorist organiza-
6 tion described in clause (vi)(III),
7 or to any member of such an or-
8 ganization, unless the actor can
9 demonstrate by clear and con-
10 vincing evidence that the actor
11 did not know, and should not
12 reasonably have known, that the
13 organization was a terrorist orga-
14 nization, if there are reasonable
15 grounds for regarding the actor
16 as a danger to the security of the
17 United States.

18 (v) REPRESENTATIVE DEFINED.—As
19 used in this paragraph, the term “rep-
20 resentative” includes an officer, official, or
21 spokesman of an organization, and any
22 person who directs, counsels, commands,
23 or induces an organization or its members
24 to engage in terrorist activity.

1 (vi) TERRORIST ORGANIZATION DE-
2 FINED.—As used in this section, the term
3 “terrorist organization” means an organi-
4 zation—

5 (I) designated under section
6 1189 of this title;

7 (II) otherwise designated, upon
8 publication in the Federal Register, by
9 the Secretary of State in consultation
10 with or upon the request of the Attor-
11 ney General or the Secretary, as a
12 terrorist organization, after finding
13 that the organization engages in the
14 activities described in subclauses (I)
15 through (VI) of clause (iv); or

16 (III) that is a group of 2 or more
17 individuals, whether organized or not,
18 which engages in, or has a subgroup
19 which engages in, the activities de-
20 scribed in subclauses (I) through (VI)
21 of clause (iv).

22 (b) PREVENTING THE CHILD SOLDIER PROTECTION
23 ACT FROM BEING USED TO PENALIZE FORMER CHILD
24 SOLDIERS.—

1 (1) IN GENERAL.—Section 212(a)(3)(G) of the
2 Immigration & Nationality Act (8 U.S.C.
3 1182(a)(3)(G)) is amended by adding at the end the
4 following: “This subparagraph shall not apply to an
5 alien who establishes that the actions giving rise to
6 inadmissibility under this subparagraph were carried
7 out while the alien was younger than 18 years of
8 age.”.

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

11 (A) by redesignating subparagraph (F) as
12 subparagraph (G);

13 (B) by redesignating subparagraph (E) (as
14 added by section 5502(b)) as subparagraph (F);
15 and

16 (C) in subparagraph (G), as redesignated,
17 by adding at the end the following: “This sub-
18 paragraph shall not apply to an alien who es-
19 tablishes that the actions giving rise to deport-
20 ability under this subparagraph were committed
21 under duress or carried out while the alien was
22 younger than 18 years of age.”.

23 **SEC. 305. SETTING THE PRESIDENTIAL DETERMINATION.**

24 Section 207 of the Immigration and Nationality Act
25 (8 U.S.C. 1157) is amended—

1 (1) in subsection (a)—

2 (A) by striking paragraph (1);

3 (B) by redesignating paragraphs (2) and
4 (4) as paragraphs (1) and (6), respectively;

5 (C) in paragraph (1), as redesignated—

6 (i) by striking “after fiscal year
7 1982”; and

8 (ii) by striking “is justified” and all
9 that follows through “interest.” and insert-
10 ing the following: “is—

11 “(A) justified by humanitarian concerns or
12 otherwise in the national interest; and

13 “(B) not less than 95,000.

14 “(2) Each officer of the Federal Government
15 responsible for refugee admissions or refugee reset-
16 tlement shall treat a determination under paragraph
17 (1) and subsection (b) as the numerical goals for
18 refugee admissions under this section for the appli-
19 cable fiscal year.”; and

20 (D) by inserting after paragraph (3) the
21 following:

22 “(4) In making a determination under para-
23 graph (1), the President shall consider the number
24 of refugees who, during the calendar year beginning
25 immediately after the beginning of the applicable fis-

1 cal year, are in need of resettlement in a third coun-
2 try, as determined by the United Nations High
3 Commissioner for Refugees in the most recently
4 published projected global resettlement needs report.

