

118TH CONGRESS
1ST SESSION

H. R. 4546

To amend the Immigration and Nationality Act to expand the requirements for the collection of biometric data, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. GOODEN of Texas (for himself, Mr. ELLZEY, Mr. DONALDS, Mr. BABIN, and Mrs. MILLER of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to expand the requirements for the collection of biometric data, 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 “Biometric Verification
5 for Entry and Reconfirming Identity with Forensics Act
6 of 2023” or the “B-VERIFY Act of 2023”.

1 **SEC. 2. COLLECTION OF BIOMETRIC INFORMATION FOR IM-**
2 **MIGRATION BENEFITS.**

3 (a) IN GENERAL.—Title I of the Immigration and
4 Nationality Act (8 U.S.C. 1101 et seq.) is amended by
5 inserting after section 106 the following:

6 **“SEC. 107. COLLECTION OF BIOMETRIC INFORMATION.**

7 “(a) REQUIREMENT FOR IMMIGRATION BENEFITS.—
8 Each individual, whether an alien (including a VAWA self-
9 petitioner and an alien admitted or seeking admission
10 under section 101(a)(15)(T)) or a national of the United
11 States, who files or is the proposed beneficiary of an appli-
12 cation or petition for an immigration benefit, shall provide
13 biometric information to the Secretary of Homeland Secu-
14 rity or Secretary of State, at a time and in a manner pre-
15 scribed by the applicable Secretary.

16 “(b) COLLECTION FROM ALIENS APPREHENDED BY
17 CBP, ICE, OR USCIS.—

18 “(1) IN GENERAL.—The Secretary of Homeland
19 Security shall collect biometric information from
20 each alien, including children, encountered by U.S.
21 Customs and Border Protection, Immigration and
22 Customs Enforcement, or U.S. Citizenship and Im-
23 migration Services.

24 “(2) DNA TEST RESULTS.—In carrying out the
25 collection of biometric information under paragraph
26 (1), the Secretary shall collect DNA test results,

1 which include a partial DNA profile, for the purpose
2 of determining the existence of a claimed genetic re-
3 lationship. The Secretary shall use and store such
4 DNA test results for an associated adjudication or
5 to perform any other functions necessary for admin-
6 istering and enforcing the immigration laws.

7 “(c) AUTHORIZED USES OF BIOMETRIC INFORMA-
8 TION.—The Secretary shall use biometric information col-
9 lected under this section—

10 “(1) to perform criminal history and national
11 security background checks;

12 “(2) for identity enrollment, verification, and
13 management in the immigration lifecycle;

14 “(3) for secure document production associated
15 with certain immigration and naturalization benefits
16 or actions; and

17 “(4) to administer and enforce the immigration
18 laws.

19 “(d) LIMITATION ON ISSUANCE OF BENEFITS.—The
20 Secretary may not provide an immigration benefit, and the
21 Secretary of State may not issue a visa, to an alien prior
22 to the collection of biometric information under subsection
23 (a).”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of the Immigration and Nationality Act is amended by in-
3 serting after the item related to section 106 the following:

“107. Collection of biometric information.”.

4 **SEC. 3. BIOMETRIC DEFINED.**

5 Section 101(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)) is amended by adding at the end
7 the following:

8 “(53) The term ‘biometric’ means a measurable
9 biological (anatomical and physiological) or behav-
10 ioral characteristic used for identification of an indi-
11 vidual, and includes—

12 “(A) a fingerprint;

13 “(B) a palm print;

14 “(C) a photograph (including a facial
15 image specifically for facial recognition, as well
16 as a photograph of a physical or anatomical
17 feature such as a scar, skin mark, or tattoo);

18 “(D) a signature;

19 “(E) a voice print;

20 “(F) an iris image; and

21 “(G) DNA (including DNA test results,
22 which include a partial DNA profile attesting to
23 genetic relationship).”.

1 **SEC. 4. UNACCOMPANIED ALIEN CHILDREN.**

2 Section 235 of the William Wilberforce Trafficking
3 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
4 1232) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (3), by inserting at the
7 end the following:

8 “(C) BACKGROUND CHECKS OF INDIVID-
9 UALS WITH WHOM CHILDREN ARE PLACED.—
10 Before placing a child with an individual, the
11 Secretary of Health and Human Services shall
12 conduct a background check on such individual,
13 which background check shall include each of
14 the following:

15 “(i) A public records check.

16 “(ii) A check using the Dru Sjodin
17 National Sex Offender Public Website.

18 “(iii) A National Criminal History
19 Background Check, which shall be con-
20 ducted by the Federal Bureau of Investiga-
21 tion, based on digital fingerprints or
22 digitized paper prints.

23 “(iv) A Child Abuse and Neglect (CA/
24 N) check.

25 “(v) A State criminal history reposi-
26 tory or local law enforcement check.

