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1ST SESSION

S. 2936

To provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2019

Mr. LEAHY (for himself, Ms. HARRIS, Mr. BOOKER, Ms. HIRONO, Mr. MARKEY, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. CARDIN, Mr. WYDEN, Mrs. MURRAY, Mr. SANDERS, Mr. REED, Mr. MERKLEY, Ms. WARREN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, and for other purposes.

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

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

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

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

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

TITLE I—ADMISSION AND PROTECTION OF REFUGEES, ASYLUM
 SEEKERS, AND OTHER VULNERABLE INDIVIDUALS

Subtitle A—Refugees and Asylum Seekers

- Sec. 101. Modification of definition of refugee.
- Sec. 102. Multiple forms of relief available to refugees and asylum seekers.
- Sec. 103. Elimination of time limits on asylum applications.
- Sec. 104. Consideration of asylum claims.
- Sec. 105. Transparency in refugee determinations.
- Sec. 106. Employment authorization for asylum seekers and other individuals.
- Sec. 107. Admission of refugees and asylees as lawful permanent residents.

Subtitle B—Protections for Children and Families

- Sec. 111. Keeping families together.
- Sec. 112. Protections for minors seeking asylum.
- Sec. 113. Fair day in court for kids.

Subtitle C—Protections for Other Vulnerable Individuals

- Sec. 121. Modification of physical presence requirements for aliens admitted in special immigrant status for persons who have served as translators for the Armed Forces.
- Sec. 122. Protection of stateless persons in the United States.
- Sec. 123. Protecting victims of terrorism from being defined as terrorists.
- Sec. 124. Protection for aliens interdicted at sea.
- Sec. 125. Enhanced protection for individuals seeking U visas, T visas, and protection under VAWA.

Subtitle D—Protections Relating to Removal, Detention, and Prosecution

- Sec. 131. Prevention of erroneous in absentia orders of removal.
- Sec. 132. Scope and standard for review of removal orders.
- Sec. 133. Presumption of liberty for asylum seekers.
- Sec. 134. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
- Sec. 135. Inspections by immigration officers.
- Sec. 136. Study on effect on asylum claims of expedited removal provisions, practices, and procedures.
- Sec. 137. Alignment with Refugee Convention obligations by prohibiting criminal prosecution of refugees.

Subtitle E—Refugee Resettlement

- Sec. 141. Prioritization of family reunification in refugee resettlement process.
- Sec. 142. Numerical goals for annual refugee admissions.
- Sec. 143. Reform of refugee admissions consultation process.

- Sec. 144. Designation of certain groups of refugees for resettlement and admission of refugees in emergency situations.
- Sec. 145. Refugee resettlement; radius requirements.
- Sec. 146. Study and report on contributions by refugees to the United States.
- Sec. 147. Update of reception and placement grants.
- Sec. 148. Resettlement data.
- Sec. 149. Refugee assistance.
- Sec. 150. Extension of eligibility period for Social Security benefits for certain refugees.
- Sec. 151. United States Emergency Refugee Resettlement Contingency Fund.

Subtitle F—Miscellaneous Provision

- Sec. 161. Authorization of appropriations.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN WESTERN HEMISPHERE

- Sec. 201. Expansion of refugee and asylum seeker processing.
- Sec. 202. Strengthening regional humanitarian responses.
- Sec. 203. Information campaign on dangers of irregular migration.
- Sec. 204. Reporting requirement.
- Sec. 205. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
- Sec. 206. Central American Refugee Program.
- Sec. 207. Central American Minors Program.
- Sec. 208. Central American Family Reunification Parole Program.
- Sec. 209. Informational campaign; case status hotline.

TITLE III—SPECIAL IMMIGRANT VISA PROGRAMS

- Sec. 301. Improvement of the direct access program for U.S.-affiliated Iraqis.
- Sec. 302. Conversion of certain petitions.
- Sec. 303. Special immigrant visa program reporting requirement.
- Sec. 304. Improvements to application process for Afghan special immigrant visas.
- Sec. 305. Special immigrant status for certain surviving spouses and children.
- Sec. 306. Inclusion of certain special immigrants in the annual refugee survey.
- Sec. 307. United States refugee program priorities.
- Sec. 308. Special immigrant status for certain Syrian who worked for the United States Government in Syria.
- Sec. 309. Special immigrant status reporting requirement.
- Sec. 310. Processing mechanisms.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Authorization of appropriations.
- Sec. 402. Determination of budgetary effects.

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

1 more than 70,800,000 forcibly displaced persons, in-
2 cluding 25,900,000 refugees worldwide, over half of
3 whom are children, according to estimates from the
4 United Nations High Commissioner for Refugees.

5 (2) In 2018, less than 5 percent of global reset-
6 tlement needs were met despite there being
7 1,400,000 refugees in need of third-country resettle-
8 ment.

9 (3) The United States refugee admissions pro-
10 gram is a life-saving solution that—

11 (A) is critical to global humanitarian ef-
12 forts;

13 (B) strengthens global security;

14 (C) leverages United States foreign policy
15 interests, including diplomatic and strategic in-
16 terests of supporting allies who often host a sig-
17 nificant and disproportionate share of refugees
18 per capita;

19 (D) stabilizes sensitive regions impacted by
20 forced migration by ensuring that the United
21 States shares responsibility for global refugee
22 protection;

23 (E) leverages refugee resettlement in the
24 United States to encourage other countries to

1 uphold the human rights of refugees, including
2 by ensuring that refugees—

3 (i) have the right to work, the right to
4 an education, and freedom of movement;
5 and

6 (ii) are not returned to a place in
7 which their life or freedom is at risk;

8 (F) serves individuals and families in need
9 of resettlement;

10 (G) provides economic and cultural bene-
11 fits to cities, States, and the United States as
12 a whole; and

13 (H) aligns with the international obliga-
14 tions of the United States, including under—

15 (i) the Convention Relating to the
16 Status of Refugees, done at Geneva July
17 28, 1951 (as made applicable by the Pro-
18 tocol Relating to the Status of Refugees,
19 done at New York January 31, 1967 (19
20 UST 6223)), of which the United States is
21 a party;

22 (ii) the Convention against Torture
23 and Other Cruel, Inhuman or Degrading
24 Treatment or Punishment, done at New

1 York December 10, 1984, of which the
2 United States is a party;

3 (iii) the Convention relating to the
4 Status of Stateless Persons, done at New
5 York September 28, 1954; and

6 (iv) the Convention on the Reduction
7 of Statelessness, done at New York August
8 30, 1961.

9 (4) The United States has historically been,
10 and should continue to be, a global leader in—

11 (A) responding to displacement crises
12 around the world, including through the provi-
13 sion of robust humanitarian support;

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

16 (C) welcoming asylum seekers who seek
17 safety and protecting other at-risk migrants, in-
18 cluding survivors of torture, victims of traf-
19 ficking, and stateless people; and

20 (D) working alongside other countries to
21 strengthen protection systems and support.

22 (5) The United States has steadily reduced—

23 (A) access to asylum protection through
24 administrative policy and programmatic
25 changes, including policies and operational deci-

1 sions aimed at reducing or stopping the ability
2 of asylum seekers to access the United States
3 border; and

4 (B) the resettlement of refugees, by way of
5 two consecutive historically low annual refugee
6 admissions goals after nearly 45 years during
7 which the average annual United States refugee
8 admissions goal was over 95,000 individuals.

9 (6) Refugees are—

10 (A) the most vetted travelers to enter the
11 United States; and

12 (B) subject to extensive screening checks,
13 including in-person interviews, biometric data
14 checks, and multiple interagency checks.

15 (7) For the sake of refugees, asylum seekers,
16 other migrants, United States national diplomatic
17 and strategic interests, and local communities that
18 benefit from the presence of refugees, asylees, and
19 other migrants, it is crucial for the United States to
20 better protect refugees and asylum seekers through
21 reforms, including—

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

24 (B) reforms to border migration enforce-
25 ment, management, and adjudication systems

1 that integrate stronger protection of, and en-
2 sure due process for, asylum seekers, children,
3 victims of trafficking, stateless people, and
4 other migrants, 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) an emphasis on fairness in the ar-
10 rest and adjudication process;

11 (iv) increased access to legal informa-
12 tion 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 the historical aver-
17 age annual refugee admissions goal;

18 (ii) prevent refugee policy that dis-
19 criminate based on race or religion;

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

22 (iv) update and strengthen support
23 for refugees and the communities that wel-
24 come refugees.

1 (8) The people of the United States, and com-
2 munities across the United States, overwhelmingly
3 support refugees and asylum seekers, including peo-
4 ple of faith, members of the Armed Forces, veterans,
5 elected officials, and retired high-ranking officials.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ASYLUM SEEKER.—

9 (A) IN GENERAL.—The term “asylum
10 seeker” means—

11 (i) any applicant for asylum under
12 section 208 of the Immigration and Na-
13 tionality Act (8 U.S.C. 1158);

14 (ii) any alien who indicates—

15 (I) an intention to apply for asy-
16 lum under that section; or

17 (II) a fear of persecution; and

18 (iii) any alien who indicates—

19 (I) an intention to apply for with-
20 holding of removal pursuant to—

21 (aa) section 241 of the Im-
22 migration and Nationality Act (8
23 U.S.C. 1231); or

24 (bb) the Convention against
25 Torture and Other Cruel, Inhu-

1 man or Degrading Treatment or
2 Punishment, done at New York
3 December 10, 1984; or

4 (II) a fear that the alien's life or
5 freedom would be threatened.

