

117TH CONGRESS
1ST SESSION

H. R. 4435

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Ms. ESCOBAR (for herself, Ms. JACKSON LEE, and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fight Notario Fraud
5 Act of 2021”.

6 **SEC. 2. FRAUD PROHIBITED.**

7 (a) IN GENERAL.—Chapter 47 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

1 **“§ 1041. Schemes to defraud persons in any matter**
2 **arising under immigration laws**

3 “(a) FRAUD.—Any person who knowingly executes a
4 scheme or artifice, in connection with any matter author-
5 ized by or arising under the immigration laws, or any mat-
6 ter that such person claims or represents is authorized by
7 or arises under the immigration laws to—

8 “(1) defraud any other person; or

9 “(2) obtain or receive money or anything else of
10 value from any other person by means of false or
11 fraudulent pretenses, representations, or promises,
12 shall be fined under this title, imprisoned not more than
13 1 year, or both.

14 “(b) MISREPRESENTATION.—Any person who know-
15 ingly makes a false representation that such person is an
16 attorney or an accredited representative (as such term is
17 defined under section 1292.1(a)(4) of title 8, Code of Fed-
18 eral Regulations (or any successor regulation)) in any
19 matter arising under the immigration laws shall be fined
20 under this title, imprisoned not more than 1 year, or both.

21 “(c) THREATS AND RETALIATION.—Any person who
22 violates subsection (a) and knowingly—

23 “(1) threatens to report another person to Fed-
24 eral authorities or State law enforcement authorities
25 working in conjunction with or pursuant to Federal
26 authority;

1 “(2) acts to adversely affect another person’s
2 immigration status, perceived immigration status, or
3 attempts to secure immigration status that—

4 “(A) impacts or results in the removal of
5 the person from the United States;

6 “(B) leads to the loss of immigration sta-
7 tus; or

8 “(C) causes the person seeking to apply for
9 an immigration benefit to lose an opportunity
10 to apply for such an immigration benefit that
11 would have provided immigration status and for
12 which a person was prima facie eligible; or

13 “(3) demands or retains money or anything else
14 of value for services fraudulently performed or not
15 performed or withholds or threatens to withhold
16 services promised to be performed,
17 shall be fined under this title, imprisoned not more than
18 1 year, or both.

19 “(d) GRAVITY OF OFFENSE.—

20 “(1) CUMULATIVE LOSS.—Any person who vio-
21 lates subsection (a), (b), or (c) such that the cumu-
22 lative loss to all victims exceeds \$10,000 may be im-
23 prisoned not more than 3 years, fined under this
24 title, or both.

1 “(2) RETALIATION.—Any person who violates
2 subsection (a) or (b) and causes the harm described
3 in subsection (c)(2) may be imprisoned not more
4 than 3 years, fined under this title, or both.

5 “(e) INFORMATION SHARING AND ENFORCEMENT.—

6 “(1) IN GENERAL.—The Attorney General
7 shall—

8 “(A) establish procedures to receive com-
9 plaints of fraudulent immigration schemes from
10 the public that are consistent with the proce-
11 dures for receiving complaints of unfair immi-
12 gration-related employment practices in place
13 on the date of the enactment of the Fight
14 Notario Fraud Act of 2021;

15 “(B) report, on an annual basis, to the
16 Senate Committee on the Judiciary and House
17 Committee on the Judiciary the number of com-
18 pleted prosecutions undertaken pursuant to
19 subsections (a), (b), and (c), including a de-
20 scription of the case and outcome, relevant de-
21 mographic and linguistic information, and any
22 immigration consequences suffered by the vic-
23 tims involved; and

24 “(C) maintain and publish on the internet,
25 information in commonly spoken languages

1 other than English, including Spanish, Man-
2 darin, Korean, and Tagalog, on how to identify,
3 prevent, and report instances of fraud described
4 in subsections (a), (b), and (c).

5 “(2) SPECIAL UNITED STATES ATTORNEYS.—

6 “(A) IN GENERAL.—The Attorney General
7 shall establish no fewer than 15 Special United
8 States Attorney positions in districts the Attor-
9 ney General determines to be most affected by
10 the fraud described in subsections (a), (b), and
11 (c), to investigate and prosecute allegations of
12 fraud described in subsections (a), (b), and (c)
13 and should resources permit any other con-
14 sumer protection laws under this chapter.

15 “(B) LINGUISTIC COMPETENCE.—With re-
16 spect to the Special United States Attorney po-
17 sitions under subparagraph (A), the Attorney
18 General shall consider the linguistic competency
19 of a prosecutor appointed to serve in such a po-
20 sition to ensure that the prosecutor may effec-
21 tively prosecute cases involving non-English
22 speaking victims and witnesses.

23 “(3) RESTITUTION.—There shall be deposited
24 in the Crime Victims Fund established under section
25 1402 of the Victims of Crime Act of 1984 (34

1 U.S.C. 20101) any restitution ordered for an offense
2 under this section if the victim of such offense can-
3 not reasonably be located.

4 “(f) SEVERABILITY.—If any provision of this section,
5 or the application of such a provision to any person or
6 circumstance, is held to be unconstitutional, the remainder
7 of this section and the application of the remaining provi-
8 sions of this section to any person or circumstance shall
9 not be affected thereby.

10 “(g) IMMIGRATION LAWS.—In this section, the term
11 ‘immigration laws’ has the meaning given that term in sec-
12 tion 101(a)(17) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(17)).”.

14 (b) INJUNCTION AGAINST FRAUD.—Section 1345 of
15 title 18, United States Code, is amended by adding at the
16 end the following new subsection:

17 “(c) If a person is violating or about to violate this
18 chapter or chapter 47 of this title, the Attorney General
19 may commence a civil action in any Federal court to en-
20 join such violation.”.

21 (c) CLERICAL AMENDMENT.—The table of sections
22 for chapter 47 of title 18, United States Code, is amended
23 by adding at the end the following:

“1041. Schemes to defraud persons in any matter arising under immigration
laws.”.

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