5 “(5) The President shall determine regional al-
6 locations for admissions under this subsection, which
7 shall—

8 “(A) consider the projected needs identi-
9 fied by the United Nations High Commissioner
10 for Refugees in the projected global resettle-
11 ment needs report for the calendar year begin-
12 ning immediately after the beginning of the ap-
13 plicable fiscal year; and

14 “(B) include an unallocated reserve that
15 the Secretary of State, after notifying the Com-
16 mittee on the Judiciary of the Senate and the
17 Committee on the Judiciary of the House of
18 Representatives, may use for 1 or more regions
19 in which the need for additional refugee admis-
20 sions arises.”; and

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

22 “(g) QUARTERLY REPORTS ON ADMISSIONS.—Not
23 later than 15 days after the last day of each quarter, the
24 President shall submit to the Committee on the Judiciary
25 of the Senate and the Committee on the Judiciary of the

1 House of Representatives a report that includes the fol-
2 lowing:

3 “(1) REFUGEES ADMITTED.—

4 “(A) The number of refugees admitted to
5 the United States during the preceding quarter.

6 “(B) The number of refugees admitted to
7 the United States during the preceding quarter,
8 expressed as a percentage of the number of ref-
9 ugees authorized to be admitted in accordance
10 with the determinations under subsections (a)
11 and (b) for the applicable fiscal year.

12 “(C) The cumulative number of refugees
13 admitted to the United States during the appli-
14 cable fiscal year, as of the last day of the pre-
15 ceding quarter.

16 “(D) The number of refugees to be admit-
17 ted to the United States during the remainder
18 of the applicable fiscal year so as to achieve the
19 numerical goals set forth in the determinations
20 under subsections (a) and (b) for such fiscal
21 year.

22 “(E) The number of refugees from each
23 region admitted to the United States during the
24 preceding quarter, expressed as a percentage of

1 the allocation for each region under subsection
2 (a)(5) for the applicable fiscal year.

3 “(2) ALIENS WITH SECURITY ADVISORY OPIN-
4 IONS.—

5 “(A) The number of aliens, by nationality,
6 for whom a Security Advisory Opinion has been
7 requested who were security-cleared during the
8 preceding quarter, expressed as a percentage of
9 all cases successfully adjudicated by the Direc-
10 tor of the U.S. Citizenship and Immigration
11 Services in the applicable fiscal year.

12 “(B) The number of aliens, by nationality,
13 for whom a Security Advisory Opinion has been
14 requested who were admitted to the United
15 States during the preceding quarter.

16 “(3) CIRCUIT RIDES.—

17 “(A) For the preceding quarter—

18 “(i) the number of Refugee Corps of-
19 ficers deployed on circuit rides, expressed
20 as a percentage of the overall number of
21 Refugee Corps officers;

22 “(ii) the number of individuals inter-
23 viewed—

24 “(I) on each circuit ride; and

25 “(II) at each circuit ride location;

1 “(iii) the number of circuit rides; and

2 “(iv) for each circuit ride—

3 “(I) the duration of the circuit
4 ride;

5 “(II) the average number of
6 interviews conducted daily on the cir-
7 cuit ride; and

8 “(III) the percentages of inter-
9 views conducted for—

10 “(aa) individuals who re-
11 quire Security Advisory Opinions;
12 and

13 “(bb) individuals who do not
14 require Security Advisory Opin-
15 ions.

16 “(B) For the subsequent quarter—

17 “(i) the number of circuit rides sched-
18 uled; and

19 “(ii) the number of circuit rides
20 planned.

21 “(4) PROCESSING.—For the preceding quar-
22 ter—

23 “(A) the average number of days be-
24 tween—

1 “(i) the date on which an individual is
2 identified by the United States Govern-
3 ment as a refugee; and

4 “(ii) the date on which such individual
5 is interviewed by the Secretary of Home-
6 land Security;

7 “(B) the average number of days be-
8 tween—

9 “(i) the date on which an individual
10 identified by the United States Govern-
11 ment as a refugee is interviewed by the
12 Secretary of Homeland Security; and

13 “(ii) the date on which such individual
14 is admitted to the United States; and

15 “(C) with respect to individuals identified
16 by the United States Government as refugees
17 who have been interviewed by the Secretary of
18 Homeland Security, the approval, denial, and
19 hold rates for the applications for admission of
20 such individuals, by nationality.

21 “(5) PLAN AND ADDITIONAL INFORMATION.—

22 “(A) A plan that describes the procedural
23 or personnel changes necessary to ensure the
24 admission of the number of refugees authorized
25 to be admitted to the United States in accord-

1 ance with determinations under subsections (a)
2 and (b), including a projection of the number of
3 refugees to be admitted to the United States
4 each month so as to achieve the numerical goals
5 set forth in such determinations.