6 (B) INCLUSION.—The term “asylum seek-
7 er” includes any individual described in sub-
8 paragraph (A) whose application for asylum or
9 withholding of removal is pending judicial re-
10 view.

11 (C) EXCLUSION.—The term “asylum seek-
12 er” does not include an individual with respect
13 to whom a final order denying asylum and with-
14 holding 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 a child's best interests in
20 decision making.

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

23 (4) INTERNALLY DISPLACED PERSONS.—The
24 term “internally displaced persons” means persons
25 or a group of persons who have been forced to leave

1 their homes or places of habitual residence, in par-
2 ticular due to armed conflict, generalized violence,
3 violations of human rights, or natural or human-
4 made disasters, and who have not crossed an inter-
5 nationally recognized state border.

6 (5) INTERNATIONAL PROTECTION.—The term
7 “international protection” means asylum status, ref-
8 ugee status, protection under the Convention against
9 Torture and Other Cruel, Inhuman or Degrading
10 Treatment or Punishment, done at New York De-
11 cember 10, 1984, and other regional protection sta-
12 tus available in the Western Hemisphere.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Homeland Security.

15 **TITLE I—ADMISSION AND PRO-**
16 **TECTION OF REFUGEES, ASY-**
17 **LUM SEEKERS, AND OTHER**
18 **VULNERABLE INDIVIDUALS**

19 **Subtitle A—Refugees and Asylum**
20 **Seekers**

21 **SEC. 101. MODIFICATION OF DEFINITION OF REFUGEE.**

22 (a) IN GENERAL.—Section 101(a)(42) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1101(a)(42)) is
24 amended to read as follows:

1 “(42)(A) The term ‘refugee’ means any person
2 who—

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

7 “(II) is unable or unwilling to return to,
8 and is unable or unwilling to avail himself or
9 herself of the protection of, that country be-
10 cause of persecution, or a well-founded fear of
11 persecution, on account of race, religion, nation-
12 ality, membership in a particular social group,
13 or political opinion; or

14 “(ii) in such circumstances as the Presi-
15 dent may specify, after appropriate consultation
16 (as defined in section 207(e))—

17 “(I) is within the country of such per-
18 son’s nationality or, in the case of a person
19 having no nationality, within the country
20 in which such person is habitually residing;
21 and

22 “(II) is persecuted, or who has a well-
23 founded fear of persecution, on account of
24 race, religion, nationality, membership in a
25 particular social group, or political opinion.

1 “(B) The term ‘refugee’ does not include any
2 person who ordered, incited, assisted, or otherwise
3 participated in the persecution of any person on ac-
4 count of race, religion, nationality, membership in a
5 particular social group, or political opinion. A person
6 who establishes that his or her actions were com-
7 mitted under duress or while the person was younger
8 than 18 years of age shall not be considered to have
9 ordered, incited, assisted, or otherwise participated
10 in persecution under this subparagraph.

11 “(C) For purposes of determinations under this
12 Act—

13 “(i) a person who has been forced to abort
14 a pregnancy or to undergo involuntary steriliza-
15 tion, or who has been persecuted for failure or
16 refusal to undergo such a procedure or for
17 other resistance to a coercive population control
18 program, shall be deemed to have been per-
19 secuted on account of political opinion;

20 “(ii) a person who has a well-founded fear
21 that he or she will be forced to undergo such
22 a procedure or be subject to persecution for
23 such failure, refusal, or resistance shall be
24 deemed to have a well-founded fear of persecu-
25 tion on account of political opinion; and

1 “(iii) the term ‘particular social group’
2 means, without any additional requirement not
3 listed below, any group whose members—

4 “(I) share—

5 “(aa) a characteristic that is im-
6 mutable or fundamental to identity,
7 conscience, or the exercise of human
8 rights; or

9 “(bb) a past experience or vol-
10 untary association that, due to its his-
11 torical nature, cannot be changed; or

12 “(II) are perceived as a group by soci-
13 ety.

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

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

18 “(I) shall be on account of race, religion,
19 nationality, membership in a particular social
20 group, or political opinion; and

21 “(II) may be established by demonstrating
22 that—

23 “(aa) a protected ground is at least
24 one reason for the applicant’s persecution
25 or fear of persecution;

1 tionality Act (8 U.S.C. 1154(a)(1)(I)) is amended by add-
2 ing at the end the following:

3 “(iii)(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 an alien
11 lawfully admitted for permanent residence.

12 “(II) A petition under subclause (I) shall—

13 “(aa) be filed not later than 30 days before the
14 end of the fiscal year for which the petitioner re-
15 ceives notice of eligibility for the visa; and

16 “(bb) contain such information and be sup-
17 ported by such documentary evidence as the Sec-
18 retary of State may require.

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

1 adjustment of status of the petitioner may take place after
2 the end of such fiscal year.”.

3 **SEC. 103. ELIMINATION OF TIME LIMITS ON ASYLUM APPLI-**
4 **CATIONS.**

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

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

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

11 (3) by redesignating subparagraph (C) as sub-
12 paragraph (B);

13 (4) in subparagraph (B), as redesignated, by
14 striking “subparagraph (D)” and inserting “sub-
15 paragraphs (C) and (D)”;

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

18 “(C) CHANGED CIRCUMSTANCES.—Not-
19 withstanding subparagraph (B), an application
20 for asylum of an alien may be considered if the
21 alien demonstrates, to the satisfaction of the
22 Attorney General or the Secretary of Homeland
23 Security, the existence of changed cir-
24 cumstances that materially affect the appli-
25 cant’s eligibility for asylum.

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

8 “(i)(I) was denied asylum based solely
9 on a failure to meet the 1-year application
10 filing deadline in effect on the date on
11 which the application was filed;

12 “(II) was granted withholding of re-
13 moval to the alien’s country of nationality
14 (or, in the case of a person having no na-
15 tionality, to the country of last habitual
16 residence) under section 241(b)(3);

17 “(III) has not obtained lawful perma-
18 nent residence in the United States pursu-
19 ant to any other provision of law; and

20 “(IV)(aa) is not subject to the safe
21 third country exception under subpara-
22 graph (A) or to a bar to asylum under sub-
23 section (b)(2); and

24 “(bb) was not denied asylum as a
25 matter of discretion; or

1 “(ii) was denied asylum based solely
2 on the implementation of—

3 “(I) the policy memorandum of
4 the U.S. Citizenship and Immigration
5 Services entitled ‘Guidance for Proc-
6 essing Reasonable Fear, Credible
7 Fear, Asylum, and Refugee Claims in
8 Accordance with Matter of A–B–’
9 (PM–602–0162), dated July 11,
10 2018;

11 “(II) the memorandum of the Of-
12 fice of the Principal Legal Advisor of
13 U.S. Immigration and Customs En-
14 forcement entitled ‘Litigating Domes-
15 tic Violence-Based Persecution Claims
16 Following Matter of A–B–’, dated
17 July 11, 2018;

18 “(III) the interim final rule of
19 the Department of Homeland Security
20 and the Department of Justice enti-
21 tled ‘Aliens Subject to a Bar on Entry
22 Under Certain Presidential Proclama-
23 tions; Procedures for Protection
24 Claims’ (83 Fed. Reg. 55934 (Novem-
25 ber 9, 2019));

1 “(IV) Presidential Proclamation
2 9822, issued on November 9, 2018
3 (83 Fed. Reg. 57661);

4 “(V) the migrant protection pro-
5 tocols announced by the Secretary of
6 Homeland Security on December 20,
7 2018 (or any successor protocols);

8 “(VI) the policy memorandum of
9 the U.S. Citizenship and Immigration
10 Services entitled ‘Guidance for Imple-
11 menting Section 235(b)(2)(C) of the
12 Immigration and Nationality Act and
13 the Migrant Protection Protocols’
14 (PM–602–0169), dated January 28,
15 2019; or

16 “(VII) any other policy memo-
17 randum of the Department of Home-
18 land Security to implement the proto-
19 cols described in subclause (V).”.

20 **SEC. 104. CONSIDERATION OF ASYLUM CLAIMS.**

21 (a) **CONDITIONS FOR GRANTING ASYLUM.—**

22 (1) **IN GENERAL.—**Section 208(b)(1)(B) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1158(b)(1)(B)) is amended—

1 (A) in clause (ii), by striking the last sen-
2 tence and inserting the following: “If the trier
3 of fact determines that the applicant should
4 provide evidence that corroborates otherwise
5 credible testimony, the trier of fact shall pro-
6 vide notice and allow the applicant a reasonable
7 opportunity to file such evidence. The trier of
8 fact may not require such evidence if the appli-
9 cant does not have the evidence and dem-
10 onstrates that he or she cannot reasonably ob-
11 tain the evidence. Evidence shall not be consid-
12 ered reasonably obtainable if procurement of
13 such evidence would reasonably endanger the
14 life or safety of any person.”;

15 (B) by striking clause (iii); and

16 (C) by inserting after clause (ii) the fol-
17 lowing:

18 “(iii) SUPPORTING EVIDENCE ACCEPT-
19 ED.—Direct or circumstantial evidence, in-
20 cluding evidence that the government of
21 the applicable country is unable or unwill-
22 ing to protect individuals of the applicant’s
23 race, religion, nationality, particular social
24 group, or political opinion, or that the legal
25 or social norms of the country tolerate per-

1 secution against individuals of the appli-
2 cant’s race, religion, nationality, particular
3 social group, or political opinion, may es-
4 tablish that persecution is on account of
5 race, religion, nationality, membership in a
6 particular social group, or political opinion.