1 “(D) INFORMATION ABOUT INDIVIDUALS
2 WITH WHOM CHILDREN ARE PLACED.—

3 “(i) INFORMATION TO BE PROVIDED
4 TO HOMELAND SECURITY.—Before placing
5 a child with an individual, the Secretary of
6 Health and Human Services shall provide
7 to the Secretary of Homeland Security, re-
8 garding the individual with whom the child
9 will be placed, the following information:

10 “(I) The name of the individual.

11 “(II) The social security number
12 of the individual.

13 “(III) The date of birth of the in-
14 dividual.

15 “(IV) The location of the individ-
16 ual’s residence where the child will be
17 placed.

18 “(V) The immigration status of
19 the individual, if known.

20 “(VI) Contact information for
21 the individual.

22 “(ii) SPECIAL RULE.—In the case of a
23 child who was apprehended on or after
24 June 15, 2012, and before the date of the
25 enactment of this subparagraph, who the

1 Secretary of Health and Human Services
2 placed with an individual, the Secretary
3 shall provide the information listed in
4 clause (i) to the Secretary of Homeland
5 Security not later than 90 days after such
6 date of enactment.

7 “(iii) ACTIVITIES OF THE SECRETARY
8 OF HOMELAND SECURITY.—Not later than
9 30 days after receiving the information
10 listed in clause (i), the Secretary of Home-
11 land Security shall—

12 “(I) in the case that the immi-
13 gration status of an individual with
14 whom a child is placed is unknown,
15 investigate the immigration status of
16 that individual; and

17 “(II) upon determining that an
18 individual with whom a child is placed
19 is unlawfully present in the United
20 States, initiate removal proceedings
21 pursuant to chapter 4 of title II of the
22 Immigration and Nationality Act (8
23 U.S.C. 1221 et seq.).”; and

24 (B) in paragraph (5)—

1 (i) by inserting after “to the greatest
2 extent practicable” the following: “(at no
3 expense to the Government)”; and

4 (ii) by striking “have counsel to rep-
5 resent them” and inserting “have access to
6 counsel to represent them”; and

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

8 “(j) SANCTIONS.—In the case of an unaccompanied
9 alien child who arrives at any international border of, port
10 of entry to, or place between any ports of entry to, the
11 United States—

12 “(1) an alien parent or guardian, other than an
13 alien admitted for lawful permanent residence, of
14 such a child shall be—

15 “(A) permanently barred from adjusting
16 status to that of an alien lawfully admitted for
17 permanent residence and becoming a natural-
18 ized citizen of the United States;

19 “(B) deemed to be inadmissible for pur-
20 poses of section 212(a)(4) of the Immigration
21 and Nationality Act (8 U.S.C. 1182); and

22 “(C) deemed to have committed an offense
23 described in paragraph (1)(A) of section 274 of
24 the Immigration and Nationality Act (8 U.S.C.
25 1324); or

1 “(2) an alien parent or guardian, who is an
2 alien admitted for lawful permanent residence, shall
3 be ineligible for any Federal public benefit (as such
4 term is defined in section 401(c) of the Personal Re-
5 sponsibility and Work Opportunity Reconciliation
6 Act of 1996).”.

7 **SEC. 5. COLLABORATION WITH FOREIGN GOVERNMENTS.**

8 The Secretary of Homeland Security shall improve
9 collaboration and coordination with foreign governments
10 and the Biometric Identification Transnational Migration
11 Alert Program (commonly referred to as “BITMAP”) or
12 any successor database, in order to deter and detect immi-
13 gration and asylum fraud.

14 **SEC. 6. NOTIFICATION ABOUT FRAUDULENT POTENTIAL**
15 **SPONSORS OF UNACCOMPANIED ALIEN CHIL-**
16 **DREN.**

17 The Secretary of Health and Human Services shall
18 notify Immigration and Customs Enforcement and any
19 appropriate law enforcement agency, and deny the place-
20 ment of an unaccompanied alien child (as such term is
21 defined in section 462 of the Homeland Security Act of
22 2002 (6 U.S.C. 279)) with a potential sponsor if the po-
23 tential sponsor—

24 (1) claims to have familial relationship to the
25 unaccompanied alien child, but fails a DNA test,

1 and is otherwise unable to prove such relationship
2 beyond a reasonable doubt; or

3 (2) provides a false document to confirm the
4 potential sponsor's identity.

5 **SEC. 7. FEDERAL AGENCIES TO NOTIFY ICE OF UNLAW-**
6 **FULLY PRESENT ALIENS.**

7 If an alien presents a document to an officer or em-
8 ployee of the Federal Government for purposes of identi-
9 fication, which document indicates that the alien is unlaw-
10 fully present in the United States, the officer or employee
11 shall promptly notify Immigration and Customs Enforce-
12 ment. Upon receiving a notification under this section, Im-
13 migration and Customs Enforcement shall promptly place
14 the alien in removal proceedings.

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