6 “(B) Additional information relating to the
7 pace of refugee admissions, as determined by
8 the President.

9 “(h) **RULE OF CONSTRUCTION.**—Nothing in this sec-
10 tion may be construed—

11 “(1) to inhibit the expeditious processing of ref-
12 ugee and asylum applications;

13 “(2) to restrict the authority of the Secretary of
14 Homeland Security to admit aliens to the United
15 States under any other Act; or

16 “(3) to prevent the administration from in-
17 creasing the Presidential Determination or regional
18 allocations based on emerging or identified resettlement
19 needs during and throughout the fiscal year.”.

20 **SEC. 306. UNITED STATES EMERGENCY REFUGEE RESET-**
21 **TLEMENT CONTINGENCY FUND.**

22 (a) **ESTABLISHMENT.**—There is established in the
23 treasury of the United States a Domestic Emergency Ref-
24 ugee Resettlement Contingency Fund (hereafter in this
25 section referred to as the “Contingency Fund”), which the

1 Director of the Office of Refugee Resettlement (hereafter
2 in this section referred to as the “Director”) may draw
3 on to meet the purposes described in subsection (b) when-
4 ever the Director determines it is important to the na-
5 tional interest.

6 (b) PURPOSE AND USES.—

7 (1) PURPOSES.—Funds drawn from the Contingency Fund shall be used to enable the Director to
8 operate programs, efforts, and initiatives to respond
9 to urgent, unanticipated, or underfunded refugee
10 and entrant assistance activities authorized by sec-
11 tion 414 of the Immigration and Nationality Act,
12 section 501 of the Refugee Education Assistance Act
13 of 1980, the Trafficking Victims Protection Act of
14 2000 (TVPA), the Torture Victims Relief Act of
15 1998, section 601(b) of the Afghan Allies Protection
16 Act of 2009 (Public Law 111–8), and section 1244
17 of the Refugee Crisis in Iraq Act 2007 (Public Law
18 110–181).

19 (2) USE OF FUNDS.—Funds drawn from the
20 Contingency Fund shall be subject to the same limi-
21 tations set forth in division B of title V of Public
22 Law 115–245 as are applicable to funds appro-
23 priated for the Department of Health and Human
24

1 Services under such Public Law, and may only be
2 used for initiatives that—

3 (A) replenish any previously appropriated
4 funds that have been reprogrammed, trans-
5 ferred, or withheld from programs, projects, or
6 activities that serve the populations described in
7 paragraph (1);

8 (B) stabilize existing programs, projects,
9 and activities that serve the populations de-
10 scribed in paragraph (1) by augmenting funds
11 previously appropriated to serve such popu-
12 lations;

13 (C) identify unmet resettlement or integra-
14 tion needs of persons described in paragraph
15 (1) and implement solutions for such needs;
16 and

17 (D) such other uses that are consistent
18 with the purposes described in paragraph (1) to
19 serve the populations described in such para-
20 graph as the Director may determine.

21 (3) PROTECTION FROM REPROGRAMMING.—
22 Notwithstanding any other provision of law, none of
23 the funds deposited into or made available from the
24 Contingency Fund may be transferred, repro-

1 grammed, or otherwise made available for any pur-
2 pose or use not specified in this subsection.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the Director from time to time such
6 amounts as may be necessary for the Domestic
7 Emergency Refugee Resettlement Contingency Fund
8 to carry out the purposes of this section, except that
9 no amount of funds may be appropriated which,
10 when added to amounts previously appropriated but
11 not yet obligated, would cause such amounts to ex-
12 ceed \$200,000,000.

13 (2) AVAILABILITY OF FUNDS.—Amounts appro-
14 priated pursuant to this section hereunder shall re-
15 main available until expended.

16 (3) JUSTIFICATION TO CONGRESS.—Whenever
17 the President requests appropriations pursuant to
18 this authorization, the President shall justify such
19 requests to the appropriate committees of Congress.

20 **SEC. 307. REFUGEE RESETTLEMENT; RADIUS REQUIRE-**
21 **MENTS.**

22 The Bureau of Population, Refugees, and Migration
23 shall not require a refugee to be resettled within a pre-
24 scribed radius of a refugee resettlement office.