7 “(iv) CREDIBILITY DETERMINA-
8 TION.—

9 “(I) IN GENERAL.—Subject to
10 subclause (II), a trier of fact may con-
11 duct a credibility assessment in the
12 context of evaluating an applicant’s
13 claim for asylum.

14 “(II) PROCEDURAL AND SUB-
15 STANTIVE REQUIREMENTS.—

16 “(aa) OBJECTIVITY.—Deci-
17 sions regarding credibility shall
18 be made objectively, impartially,
19 and individually.

20 “(bb) MATERIAL FACTS.—A
21 credibility assessment under this
22 clause may only be conducted on
23 the material facts of the appli-
24 cant’s claim. The perception of
25 the trier of fact with respect to

1 the applicant's general truthfulness
2 ness or trustworthiness shall not
3 be relevant to assessing credibility
4 of material facts.

5 “(cc) DETAIL AND SPECIFICITY.—In assessing credibility,
6 In assessing credibility,
7 a trier of fact may consider the
8 detail and specificity of information
9 provided by the applicant,
10 the internal consistency of the
11 applicant's statements, and the
12 consistency of the applicant's
13 statements with available external
14 information. In considering
15 such information and statements,
16 the trier of fact shall consider the
17 applicant's contextual circumstances,
18 including—

19 “(AA) exposure to trauma;
20

21 “(BB) age;

22 “(CC) gender, sexual
23 orientation, or gender identity;
24

1 “(DD) educational
2 background;

3 “(EE) physical or men-
4 tal health issues;

5 “(FF) shame, stigma,
6 or denial;

7 “(GG) communication
8 difficulties;

9 “(HH) intercultural
10 barriers; and

11 “(II) the circumstances
12 under which such statements
13 were made.

14 “(dd) DUTY TO ASSIST.—A
15 trier of fact shall have an affirm-
16 ative duty to assist the applicant
17 in providing credible testimony.

18 “(ee) CONSISTENCY WITH
19 SCIENTIFIC LITERATURE.—A
20 credibility assessment conducted
21 under this clause, and any credi-
22 bility finding made, shall be con-
23 sistent with current scientific lit-
24 erature relating to behavioral in-
25 dicators of truth-telling, the na-

1 ture of traumatic memories, and
2 the ability of trauma survivors to
3 recall aspects of, and sur-
4 rounding, a traumatic event.

5 “(ff) TIMING.—A credibility
6 assessment under this clause may
7 not be made until after—

8 “(AA) an interview of
9 the applicant; and

10 “(BB) all relevant evi-
11 dence has been collected and
12 considered.

13 “(gg) OPPORTUNITY TO RE-
14 SPOND.—If a trier of fact doubts
15 the credibility of the applicant,
16 the trier of fact shall specify any
17 such doubt to the applicant and
18 provide the applicant a meaning-
19 ful opportunity to respond.

20 “(hh) CLEAR FINDINGS.—
21 The result of a credibility assess-
22 ment under this clause shall in-
23 clude clear findings based on and
24 supported by evidence, after con-
25 sideration of all of the relevant

1 evidence consistent with items
2 (cc) and (dd), that describes the
3 material facts that are accepted
4 as credible and the material facts
5 that are rejected as not credible,
6 and the reason for such accept-
7 ance or rejection.

8 “(ii) REBUTTABLE PRE-
9 SUMPTION.—If an adverse credi-
10 bility determination is not explic-
11 itly made, the applicant shall
12 have a rebuttable presumption of
13 credibility on appeal.”.

14 (2) CONFORMING AMENDMENT.—Section
15 241(b)(3)(C) of the Immigration and Nationality
16 Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking
17 “and (iii)” and inserting “through (iv)”.

18 (b) CLARIFICATION ON ASYLUM ELIGIBILITY.—Sec-
19 tion 208(b)(2) of the Immigration and Nationality Act (8
20 U.S.C. 1158(b)(2)) is amended by striking subparagraph
21 (C) and inserting the following:

22 “(C) CLARIFICATION ON ASYLUM ELIGI-
23 BILITY.—Notwithstanding any other provision
24 of law, the eligibility of an alien for asylum
25 shall be governed solely by this section.”.

1 (c) THIRD-COUNTRY TRANSIT.—Section 208(b)(2) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1158(b)(2) is amended by adding at the end the following:

4 “(E) THIRD-COUNTRY TRANSIT.—A stay
5 by an applicant in a third country that does not
6 amount to firm resettlement shall not be
7 grounds for discretionary denial of asylum.”.

8 (d) INITIAL JURISDICTION OVER ASYLUM APPLICA-
9 TIONS.—Section 208(b) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1158(b)) is amended—

11 (1) in paragraph (3), by striking subparagraph
12 (C); and

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

14 “(4) INITIAL JURISDICTION.—

15 “(A) IN GENERAL.—An asylum officer (as
16 defined in section 235(b)(1)(E)) shall have ini-
17 tial jurisdiction over any asylum application re-
18 gardless of whether filed in accordance with this
19 section or section 235(b).

20 “(B) FINAL ORDER OF REMOVAL EN-
21 TERED.—In the case of an alien with respect to
22 whom a final order of removal was previously
23 entered, an asylum officer shall have initial ju-
24 risdiction over any application for withholding
25 of removal under section 241(b)(3) or protec-

1 tion under the Convention against Torture and
2 Other Cruel, Inhuman or Degrading Treatment
3 or Punishment, done at New York December
4 10, 1984, regardless of whether such an appli-
5 cation is filed in accordance with this section or
6 section 235(b).”.

7 (e) MODIFICATION OF DEFINITION OF ASYLUM OF-
8 FICER.—Section 235(b)(1)(E) of the Immigration and
9 Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended to
10 read as follows:

11 “(E) ASYLUM OFFICER DEFINED.—

12 “(i) IN GENERAL.—In this paragraph,
13 the term ‘asylum officer’ means an immi-
14 gration officer who—

15 “(I) has had professional training
16 in country conditions, asylum law, and
17 nonadversarial interviewing techniques
18 necessary for adjudication of applica-
19 tions under section 208;

20 “(II) adjudicates applications
21 under that section on a full-time
22 basis; and

23 “(III) is supervised by an officer
24 who—

1 “(aa) meets the condition
2 described in subclause (I); and

3 “(bb) has had substantial
4 experience adjudicating asylum
5 applications.

6 “(ii) EXCEPTIONAL CIR-
7 CUMSTANCES.—

8 “(I) IN GENERAL.—The Sec-
9 retary of Homeland Security may,
10 only in exceptional circumstances and
11 to protect national security, designate
12 one or more individuals who do not
13 meet the condition described in clause
14 (i)(III) to act as temporary asylum of-
15 ficers.

16 “(II) LIMITATION.—An indi-
17 vidual designated as a temporary asy-
18 lum officer under subclause (I) may
19 not hold or have held in the preceding
20 3 years a position the central function
21 of which is immigration enforcement,
22 including Border Patrol agents, Cus-
23 toms and Border Protection officers,
24 and Immigration and Customs En-
25 forcement officers.

1 “(III) ANNUAL REPORT.—Dur-
2 ing any period in which the Secretary
3 of Homeland Security designates one
4 or more temporary asylum officers,
5 not later than 30 days after such des-
6 ignation, the Secretary of Homeland
7 Security shall submit to Congress a
8 report that includes—

9 “(aa) a justification for the
10 designation;

11 “(bb) the number of officers
12 designated;

13 “(cc) the duration of service
14 of such officers;

15 “(dd) the number of inter-
16 views conducted by such officers;

17 “(ee) with respect to appli-
18 cations for asylum, withholding
19 of removal under section
20 241(b)(3), and protection under
21 the Convention against Torture
22 adjudicated by such officers, the
23 rate of grants, denials, referrals,
24 and otherwise closed applications;
25 and

1 “(ff) with respect to credible
2 fear determinations carried out
3 by such officers, the rate of posi-
4 tive, negative, and otherwise
5 closed determinations.”.

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

9 (1) in subparagraph (B), by striking the last
10 sentence and inserting the following: “If the trier of
11 fact determines that the applicant should provide
12 evidence that corroborates otherwise credible testi-
13 mony, the trier of fact shall provide notice and allow
14 the applicant a reasonable opportunity to file such
15 evidence. The trier of fact may not require such evi-
16 dence if the applicant does not have the evidence
17 and demonstrates that he or she cannot reasonably
18 obtain the evidence. Evidence shall not be considered
19 reasonably obtainable under this subparagraph if
20 procurement of such evidence would reasonably en-
21 danger the life or safety of any person in the appli-
22 cant’s home country.”; and

23 (2) in subparagraph (C), in the first sentence,
24 by striking “, without regard to whether an incon-
25 sistency, inaccuracy, or falsehood goes to the heart

1 of the applicant’s claim, or any other relevant fac-
2 tor” and inserting “If the trier of fact determines
3 that there are inconsistencies or omissions, the alien
4 shall be given an opportunity to explain and provide
5 support or evidence to clarify such inconsistencies or
6 omissions.”.

7 **SEC. 105. TRANSPARENCY IN REFUGEE DETERMINATIONS.**

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

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

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

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

19 “(B) is authorized by the Secretary of Home-
20 land Security to be recognized as the representative
21 of such applicant in an adjudication under this sec-
22 tion.

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

25 “(i) shall be in writing; and

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

4 “(I) the facts underlying the determina-
5 tion; and

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

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

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

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

18 “(C) The Secretary shall publish the standards ap-
19 plied to a request for review under this paragraph.

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

23 “(E) A decision on a request for review under this
24 paragraph shall—

25 “(i) be in writing; and

1 “(ii) provide, to the maximum extent prac-
2 ticable, information relating to the reason for the de-
3 nial.”.

4 **SEC. 106. EMPLOYMENT AUTHORIZATION FOR ASYLUM**
5 **SEEKERS AND OTHER INDIVIDUALS.**

6 (a) ASYLUM SEEKERS.—Paragraph (2) of section
7 208(d) of the Immigration and Nationality Act (8 U.S.C.
8 1158(d)) is amended to read as follows:

9 “(2) EMPLOYMENT AUTHORIZATION.—

10 “(A) ELIGIBILITY.—The Secretary of
11 Homeland Security shall authorize employment
12 for an applicant for asylum who is not in deten-
13 tion and the application for asylum of whom
14 has not been determined frivolous.

15 “(B) APPLICATION.—An applicant for asy-
16 lum who is not otherwise eligible for employ-
17 ment authorization shall not be granted such
18 authorization before the date that is 30 days
19 after the date of filing of the application for
20 asylum.

21 “(C) TERM.—Employment authorization
22 for an applicant for asylum shall be—

23 “(i) for a period of 2 years; and

24 “(ii) renewable for additional 2-year
25 periods for the entire continuous period

1 necessary to adjudicate the asylum claim
2 of the applicant, including administrative
3 or judicial review.”.

4 (b) INDIVIDUALS GRANTED WITHHOLDING OF RE-
5 MOVAL.—Section 241(b)(3) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1231(b)(3)) is amended by adding
7 at the end the following:

8 “(D) EMPLOYMENT AUTHORIZATION.—

9 “(i) ELIGIBILITY.—The Secretary of
10 Homeland Security shall authorize employ-
11 ment for an alien granted withholding of
12 removal under this paragraph or deferral
13 of removal under the Convention against
14 Torture and Other Cruel, Inhuman or De-
15 grading Treatment or Punishment, done at
16 New York December 10, 1984.

17 “(ii) TERM.—Employment authoriza-
18 tion for an alien described in clause (i)
19 shall be—

20 “(I) for a period of 2 years; and

21 “(II) renewable for additional 2-
22 year periods for the duration of such
23 withholding of removal or deferral of
24 removal status.”.

1 **SEC. 107. ADMISSION OF REFUGEES AND ASYLEES AS LAW-**
2 **FUL PERMANENT RESIDENTS.**

3 (a) ASYLEES.—Section 208(b)(3) of the Immigration
4 and Nationality Act (8 U.S.C. 1158(b)(3)), as amended
5 by section 104(d), is further amended by adding at the
6 end the following:

7 “(C) PETITION.—An alien granted asylum
8 under this subsection may petition for the same
9 status to be conferred on his or her spouse or
10 child at any time after such alien is granted
11 asylum whether or not such alien has applied
12 for, or been granted, adjustment to permanent
13 resident status under section 209.

14 “(D) PERMANENT RESIDENT STATUS.—
15 Notwithstanding any numerical limitations
16 under this Act, a spouse or child admitted to
17 the United States as an asylee following to join
18 a spouse or parent previously granted asylum
19 may be regarded as lawfully admitted to the
20 United States for permanent residence as of the
21 date of the admission to the United States of
22 such spouse or child admission to the United
23 States, if admissible under section 209.

24 “(E) APPLICATION FOR ADJUSTMENT OF
25 STATUS.—A spouse or child who was not admit-
26 ted to the United States pursuant to a grant of

1 asylum, but who was granted asylum under this
2 subparagraph after his or her arrival as the
3 spouse or child of an alien granted asylum
4 under section 208, may apply for adjustment of
5 status to that of lawful permanent resident
6 under section 209 at any time after being
7 granted asylum.”.

8 (b) REFUGEES.—Section 209 of the Immigration and
9 Nationality Act (8 U.S.C. 1159) is amended to read as
10 follows:

11 **“SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFU-**
12 **GEES AND OF ALIENS GRANTED ASYLUM.**

13 “(a) IN GENERAL.—

14 “(1) TREATMENT OF REFUGEE FAMILIES.—

15 Any alien may be lawfully admitted to the United
16 States for permanent residence at the time of initial
17 admission to the United States if the alien—

18 “(A) has been approved for admission to
19 the United States—

20 “(i) under section 207 or 208; or

21 “(ii) under section 208(b)(3) as the
22 spouse or child of an alien granted asylum
23 under section 208(b)(1); and

1 “(B) is admissible under section 212 (ex-
2 cept as otherwise provided in subsections (b)
3 and (c)).

4 “(2) ADJUSTMENT OF STATUS.—

5 “(A) IN GENERAL.—The Secretary of
6 Homeland Security or the Attorney General, in
7 the discretion of the Secretary or the Attorney
8 General, and under such regulations as the Sec-
9 retary or the Attorney General may prescribe,
10 may adjust, to the status of an alien lawfully
11 admitted to the United States for permanent
12 residence, the status of any alien who, while in
13 the United States—

14 “(i) is granted—

15 “(I) asylum under section 208(b)
16 (as a principal alien or as the spouse
17 or child of an alien granted asylum);
18 or

19 “(II) refugee status under section
20 207 as the spouse or child of a ref-
21 ugee;

22 “(ii) applies for such adjustment of
23 status at any time after being granted asy-
24 lum or refugee status;

1 “(iii) is not firmly resettled in any
2 foreign country; and

3 “(iv) is admissible (except as other-
4 wise provided under subsections (b) and
5 (c)) as an immigrant under this Act at the
6 time of examination for adjustment of such
7 alien.

8 “(B) APPLICABILITY.—This paragraph
9 shall apply to any alien lawfully admitted for
10 permanent residence under section 207 or 208
11 before the date of the enactment of the Refugee
12 Protection Act of 2019.

13 “(3) RECORD.—Upon approval of an applica-
14 tion under this subsection, the Secretary of Home-
15 land Security or the Attorney General shall establish
16 a record of the alien’s admission for lawful perma-
17 nent residence as of the date such alien was granted
18 asylum or refugee status.

19 “(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY
20 GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM,
21 AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
22 LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5),
23 and (7)(A) of section 212(a) shall not apply to—

24 “(1) any refugee under section 207;

1 “(2) any alien granted asylum under section
2 208; or

3 “(3) any alien seeking admission as a lawful
4 permanent resident pursuant to a grant of refugee
5 or asylum status.

6 “(c) WAIVER OF INADMISSIBILITY OR DEPORT-
7 ABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND
8 SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO
9 LAWFUL PERMANENT RESIDENT.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), the Secretary of Homeland Security or
12 the Attorney General may waive any ground under
13 section 212 or 237 for aliens admitted pursuant to
14 section 207 or 208, or seeking admission as a lawful
15 permanent resident pursuant to subsection (a), if
16 such a waiver is justified by humanitarian purposes,
17 to ensure family unity, or is otherwise in the public
18 interest.

19 “(2) INELIGIBILITY.—Aliens admitted pursuant
20 to section 207 or 208, or seeking admission as a
21 lawful permanent resident pursuant to subsection
22 (a), shall be ineligible for a waiver under paragraph
23 (1) if it has been established that the alien is—

1 “(A) inadmissible under section
2 212(a)(2)(C) or subparagraph (A), (B), (C), or
3 (E) of section 212(a)(3);

4 “(B) deportable under section
5 237(a)(2)(A)(iii) for an offense described in
6 section 101(a)(43)(B); or

7 “(C) deportable under subparagraph (A),
8 (B), (C), or (D) of section 237(a)(4).”.

9 (c) CLARIFICATION.—Aliens admitted for lawful per-
10 manent residence pursuant to paragraph (1) of section
11 209(a) of the Immigration and Nationality Act, as amend-
12 ed by subsection (b), or who adjust their status pursuant
13 to paragraph (2) of such section, shall be considered to
14 be refugees and aliens granted asylum in accordance with
15 sections 402, 403, 412, and 431 of the Personal Responsi-
16 bility and Work Opportunity Reconciliation Act of 1996
17 (8 U.S.C. 1612, 1613, 1622, and 1641).