1 **SEC. 308. ADMISSION OF REFUGEES AND ASYLEES AS**
2 **LEGAL PERMANENT RESIDENTS.**

3 (a) ADMISSION OF EMERGENCY SITUATION REFU-
4 GEES.—Section 207(c) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1157(c)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “Attorney General” the
8 first time it appears and inserting “Secretary of
9 Homeland Security”;

10 (B) by striking “Attorney General” each
11 additional place it appears and inserting “Sec-
12 retary”; and

13 (C) by striking “(except as otherwise pro-
14 vided under paragraph (3)) as an immigrant
15 under this Act.” and inserting “(except as pro-
16 vided under subsection (b) and (c) of section
17 209) as an immigrant under this Act. Notwith-
18 standing any numerical limitations specified in
19 this Act, any alien admitted under this para-
20 graph shall be regarded as lawfully admitted to
21 the United States for permanent residence as of
22 the date of such alien’s admission to the United
23 States.”;

24 (2) in paragraph (2)(A)—

25 (A) by striking “(except as otherwise pro-
26 vided under paragraph (3))” and inserting

1 “(except as provided under subsection (b) and
2 (c) of section 209)”; and

3 (B) by striking the last sentence and in-
4 serting the following: “An alien admitted to the
5 United States as a refugee may petition for his
6 or her spouse or child to follow to join him or
7 her in the United States at any time after such
8 alien’s admission, notwithstanding his or her
9 treatment as a lawful permanent resident as of
10 the date of his or her admission to the United
11 States.”;

12 (3) by striking paragraph (3);

13 (4) by redesignating paragraph (4) as para-
14 graph (3); and

15 (5) in paragraph (3), as redesignated—

16 (A) by striking “Attorney General” the
17 first time it appears and inserting “Secretary of
18 Homeland Security”; and

19 (B) by striking “Attorney General” each
20 additional place it appears and inserting “Sec-
21 retary”.

22 (b) TREATMENT OF SPOUSE AND CHILDREN.—Sec-
23 tion 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is
24 amended—

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (E); and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) PETITION.—An alien granted asylum
6 under this subsection may petition for the same
7 status to be conferred on his or her spouse or
8 child at any time after such alien is granted
9 asylum whether or not such alien has applied
10 for, or been granted, adjustment to permanent
11 resident status under section 209.

12 “(C) PERMANENT RESIDENT STATUS.—
13 Notwithstanding any numerical limitations
14 specified in this Act, a spouse or child admitted
15 to the United States as an asylee following to
16 join a spouse or parent previously granted asy-
17 lum shall be regarded as lawfully admitted to
18 the United States for permanent residence as of
19 the date of such spouse’s or child’s admission to
20 the United States.

21 “(D) APPLICATION FOR ADJUSTMENT OF
22 STATUS.—A spouse or child who was not admit-
23 ted to the United States pursuant to a grant of
24 asylum, but who was granted asylum under this
25 subparagraph after his or her arrival as the

1 spouse or child of an alien granted asylum
2 under section 208, may apply for adjustment of
3 status to that of lawful permanent resident
4 under section 209 at any time after being
5 granted asylum.”.

6 (c) REFUGEES.—Section 209 of such Act (8 U.S.C.
7 1159) is amended to read as follows:

8 **“SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFU-**
9 **GEES AND OF ALIENS GRANTED ASYLUM.**

10 **“(a) IN GENERAL.—**

11 **“(1) TREATMENT OF REFUGEES.—**Notwith-
12 standing any numerical limitations specified in this
13 Act, any alien who has been admitted to the United
14 States under section 207 shall be regarded as law-
15 fully admitted to the United States for permanent
16 residence as of the date of such admission.

17 **“(2) TREATMENT OF SPOUSE AND CHIL-**
18 **DREN.—**Notwithstanding any numerical limitations
19 specified in this Act, any alien admitted to the
20 United States under section 208(b)(3) as the spouse
21 or child of an alien granted asylum under section
22 208(b)(1) shall be regarded as lawfully admitted to
23 the United States for permanent residence as of the
24 date of such admission.