18 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) ALIENS NOT SUBJECT TO DIRECT NUMER-
20 ICAL LIMITATIONS.—Section 201(b)(1)(B) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1151(b)(1)(B)) is amended to read as follows:

23 “(B) Aliens who are admitted to the
24 United States as permanent residents under

1 section 207 or 208 or whose status is adjusted
2 under section 209.”.

3 (2) TRAINING.—Section 207(f)(1) of such Act
4 (8 U.S.C. 1157(f)(1)) is amended by striking “At-
5 torney General” and inserting “Secretary of Home-
6 land Security”.

7 (3) FEES FOR ADJUSTMENT.—Section
8 208(d)(3) of such Act (8 U.S.C. 1158(d)(3)) is
9 amended by striking “section 209(b)” and inserting
10 “section 209(a)(2)”.

11 (4) COMMONWEALTH OF THE NORTHERN MAR-
12 IANA ISLANDS.—Section 208(e) of such Act (8
13 U.S.C. 1158(e)) is amended by striking “section
14 209(b)” and inserting “section 209(a)(2)”.

15 (5) TABLE OF CONTENTS.—The table of con-
16 tents for such Act is amended by striking the item
17 relating to section 209 and inserting the following:

“Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asy-
lum.”.

18 **Subtitle B—Protections for**
19 **Children and Families**

20 **SEC. 111. KEEPING FAMILIES TOGETHER.**

21 (a) MODIFICATION OF DEFINITION OF CHILD.—Sec-
22 tion 101(b)(1) of the Immigration and Nationality Act (8
23 U.S.C. 1101(b)(1)) is amended by—

1 (1) in subparagraph (E)(ii), by striking “; or”
2 and inserting a semicolon;

3 (2) in subparagraph (F)(ii), by striking the pe-
4 riod at the end and inserting a semicolon;

5 (3) in subparagraph (G)(iii)(III), by striking
6 the period at the end and inserting “; or”; and

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

8 “(H)(i) a child under the age of 18 at the
9 time an application is filed to accord a principal
10 alien refugee status—

11 “(I) who is an orphan because of the
12 death or disappearance of, abandonment or
13 desertion by, or separation or loss from,
14 both parents; or

15 “(II) for whom the sole or surviving
16 parent is incapable of providing the proper
17 care and has, in writing, irrevocably re-
18 leased the child for emigration and adop-
19 tion;

20 “(ii) who has been living in a country of
21 asylum under the care of such principal alien;
22 and

23 “(iii) for whom the Secretary of Homeland
24 Security is satisfied that proper care will be

1 furnished if the child is admitted to the United
2 States.”.

3 (b) ADMISSION OF REFUGEE FAMILIES AND TIMELY
4 ADJUDICATION.—Paragraph (2) of section 207(c) of the
5 Immigration and Nationality Act (8 U.S.C. 1157(c)) is
6 amended to read as follows:

7 “(2)(A)(i) Irrespective of the date on which such ref-
8 ugee was admitted to the United States, the spouse or a
9 child (as defined in section 101(b)(1)) of any refugee, or
10 the parent or de facto guardian (as determined by the Sec-
11 retary of Homeland Security) of such a child who qualifies
12 for admission under paragraph (1), if not otherwise enti-
13 tled to admission under such paragraph and not described
14 in section 101(a)(42)(B), shall be entitled to the same ad-
15 mission status as such refugee if—

16 “(I) accompanying, or following to join, such
17 refugee; and

18 “(II) admissible (except as otherwise provided
19 under paragraph (3)) as an immigrant under this
20 chapter.

21 “(ii) The admission to the United States of a spouse,
22 child, parent, or guardian described in clause (i) shall not
23 be charged against the numerical limitation established in
24 accordance with the appropriate subsection under which
25 the refugee’s admission is charged.

1 “(B) A mother or father who seeks to accompany,
2 or follow to join, an alien granted admission as a refugee
3 under this subsection shall continue to be classified as a
4 mother or father for purposes of this paragraph if the
5 alien attained 21 years of age while such application was
6 pending.

7 “(C) The parent or de facto guardian (as determined
8 by the Secretary of Homeland Security) of a refugee child
9 admitted under this section and was admitted under the
10 Unaccompanied Refugee Minors program (as described in
11 subparagraph (D), (E), or (H) of section 101(b)(1) shall
12 be treated in accordance with subparagraph (A) if such
13 parent or guardian seeks to follow to join such refugee
14 child and the minor consents to being joined by such indi-
15 vidual.

16 “(D)(i) Not later than 1 year after the date on which
17 an application for refugee status is filed under this para-
18 graph—

19 “(I) required screenings and background checks
20 shall be completed; and

21 “(II) the application shall be adjudicated.

22 “(ii) The adjudication of an application may exceed
23 the timeframe under clause (i) only in exceptional cir-
24 cumstances in which additional time to process an applica-

1 tion is necessary to satisfy national security concerns, if
2 the Secretary of Homeland Security has—

3 “(I) made a determination that the applicant
4 meets the requirements for refugee status under this
5 section; and

6 “(II) notified the applicant of such determina-
7 tion.”.

8 (c) TREATMENT OF ASYLEE FAMILIES AND TIMELY
9 ADJUDICATION.—Section 208(b)(3) of the Immigration
10 and Nationality Act (8 U.S.C. 1158(b)(3)), as amended
11 by sections 104(d) and 107(a), is further amended—

12 (1) in subparagraph (A), by striking “or fol-
13 lowing to join, such alien” and inserting, “or fol-
14 lowing to join, such alien, irrespective of the date on
15 which such alien was granted asylum”; and

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

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

25 “(G) APPLICATION PROCESS.—

1 “(i) IN GENERAL.—Not later than 1
2 year after the date on which an application
3 for refugee status is filed under this para-
4 graph—

5 “(I) required screenings and
6 background checks shall be completed;
7 and

8 “(II) the application shall be ad-
9 judicated.

10 “(ii) EXCEPTION.—The adjudication
11 of an application may exceed the time-
12 frame under clause (i) only in exceptional
13 circumstances in which additional time to
14 process an application is necessary to sat-
15 isfy national security concerns, if the Sec-
16 retary of Homeland Security has—

17 “(I) made a determination that
18 the applicant meets the requirements
19 for refugee status under this section;
20 and

21 “(II) notified the applicant of
22 such determination.

23 “(iii) PROHIBITION ON DENIALS DUE
24 TO PROCESSING DELAYS.—An application
25 for asylum under this paragraph shall not

1 be denied, in whole or in part, on the basis
2 that processing could not be completed
3 within the timeframe under clause (i).”.

4 **SEC. 112. PROTECTIONS FOR MINORS SEEKING ASYLUM.**

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

7 (1) in subsection (a)(2), as amended by section
8 103, by amending subparagraph (E) to read as fol-
9 lows:

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), in paragraph (4), as
19 added by section 104(d)(2), by adding at the end the
20 following:

21 “(C) APPLICANTS UNDER 18 YEARS.—An
22 asylum officer (as defined in section
23 235(b)(1)(E)) shall have initial jurisdiction over
24 any asylum application filed by an applicant

1 who is younger than 18 years of age on the ear-
2 lier of—

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

5 “(ii) the date on which any notice to
6 appear is issued.”.

7 (b) TREATMENT OF SPOUSE, CHILDREN, MOTHER,
8 AND FATHER SEEKING ASYLUM.—Section 208(b)(3) of
9 the Immigration and Nationality Act (8 U.S.C. 1158), as
10 amended by section 104(d), is further amended—

11 (1) in the paragraph heading, by striking “AND
12 CHILDREN” and inserting “, CHILDREN, MOTHERS,
13 AND FATHERS”;

14 (2) in subparagraph (A), by striking “(as de-
15 fined in section 101(b)(1)(A), (B), (C), (D), or (E))
16 of an alien” and inserting “(as defined in subpara-
17 graph (A), (B), (C), (D), (E), or (H) of section
18 101(b)(1)) of an alien, or the mother or father of an
19 alien who is such a child,”; and

20 (3) by amending subparagraph (B) to read as
21 follows:

22 “(B) CONTINUED CLASSIFICATION OF CER-
23 TAIN ALIENS AS CHILDREN.—

24 “(i) UNMARRIED ALIENS.—An un-
25 married alien who seeks to accompany, or

1 follow to join, a mother or father granted
2 asylum under this subsection, and any
3 child of such unmarried alien, shall con-
4 tinue to be classified as a child for pur-
5 poses of this paragraph and shall be con-
6 sidered a refugee, if—

7 “(I) the alien was younger than
8 21 years of age on the date on which
9 such mother or father applied for asy-
10 lum under this section; and

11 “(II) the alien attained 21 years
12 of age while such application was
13 pending.

14 “(ii) EFFECT ON MOTHERS AND FA-
15 THERS.—A mother or father who seeks to
16 accompany, or follow to join, an alien
17 granted asylum under this subsection shall
18 continue to be classified as a mother or fa-
19 ther for purposes of this paragraph, and
20 together with the spouse or child of such
21 mother or father, be considered a refugee,
22 if the alien attained 21 years of age while
23 such application was pending.”.