1 “(3) ADJUSTMENT OF STATUS.—The Secretary
2 of Homeland Security or the Attorney General, in
3 the discretion of the Secretary or the Attorney Gen-
4 eral, and under such regulations as the Secretary or
5 the Attorney General may prescribe, may adjust, to
6 the status of an alien lawfully admitted to the
7 United States for permanent residence, the status of
8 any alien who, while in the United States—

9 “(A) is granted—

10 “(i) asylum under section 208(b) (as
11 a principal alien or as the spouse or child
12 of an alien granted asylum); or

13 “(ii) refugee status under section 207
14 as the spouse or child of a refugee;

15 “(B) applies for such adjustment of status
16 at any time after being granted asylum or ref-
17 ugee status;

18 “(C) is not firmly resettled in any foreign
19 country; and

20 “(D) is admissible (except as otherwise
21 provided under subsections (b) and (c)) as an
22 immigrant under this Act at the time of exam-
23 ination for adjustment of such alien.

24 “(4) RECORD.—Upon approval of an applica-
25 tion under this subsection, the Secretary of Home-

1 land Security or the Attorney General shall establish
2 a record of the alien's admission for lawful perma-
3 nent residence as of the date such alien was granted
4 asylum or refugee status.

5 “(5) DOCUMENT ISSUANCE.—An alien who has
6 been admitted to the United States under section
7 207 or 208 or who adjusts to the status of a lawful
8 permanent resident as a refugee or asylee under this
9 section shall be issued documentation indicating that
10 such alien is a lawful permanent resident pursuant
11 to a grant of refugee or asylum status.

12 “(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY
13 GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM,
14 AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
15 LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5),
16 and (7)(A) of section 212(a) shall not apply to—

17 “(1) any refugee under section 207;

18 “(2) any alien granted asylum under section
19 208; or

20 “(3) any alien seeking admission as a lawful
21 permanent resident pursuant to a grant of refugee
22 or asylum status.

23 “(c) WAIVER OF INADMISSIBILITY OR DEPORT-
24 ABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND

1 SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
2 LAWFUL PERMANENT RESIDENT.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), the Secretary of Homeland Security or
5 the Attorney General may waive any ground of inad-
6 missibility under section 212 or any ground of de-
7 portability under section 237 for a refugee admitted
8 under section 207, an alien granted asylum under
9 section 208, or an alien seeking admission as a law-
10 ful permanent resident pursuant to a grant of ref-
11 ugee or asylum status if the Secretary or the Attor-
12 ney General determines that such waiver is justified
13 by humanitarian purposes, to ensure family unity, or
14 is otherwise in the public interest.

15 “(2) INELIGIBILITY.—A refugee under section
16 207, an alien granted asylum under section 208, or
17 an alien seeking admission as a lawful permanent
18 resident pursuant to a grant of refugee or asylum
19 status shall be ineligible for a waiver under para-
20 graph (1) if it has been established that the alien
21 is—

22 “(A) inadmissible under section
23 212(a)(2)(C) or subparagraph (A), (B), (C), or
24 (E) of section 212(a)(3);

1 “(B) deportable under section
2 237(a)(2)(A)(iii) for an offense described in
3 section 101(a)(43)(B); or

4 “(C) deportable under subparagraph (A),
5 (B), (C), or (D) of section 237(a)(4).”.

6 (d) TECHNICAL AMENDMENTS.—

7 (1) ALIENS NOT SUBJECT TO DIRECT NUMER-
8 ICAL LIMITATIONS.—Section 201(b)(1)(B) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1151(b)(1)(B)) is amended to read as follows:

11 “(B) Aliens who are admitted to the
12 United States as permanent residents under
13 section 207 or 208 or whose status is adjusted
14 under section 209.”.

15 (2) TRAINING.—Section 207(f)(1) of such Act
16 (8 U.S.C. 1157(f)(1)) is amended by striking “At-
17 torney General” and inserting “Secretary of Home-
18 land Security”.

19 (3) TABLE OF CONTENTS.—The table of con-
20 tents for such Act is amended by striking the item
21 relating to section 209 and inserting the following:

 “Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asy-
 lum.”.

22 (e) SAVINGS PROVISIONS.—

23 (1) IN GENERAL.—Nothing in the amendments
24 made by this section may be construed to limit ac-

1 cess to the benefits described at chapter 2 of title IV
2 of the Immigration and Nationality Act (8 U.S.C.
3 1521 et seq.).

4 (2) CLARIFICATION.—Aliens admitted for law-
5 ful permanent residence under section 207 or 208 of
6 the Immigration and Nationality Act (8 U.S.C. 1157
7 and 1158) or who adjust status to lawful permanent
8 resident under section 209 of such Act (8 U.S.C.
9 1159) shall be considered to be refugees and aliens
10 granted asylum in accordance with sections 402,
11 403, 412, and 431 of the Personal Responsibility
12 and Work Opportunity Reconciliation Act of 1996 (8
13 U.S.C. 1612, 1613, 1622, and 1641).