1 (c) REINSTATEMENT OF REMOVAL.—Section 241(a)
2 of the Immigration and Nationality Act (8 U.S.C.
3 1231(a)) is amended—

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

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

9 “(8) APPLICABILITY OF REINSTATEMENT OF
10 REMOVAL.—Paragraph (5) shall not apply to an
11 alien who—

12 “(A)(i) reentered the United States ille-
13 gally after the alien was previously removed or
14 departed voluntarily under an order of removal;
15 and

16 “(ii) was younger than 18 years of age on
17 the date on which the alien was removed or de-
18 parted voluntarily under an order of removal;

19 “(B) demonstrates to the satisfaction of
20 the adjudicator that the basis for seeking asy-
21 lum developed or amplified after the alien was
22 previously removed or departed voluntarily
23 under an order of removal;

24 “(C)(i) was removed pursuant to expedited
25 procedures under section 235(b); and

1 “(ii) demonstrates to the satisfaction of an
2 immigration judge that the expedited removal
3 order was issued without the alien having been
4 offered the opportunity to apply for asylum;

5 “(D) was issued an order of removal after
6 having been designated under the migrant pro-
7 tection protocols announced by the Secretary of
8 Homeland Security on December 20, 2018 (or
9 any successor protocols);

10 “(E) was deprived of or denied access to
11 asylum procedures under section 208 solely or
12 primarily as a result of the implementation of
13 the interim final rule of the Department of
14 Homeland Security and the Department of Jus-
15 tice entitled ‘Aliens Subject to a Bar on Entry
16 Under Certain Presidential Proclamations; Pro-
17 cedures for Protection Claims’ (83 Fed. Reg.
18 55934 (November 9, 2019)) or Asylum Eligi-
19 bility and Procedural Modifications (84 Fed.
20 Reg. 33829); or

21 “(F) was ordered removed solely or pri-
22 marily as a result of the implementation of—

23 “(i) the policy memorandum of the
24 U.S. Citizenship and Immigration Services
25 entitled ‘Guidance for Processing Reason-

1 able Fear, Credible Fear, Asylum, and
2 Refugee Claims in Accordance with Matter
3 of A–B–’ (PM–602–0162), dated July 11,
4 2018;

5 “(ii) the memorandum of the Office of
6 the Principal Legal Advisor of U.S. Immi-
7 gration and Customs Enforcement entitled
8 ‘Litigating Domestic Violence-Based Perse-
9 cution Claims Following Matter of A–B–’,
10 dated July 11, 2018;

11 “(iii) Presidential Proclamation 9822,
12 issued on November 9, 2018 (83 Fed. Reg.
13 57661); or

14 “(iv) the policy memorandum of the
15 U.S. Citizenship and Immigration Services
16 entitled ‘Guidance for Implementing Sec-
17 tion 235(b)(2)(C) of the Immigration and
18 Nationality Act and the Migrant Protec-
19 tion Protocols’ (PM–602–0169), dated
20 January 28, 2019.”.

21 **SEC. 113. FAIR DAY IN COURT FOR KIDS.**

22 (a) IMPROVING IMMIGRATION COURT EFFICIENCY
23 AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL
24 INFORMATION.—

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

6 (A) in paragraph (4)—

7 (i) in subparagraph (A)—

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

10 (II) by striking the comma at the
11 end and inserting a semicolon;

12 (ii) by redesignating subparagraphs
13 (B) and (C) as subparagraphs (D) and
14 (E), respectively;

15 (iii) by inserting after subparagraph
16 (A) the following:

17 “(B) the Attorney General may appoint or
18 provide counsel to aliens in immigration pro-
19 ceedings;

20 “(C) at the beginning of the proceedings or
21 as expeditiously as possible, the alien shall
22 automatically receive a complete copy of the
23 alien’s Alien File (commonly known as an ‘A-
24 file’) and Form I-862 (commonly known as a
25 ‘Notice to Appear’) in the possession of the De-

1 partment of Homeland Security (other than
2 documents protected from disclosure by privi-
3 lege, including national security information re-
4 ferred to in subparagraph (D), law enforce-
5 ment-sensitive information, and information
6 prohibited from disclosure pursuant to any
7 other provision of law) unless the alien waives
8 the right to receive such documents by exe-
9 cuting a knowing and voluntary written waiver
10 in a language that he or she understands flu-
11 ently;” and

12 (iv) in subparagraph (D), as so redes-
13 ignated, by striking “, and” and inserting
14 “; and”; and

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

16 “(8) FAILURE TO PROVIDE REQUIRED DOCU-
17 MENTS TO ALIEN.—In the absence of a waiver under
18 paragraph (4)(C), a removal proceeding may not
19 proceed until the alien—

20 “(A) has received the documents required
21 under such paragraph; and

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

24 (2) CLARIFICATION REGARDING THE AUTHOR-
25 ITY OF THE ATTORNEY GENERAL TO APPOINT COUN-

1 SEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—
2 Section 292 of the Immigration and Nationality Act
3 (8 U.S.C. 1362) is amended—

4 (A) by striking “In any” and inserting the
5 following:

6 “(a) IN GENERAL.—In any”;

7 (B) in subsection (a), as so designated—

8 (i) by striking “(at no expense to the
9 Government)”;

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

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

13 “(b) APPOINTMENT OF COUNSEL.—

14 “(1) IN GENERAL.—The Attorney General may
15 appoint or provide counsel to aliens in any pro-
16 ceeding conducted under section 235(b), 236, 238,
17 240, or 241 or any other section of this Act.

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

23 (3) APPOINTMENT OF COUNSEL FOR CHILDREN
24 AND VULNERABLE INDIVIDUALS.—

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

5 “(c) CHILDREN AND VULNERABLE INDIVIDUALS.—
6 Notwithstanding subsection (b), the Attorney General
7 shall appoint counsel, at the expense of the Government
8 if necessary, at the beginning of the proceedings or as ex-
9 pediently as possible, to represent in such proceedings
10 any alien who has been determined by the Secretary of
11 Homeland Security or the Attorney General to be—

12 “(1) a child;

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

15 “(A) a person with a disability; or

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

17 or

18 “(3) an individual whose circumstances are
19 such that the appointment of counsel is necessary to
20 help ensure fair resolution and efficient adjudication
21 of the proceedings.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Executive Office
24 for Immigration Review of the Department of Justice such
25 sums as may be necessary to carry out this section.”.

1 (B) RULEMAKING.—The Attorney General
2 shall promulgate regulations to implement sec-
3 tion 292(c) of the Immigration and Nationality
4 Act, as added by subparagraph (A), in accord-
5 ance with the requirements set forth in section
6 3006A of title 18, United States Code.

7 (b) ACCESS TO COUNSEL AND LEGAL ORIENTA-
8 TION.—

9 (1) ACCESS TO COUNSEL AT DETENTION FA-
10 CILITIES.—The Secretary shall provide access to
11 counsel for all aliens held or detained in—

12 (A) a facility under the supervision of U.S.
13 Immigration and Customs Enforcement, U.S.
14 Customs and Border Protection, or the Depart-
15 ment of Health and Human Services; or

16 (B) any private facility that contracts with
17 the Federal Government to house, detain, or
18 hold aliens.

19 (2) ACCESS TO LEGAL ORIENTATION PRO-
20 GRAMS.—

21 (A) IN GENERAL.—The Secretary, in con-
22 sultation with the Attorney General, shall estab-
23 lish procedures to ensure that legal orientation
24 programs are available for all aliens detained by
25 the Department to inform such aliens of—

1 (i) the basic procedures of immigra-
2 tion hearings;

3 (ii) the rights of aliens relating to
4 such hearings under Federal immigration
5 law;

6 (iii) information that may deter such
7 aliens from filing frivolous legal claims;
8 and

9 (iv) any other information that the
10 Attorney General considers appropriate,
11 such as a contact list of potential legal re-
12 sources and providers.

13 (B) ACCESS.—Access to legal orientation
14 programs shall not be limited by the alien’s cur-
15 rent immigration status, prior immigration his-
16 tory, or potential for immigration relief.

17 (C) ROLE OF NONGOVERNMENTAL ORGANI-
18 ZATIONS.—The Secretary, in consultation with
19 the Attorney General, shall enter into 1 or more
20 contracts with 1 or more nongovernmental com-
21 munity-based organizations for the provision of
22 the legal orientation programs under this para-
23 graph.

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 nondetained 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) REPORT ON ACCESS TO COUNSEL.—

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

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

1 (A) the stage of the legal process at which
2 the alien was represented;

3 (B) whether the alien was in government
4 custody; and

5 (C) the number and percentage of aliens
6 who received legal orientation presentations.

7 **Subtitle C—Protections for Other**
8 **Vulnerable Individuals**

9 **SEC. 121. MODIFICATION OF PHYSICAL PRESENCE RE-**
10 **QUIREMENTS FOR ALIENS ADMITTED IN SPE-**
11 **CIAL IMMIGRANT STATUS FOR PERSONS WHO**
12 **HAVE SERVED AS TRANSLATORS FOR THE**
13 **ARMED FORCES.**

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

18 “(1) IN GENERAL.—

19 “(A) CONTINUOUS RESIDENCE.—A period
20 of absence from the United States described in
21 paragraph (2) shall not be considered to break
22 any period for which continuous residence in
23 the United States is required for naturalization
24 under title III of the Immigration and Nation-
25 ality Act (8 U.S.C. 1401 et seq.).

1 “(b) DESIGNATION OF SPECIFIC STATELESS
2 GROUPS.—The Secretary of Homeland Security, in con-
3 sultation with the Secretary of State, may, in the discre-
4 tion of the Secretary of Homeland Security, designate spe-
5 cific groups of individuals who are considered stateless
6 persons, for purposes of this section.

7 “(c) MECHANISMS FOR REGULARIZING THE STATUS
8 OF STATELESS PERSONS.—

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

14 “(A) is a stateless person who is present in
15 the United States;

16 “(B) applies for such relief;

17 “(C) has not lost his or her nationality as
18 a result of voluntary action after arrival in the
19 United States, unless the loss was the result of
20 duress, coercion, or a reasonable expectation
21 that he or she had acquired or would acquire
22 another nationality or citizenship; and

23 “(D)(i) is not inadmissible under para-
24 graph (2) or (3) of section 212(a) based on
25 criminal or national security grounds; and

1 “(ii) is not described in section
2 241(b)(3)(B)(i).

3 “(2) WAIVERS.—The Secretary of Homeland
4 Security or the Attorney General may waive any
5 provisions under paragraph (2) or (3) of section
6 212(a) (other than subparagraph (B), (D)(ii), (E),
7 (G), (H), or (I) of paragraph (2) or subparagraph
8 (A), (B), (C), (E), or (F) of paragraph (3)) with re-
9 spect to such an alien for humanitarian purposes, to
10 assure family unity, or if it is otherwise in the public
11 interest.

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

16 “(A) any available passport or travel docu-
17 ment issued at any time to the alien (whether
18 or not the passport or document has expired or
19 been canceled, rescinded, or revoked); or

20 “(B) an affidavit, sworn under penalty of
21 perjury—

22 “(i) stating that the alien has never
23 been issued a passport or travel document;
24 or

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

4 “(4) EMPLOYMENT AUTHORIZATION.—The Sec-
5 retary of Homeland Security may authorize an alien
6 who has applied for and is found *prima facie* eligible
7 for or has been granted relief under paragraph (1)
8 to engage in employment in the United States.

9 “(5) TRAVEL DOCUMENTS.—Upon request, the
10 Secretary of Homeland Security shall provide an
11 alien who has been granted lawful conditional resi-
12 dent status under paragraph (1) with a document
13 that facilitates the alien’s ability to travel abroad
14 and be admitted to the United States upon return,
15 if otherwise admissible.

16 “(6) TREATMENT OF SPOUSE AND CHIL-
17 DREN.—The spouse or child of an alien who has
18 been granted lawful conditional resident status
19 under paragraph (1) shall, if not otherwise eligible
20 for admission under paragraph (1), be granted law-
21 ful conditional resident status under this subsection
22 if accompanying, or following to join, such alien if—

23 “(A) the spouse or child is admissible (ex-
24 cept as otherwise provided in paragraph (2))

1 and is not described in section 241(b)(3)(B)(i);
2 and

3 “(B) the qualifying relationship to the
4 principal beneficiary existed on the date on
5 which such alien was granted conditional lawful
6 status.

7 “(d) ADJUSTMENT OF STATUS.—

8 “(1) INSPECTION AND EXAMINATION.—At the
9 end of the 1-year period beginning on the date on
10 which an alien has been granted conditional lawful
11 status under subsection (c), the alien may apply for
12 lawful permanent residence in the United States if—

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

15 “(B) the alien’s conditional lawful status
16 has not been terminated by the Secretary of
17 Homeland Security or the Attorney General,
18 pursuant to such regulations as the Secretary
19 or the Attorney General may prescribe; and

20 “(C) the alien has not otherwise acquired
21 permanent resident status.

22 “(2) REQUIREMENTS FOR ADJUSTMENT OF
23 STATUS.—The Secretary of Homeland Security or
24 the Attorney General, under such regulations as the
25 Secretary or the Attorney General may prescribe,

1 shall adjust the status of an alien granted condi-
2 tional lawful status under subsection (c) to that of
3 an alien lawfully admitted for permanent residence
4 if such alien—

5 “(A) is a stateless person;

6 “(B) properly applies for such adjustment
7 of status;

8 “(C) has been physically present in the
9 United States for at least 1 year after being
10 granted conditional lawful status under sub-
11 section (c);

12 “(D) has not acquired permanent foreign
13 residence that is substantially likely to result in
14 the acquisition of citizenship; and

15 “(E) is admissible (except as otherwise
16 provided under subsection (c)(2)) as an immi-
17 grant under this chapter at the time of exam-
18 ination of such alien for adjustment of status.

19 “(3) RECORD.—Upon approval of an applica-
20 tion under this subsection, the Secretary of Home-
21 land Security or the Attorney General shall establish
22 a record of the alien’s admission for lawful perma-
23 nent residence as of the date that is 1 year before
24 the date of such approval.

1 “(e) TRAVEL DOCUMENTS.—Upon request, the Sec-
2 retary of Homeland Security shall provide an alien law-
3 fully admitted for permanent residence under subsection
4 (d) with a document that facilitates the alien’s ability to
5 travel abroad and be admitted to the United States upon
6 return, if otherwise admissible.

7 “(f) PROVING THE CLAIM.—

8 “(1) IN GENERAL.—In determining an alien’s
9 eligibility for lawful conditional resident status or
10 lawful permanent resident status under this section,
11 the Secretary of Homeland Security or the Attorney
12 General shall consider any credible evidence relevant
13 to the application, including information from the
14 Secretary of State, especially the Bureau of Popu-
15 lation, Refugees, and Migration and the Bureau of
16 Democracy, Human Rights, and Labor.

17 “(2) BURDEN OF PROOF.—In determining an
18 alien’s eligibility for lawful conditional resident sta-
19 tus or lawful permanent resident status under this
20 section—

21 “(A) the applicant shall provide a full and
22 truthful account of his or her legal status in
23 any country in which the applicant was born or
24 resided before entering the United States and
25 submit all evidence reasonably available; and

1 “(B) the Secretary of Homeland Security
2 shall obtain and submit to the immigration offi-
3 cer or immigration judge and the applicant or,
4 as applicable, the applicant’s counsel, all avail-
5 able evidence regarding the applicant’s legal
6 status in the country of birth or prior residence.

7 “(g) REVIEW.—

8 “(1) ADMINISTRATIVE REVIEW.—No appeal
9 shall lie from the denial of an application by the
10 Secretary of Homeland Security, but such denial will
11 be without prejudice to the alien’s right to renew the
12 application in proceedings under section 240.

13 “(2) MOTIONS TO REOPEN.—

14 “(A) IN GENERAL.—Notwithstanding any
15 limitation imposed by law on motions to reopen
16 removal, deportation, or exclusion proceedings,
17 any individual who is eligible for relief under
18 this section may file a motion to reopen pro-
19 ceedings in order to apply for relief under this
20 section.

21 “(B) DEADLINES.—Any motion under sub-
22 paragraph (A) shall be filed not later than the
23 later of—

1 “(i) 2 years after the date of the en-
2 actment of the Refugee Protection Act of
3 2019; or

4 “(ii) 90 days after the date of entry
5 of a final administrative order of removal,
6 deportation, or exclusion.

7 “(C) EFFECT OF OTHER LIMITATIONS.—
8 No time or numerical limitation may be con-
9 strued to restrict the filing of a motion to re-
10 open under this section if such limitation is
11 based on previously unavailable or changed
12 facts or circumstances that would undermine an
13 applicant’s access to nationality that was pre-
14 viously alleged by the Secretary of Homeland
15 Security or the applicant.

16 “(h) LIMITATIONS.—

17 “(1) APPLICABILITY.—Except under paragraph
18 (5) of subsection (c), the provisions of this section
19 shall only apply to aliens present in the United
20 States.

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

23 “(A) except under paragraphs (5) and (6)
24 of subsection (c), the admission of any alien to
25 the United States; or

1 “(B) the parole of any alien into the
2 United States.”.