14 (f) EFFECTIVE DATE.—This section, and the amend-
15 ments made by this section, shall become effective on the
16 earlier of—

17 (1) the date that is 180 days after the date of
18 the enactment of this Act; or

19 (2) the date on which a final rule is promul-
20 gated to implement this section.

1 **TITLE IV—SPECIAL IMMIGRANT**
2 **VISA PROGRAMS**

3 **SEC. 401. IMPROVEMENT OF THE DIRECT ACCESS PRO-**
4 **GRAM FOR UNITED STATES-AFFILIATED**
5 **IRAQIS.**

6 (a) IN GENERAL.—The Refugee Crisis in Iraq Act
7 of 2007 (8 U.S.C. 1157 note) is amended in section 1243
8 by adding at the end the following:

9 “(g) IMPROVED APPLICATION PROCESS.—

10 “(1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of State and the Secretary of Homeland Secu-
13 rity shall improve the efficiency by which applica-
14 tions for refugee status under section 1243 are proc-
15 essed so that all steps under the control of the
16 United States Government incidental to the approval
17 of such applications, including required screenings
18 and background checks, should be completed not
19 later than 24 months after the date on which an eli-
20 gible applicant submits an application to the Direct
21 Access Program described in section 1243(a).

22 “(2) CONSTRUCTION.—Nothing in this section
23 shall be construed to limit the ability of a Secretary
24 referred to in paragraph (1) to take longer than 5
25 years to complete those steps incidental to the ap-

1 proval of such applications for refugee status, unless
2 in cases for which satisfaction of national security
3 concerns requires additional time, provided that the
4 Secretary or his or her designee has determined that
5 a particular case is a case under this subsection and
6 has notified the applicant of the designation.

7 “(3) PROHIBITION ON DENIALS DUE TO PROC-
8 ESSING DELAYS.—No application for refugee status
9 under section 1243 shall be denied in whole or in
10 part on the basis that processing could not be com-
11 pleted within 24 months.

12 “(4) REPORTING REQUIREMENTS.—

13 “(A) IN GENERAL.—Not later than 180
14 days after the date of enactment of this Act,
15 and every 90 days thereafter, the Secretary of
16 State and the Secretary of Homeland Security
17 shall submit a report, with a classified annex,
18 if necessary, to—

19 “(i) the Committee on the Judiciary,
20 the Committee on Foreign Relations, and
21 the Committee on Armed Services of the
22 Senate; and

23 “(ii) the Committee on the Judiciary,
24 the Committee on Foreign Affairs, and the

1 Committee on Armed Services of the
2 House of Representatives.

3 “(B) PUBLIC REPORTS.—The report sub-
4 mitted under paragraph (4) shall publish the
5 report on the website of the Department of
6 State.

7 “(C) CONTENTS.—The report submitted
8 under paragraph (1) shall describe the imple-
9 mentation of improvements to the processing of
10 applications for refugee status under section
11 1243(g), including information relating to—

12 “(i) enhancing existing systems for
13 conducting background and security checks
14 of persons applying for refugee status
15 under section 1243, which shall—

16 “(I) support immigration secu-
17 rity; and

18 “(II) provide for the orderly
19 processing of such applications with-
20 out significant delay;

21 “(ii) the number of aliens who have
22 applied for refugee status under section
23 1243 during each month of the preceding
24 fiscal year;

1 “(iii) the reasons for the failure to
2 process any applications that have been
3 pending for longer than 5 years;

4 “(iv) the total number of applications
5 that are pending at the end of the report-
6 ing period;

7 “(v) the average wait times for all ap-
8 plicants who are currently pending—

9 “(I) employment verification;

10 “(II) a prescreening interview
11 with a resettlement support center;

12 “(III) a U.S. Citizenship and Im-
13 migration Services interview; and

14 “(IV) completion of security
15 checks;

16 “(vi) the number of denials or rejec-
17 tions of applicants for refugee status,
18 disaggregated by the reason for denial; and

19 “(vii) the reasons for denials by U.S.
20 Citizenship and Immigration Services
21 based on the categories already made avail-
22 able to denied applicants for refugee status
23 in the notification of ineligibility issued to
24 them by U.S. Citizenship and Immigration
25 Services.”.

1 (b) NUMERICAL LIMITATIONS NOT APPLICABLE.—
2 Refugee admissions pursuant to section 1243 of the Ref-
3 ugee Crisis in Iraq Act shall not count against the number
4 set in section 207 of the Immigration and Nationality Act
5 (8 U.S.C. 1157).

6 **SEC. 402. CONVERSION OF CERTAIN PETITIONS.**

7 Section 2 of Public Law 110–242 (8 U.S.C. 1101
8 note) is amended by striking subsection (b) and inserting
9 the following:

10 “(b) DURATION.—The authority under subsection (a)
11 shall expire on the date on which the numerical limitation
12 specified under section 1244 of the National Defense Au-
13 thorization Act for Fiscal Year 2008 (Public Law 110–
14 181; 8 U.S.C. 1157 note) is reached.”.

15 **SEC. 403. SPECIAL IMMIGRANT VISA PROGRAM REPORTING**
16 **REQUIREMENT.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Inspector General of
19 the Department of State, in consultation with the Inspec-
20 tor General of the Department of Defense, shall submit
21 a report, with a classified annex if necessary, to—

22 (1) the Committee on the Judiciary, the Com-
23 mittee on Foreign Relations, and the Committee on
24 Armed Services of the Senate; and

1 (2) the Committee on the Judiciary, the Com-
2 mittee on Foreign Affairs, and the Committee on
3 Armed Services of the House of Representatives.

4 (b) PUBLICATION.—The Department of State shall
5 publish the report on the website of the Department of
6 State.

7 (c) CONTENTS.—The report submitted under sub-
8 section (a) shall evaluate the obstacles to effective protec-
9 tion of Afghan and Iraqi allies through the special immi-
10 grant visa program between 2009 and the present, meas-
11 ures to improve efficient processing in the special immi-
12 grant visa programs, and suggestions for improvements in
13 future programs, including information relating to—

14 (1) the hiring of locally employed staff and con-
15 tractors;

16 (2) documenting the identity and employment
17 of locally employed staff and contractors of the
18 United States Government, including the possibility
19 of establishing a central database of employees of
20 the United States Government and its contractors;

21 (3) the protection in and safety of employees of
22 locally employed staff and contractors;

23 (4) means of expediting processing at all stages
24 of the process for applicants, including consideration
25 of reducing required forms;

1 (5) appropriate staffing levels for expedited
2 processing domestically and abroad;

3 (6) the effect of uncertainty of visa availability
4 on visa processing;

5 (7) the cost and availability of medical examina-
6 tions; and

7 (8) means to reduce delays in interagency proc-
8 essing and security checks.

9 (d) CONSULTATION.—In preparing the report under
10 subsection (a), the Inspector General shall consult with—

11 (1) the Department of State, Bureau of Con-
12 sular Affairs, Visa Office;

13 (2) the Department of State, Bureau of Near
14 Eastern Affairs and South and Central Asian Af-
15 fairs, Executive Office;

16 (3) the United States Embassy in Kabul, Af-
17 ghanistan, Consular Section;

18 (4) the United States Embassy in Baghdad,
19 Iraq, Consular Section;

20 (5) the Department of Homeland Security,
21 United States Citizenship and Immigration Services;

22 (6) the Department of Defense; and

23 (7) nongovernmental organizations providing
24 legal aid in the special immigrant visa application
25 process.

1 Wherever possible, the Inspector General shall consult
2 with both current and former employees of these offices.

3 **SEC. 404. IMPROVING APPLICATION PROCESS FOR AFGHAN**
4 **SPECIAL IMMIGRANT VISAS.**

5 Section 602(b) of the Afghan Allies Protection Act
6 of 2009 (8 U.S.C. 1101 note) is amended—

7 (1) in paragraph (2)(A)(ii)—

8 (A) in the matter preceding subclause (I),
9 by inserting “for the first time” after “Sep-
10 tember 30, 2015,”; and

11 (B) in subclause (I)—

12 (i) in item (aa), by inserting “for the
13 first time” after “subparagraph (D)”; and

14 (ii) in item (bb), by inserting “for the
15 first time” after “subparagraph (D)”; and

16 (2) in paragraph (4)(A), by inserting “, includ-
17 ing Chief of Mission approval,” after “so that all
18 steps”.

19 **SEC. 405. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
20 **VIVING SPOUSES AND CHILDREN.**

21 (a) IN GENERAL.—Section 101(a)(27) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1101(a)(27)) is
23 amended in subparagraph (D)—

24 (1) by inserting “(i)” before “an immigrant
25 who is an employee”; and

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

2 “(ii) an immigrant who is the surviving
3 spouse or child of an employee of the United
4 States Government abroad, provided that the
5 employee had performed faithful service for a
6 total of fifteen years, or more, or was killed in
7 the line of duty;”.

8 (b) AFGHAN ALLIES PROTECTION ACT.—Section
9 602(b)(2) of the Afghan Allies Protection Act of 2009 is
10 amended in subparagraph (C)—

11 (1) by redesignating clauses (i) and (ii) as
12 clauses (ii) and (iii), respectively;

13 (2) in the matter preceding clause (ii), as so re-
14 designated, by inserting “(i)” before “An alien is de-
15 scribed”;

16 (3) in clause (ii), as so redesignated, by striking
17 “who had a petition for classification approved” and
18 inserting “who had submitted an application for
19 Chief of Mission approval”; and

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

21 “An application by a surviving spouse or
22 child of a principal alien shall be subject to em-
23 ployment requirements in subparagraph (A) as
24 of the date of the principal alien’s filing of an
25 application for the first time, or if no applica-

1 tion has been filed, the employment require-
2 ments as of the date of the principal alien’s
3 death.”.

4 (c) REFUGEE CRISIS IN IRAQ ACT.—Section 1244(b)
5 of the Refugee Crisis in Iraq Act is amended in paragraph
6 (3)—

7 (1) by inserting “(A)” before “An alien is de-
8 scribed”;

9 (2) in subparagraph (A), as so renumbered, by
10 striking “who had a petition for classification ap-
11 proved” and inserting “who had submitted an appli-
12 cation for Chief of Mission approval”;

13 (3) by renumbering previous subparagraphs (A)
14 and (B) as clauses (i) and (ii), respectively;

15 (4) by renumbering previous paragraphs clauses
16 (i) and (ii) as subclauses (I) and (II), respectively;
17 and

18 (5) by inserting after subparagraph subclause
19 (II), as renumbered, the following:

20 “(C) An application by a surviving spouse
21 or child of a principal alien shall be subject to
22 employment requirements in subparagraph (A)
23 as of the date of the principal alien’s filing of
24 an application for the first time, or if no appli-
25 cation has been filed, the employment require-

1 ments as of the date of the principal alien’s
2 death.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this subsection shall be effective on June 30, 2019, and
5 shall have retroactive effect.

6 **SEC. 406. INCLUDING CERTAIN SPECIAL IMMIGRANTS IN**
7 **THE ANNUAL REFUGEE SURVEY.**

8 Section 413(b)(1) of the Immigration and Nationality
9 Act is amended by inserting before “who have entered the
10 United States,” the following: “and individuals who have
11 opted to receive refugee benefits and who were admitted
12 pursuant to section 1059 of the National Defense Author-
13 ization Act for Fiscal Year 2006 (Public Law 109–163;
14 8 U.S.C. 1101 note), section 1244 of the Refugee Crisis
15 in Iraq Act of 2007 (8 U.S.C. 1157 note), and section
16 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C.
17 1101 note),”.

18 **TITLE V—GENERAL PROVISIONS**

19 **SEC. 501. REPORTING REQUIREMENT.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Secretary of State, in consultation
22 with the Secretary, shall submit a report describing the
23 plans of the Secretary of State to assist in developing the
24 refugee and asylum processing capabilities described in
25 this title to—

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

3 (2) the Committee on Foreign Affairs of the
4 Senate;

5 (3) the Committee on Appropriations of the
6 Senate;

7 (4) the Committee on the Judiciary of the
8 House of Representatives;

9 (5) the Committee on Foreign Affairs of the
10 House of Representatives; and

11 (6) the Committee on Appropriations of the
12 House of Representatives.

13 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as may be necessary to carry out this Act, and the amend-
16 ments made by this Act, including in addition to annual
17 funds derived from fee accounts, there are authorized to
18 be appropriated such sums as may be necessary to the
19 Refugee, Asylum, and International Operations Direc-
20 torate for the Asylum Office of the Department to carry
21 out a reduction of the asylum backlog.