3 (b) CONFORMING AMENDMENT.—Section 203(b)(4)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1153(b)(4)) is amended by inserting “to aliens granted
6 adjustment of status under section 210A(c) or” after
7 “level.”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 for the Immigration and Nationality Act is amended by
10 inserting after the item relating to section 210 the fol-
11 lowing:

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

12 **SEC. 123. PROTECTING VICTIMS OF TERRORISM FROM**
13 **BEING DEFINED AS TERRORISTS.**

14 (a) SECURITY AND RELATED GROUNDS.—Section
15 212(a)(3)(B) of the Immigration and Nationality Act (8
16 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

17 “(B) TERRORIST ACTIVITIES.—

18 “(i) IN GENERAL.—Any alien who—

19 “(I) has engaged in a terrorist
20 activity;

21 “(II) a consular officer, the At-
22 torney General, or the Secretary of
23 Homeland Security knows, or has rea-
24 sonable grounds to believe, is engaged
25 in or is likely to engage after entry in

1 any terrorist activity (as defined in
2 clause (iv));

3 “(III) has, under circumstances
4 indicating an intention to cause death
5 or serious bodily harm, incited ter-
6 rorist activity;

7 “(IV) is a representative (as de-
8 fined in clause (v)) of—

9 “(aa) a terrorist organiza-
10 tion described in subclause (I) or
11 (II) of clause (vi);

12 “(bb) a terrorist organiza-
13 tion described in subclause (III)
14 of such clause, and there are rea-
15 sonable grounds for regarding
16 the alien as a danger to the secu-
17 rity of the United States; or

18 “(cc) a political, social, or
19 other group that endorses or es-
20 pouses terrorist activity;

21 “(V) is a member of a terrorist
22 organization described in subclause (I)
23 or (II) of clause (vi);

24 “(VI) is a member of a terrorist
25 organization described in clause

1 (vi)(III), unless the alien can dem-
2 onstrate by clear and convincing evi-
3 dence that the alien did not know, and
4 should not reasonably have known,
5 that the organization was a terrorist
6 organization, and there are reasonable
7 grounds for regarding the alien as a
8 danger to the security of the United
9 States;

10 “(VII) endorses or espouses ter-
11 rorist activity or persuades others to
12 endorse or espouse terrorist activity or
13 to support a terrorist organization de-
14 scribed in subclause (I) or (II) of
15 clause (vi);

16 “(VIII) has received military-type
17 training (as defined in section 2339D
18 (c)(1) of title 18, United States Code)
19 from or on behalf of any organization
20 that, at the time the training was re-
21 ceived, was a terrorist organization
22 described in subclause (I) or (II) of
23 clause (vi)), or was a terrorist organi-
24 zation described in subclause (III) of
25 such clause and there are reasonable

1 grounds for regarding the alien as a
2 danger to the security of the United
3 States; or

4 “(IX) is the spouse or child of an
5 alien who is inadmissible under this
6 subparagraph, if the activity causing
7 the alien to be found inadmissible oc-
8 curred within the last 5 years,

9 is inadmissible. An alien who is an officer,
10 official, representative, or spokesman of
11 the Palestine Liberation Organization is
12 considered, for purposes of this Act, to be
13 engaged in a terrorist activity.

14 “(ii) EXCEPTION.—Subclause (IX) of
15 clause (i) does not apply to a spouse or
16 child—

17 “(I) who did not know or should
18 not reasonably have known of the ac-
19 tivity causing the alien to be found in-
20 admissible under this section; or

21 “(II) who the consular officer or
22 Attorney General has reasonable
23 grounds to believe has renounced the
24 activity causing the alien to be found
25 inadmissible under this section.

1 “(iii) TERRORIST ACTIVITY DE-
2 FINED.—In this Act, the term ‘terrorist
3 activity’ means any activity that is unlaw-
4 ful under the laws of the place in which it
5 is committed (or which, if it had been com-
6 mitted in the United States, would be un-
7 lawful under the laws of the United States
8 or any State) and that involves any of the
9 following:

10 “(I) The hijacking or sabotage
11 of any conveyance (including an air-
12 craft, vessel, or vehicle).

13 “(II) The seizing or detaining,
14 and threatening to kill, injure, or con-
15 tinue to detain, another individual in
16 order to compel a third person (in-
17 cluding a governmental organization)
18 to carry out or abstain from carrying
19 out any act as an explicit or implicit
20 condition for the release of the indi-
21 vidual seized or detained.

22 “(III) A violent attack upon an
23 internationally protected person (as
24 defined in section 1116(b)(4) of title

1 18, United States Code) or upon the
2 liberty of such person.

3 “(IV) An assassination.

4 “(V) The use, with the intent to
5 endanger the safety of 1 or more indi-
6 viduals or to cause substantial dam-
7 age to property, of any—

8 “(aa) biological agent, chem-
9 ical agent, or nuclear weapon or
10 device; or

11 “(bb) explosive, firearm, or
12 other weapon or dangerous device
13 (other than for mere personal
14 monetary gain), with intent to
15 endanger, directly or indirectly,
16 the safety of one or more individ-
17 uals or to cause substantial dam-
18 age to property.

19 “(VI) A threat, attempt, or con-
20 spiracy to do any of the foregoing.

21 “(iv) ENGAGE IN TERRORIST ACTIVITY
22 DEFINED.—In this Act, the term ‘engage
23 in terrorist activity’ means, in an indi-
24 vidual capacity or as a member of an orga-
25 nization—

1 “(I) to commit or to incite to
2 commit, under circumstances indi-
3 cating an intention to cause death or
4 serious bodily injury, a terrorist activ-
5 ity;

6 “(II) to prepare or plan a ter-
7 rorist activity;

8 “(III) to gather information on
9 potential targets for terrorist activity;

10 “(IV) to solicit funds or other
11 things of value for—

12 “(aa) a terrorist activity;

13 “(bb) a terrorist organiza-
14 tion described in subclause (I) or
15 (II) of clause (vi)(II); or

16 “(cc) a terrorist organiza-
17 tion described in subclause (III)
18 of such clause (unless the solici-
19 tor demonstrates by clear and
20 convincing evidence that he did
21 not know, and should not reason-
22 ably have known, that the organi-
23 zation was a terrorist organiza-
24 tion) if there are reasonable
25 grounds for regarding the solici-

1 itor as a danger to the security of
2 the United States;
3 “(V) to solicit any individual—
4 “(aa) to engage in conduct
5 otherwise described in this sub-
6 section;
7 “(bb) for membership in a
8 terrorist organization described
9 in subclause (I) or (II) of clause
10 (vi); or
11 “(cc) for membership in a
12 terrorist organization described
13 in subclause (III) of such clause
14 (unless the solicitor demonstrates
15 by clear and convincing evidence
16 that he did not know, and should
17 not reasonably have known, that
18 the organization was a terrorist
19 organization) if there are reason-
20 able grounds for regarding the
21 solicitor as a danger to the secu-
22 rity of the United States; or
23 “(VI) to commit an act that the
24 actor knows, or reasonably should
25 know, affords material support, in-

1 including a safe house, transportation,
2 communications, funds, transfer of
3 funds or other material financial ben-
4 efit, false documentation or identifica-
5 tion, weapons (including chemical, bi-
6 ological, or radiological weapons), ex-
7 plosives, or training—

8 “(aa) for the commission of
9 a terrorist activity;

10 “(bb) to any individual who
11 the actor knows, or reasonably
12 should know, has committed or
13 plans to commit a terrorist activ-
14 ity;

15 “(cc) to a terrorist organiza-
16 tion described in subclause (I) or
17 (II) of clause (vi) or to any mem-
18 ber of such an organization; or

19 “(dd) to a terrorist organi-
20 zation described in subclause
21 (III) of such clause, or to any
22 member of such an organization,
23 unless the actor can demonstrate
24 by clear and convincing evidence
25 that the actor did not know, and

1 should not reasonably have
2 known, that the organization was
3 a terrorist organization, if there
4 are reasonable grounds for re-
5 garding the actor as a danger to
6 the security of the United States.

7 “(v) REPRESENTATIVE DEFINED.—In
8 this paragraph, the term ‘representative’
9 includes an officer, official, or spokesman
10 of an organization, and any person who di-
11 rects, counsels, commands, or induces an
12 organization or its members to engage in
13 terrorist activity.

14 “(vi) TERRORIST ORGANIZATION DE-
15 FINED.—In this section, the term ‘terrorist
16 organization’ means an organization—

17 “(I) designated under section
18 219;

19 “(II) otherwise designated, upon
20 publication in the Federal Register, by
21 the Secretary of State in consultation
22 with or upon the request of the Attor-
23 ney General or the Secretary of
24 Homeland Security, as a terrorist or-
25 ganization, after finding that the or-

1 organization engages in the activities
2 described in subclauses (I) through
3 (VI) of clause (iv); or

4 “(III) that is a group of two or
5 more individuals, whether organized
6 or not, that engages in, or has a sub-
7 group that engages in, the activities
8 described in subclauses (I) through
9 (VI) of clause (iv).”.

10 (b) CHILD SOLDIERS.—

11 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1182(a)(3)(G)) is amended—

14 (A) by striking “Any alien” and inserting
15 the following:

16 “(i) IN GENERAL.—Any alien”; and

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

18 “(ii) APPLICABILITY.—Clause (i) shall
19 not apply to an alien who establishes that
20 the actions giving rise to inadmissibility
21 under such clause were committed under
22 duress or carried out while the alien was
23 younger than 18 years of age.”.

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

1 (A) by striking “Any alien” and inserting
2 the following:

3 “(i) IN GENERAL.—Any alien”; and

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

5 “(ii) APPLICABILITY.—Clause (i) shall
6 not apply to an alien who establishes that
7 the actions giving rise to deportability
8 under such clause were committed under
9 duress or carried out while the alien was
10 younger than 18 years of age.”.

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

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

1 after removal proceedings against the alien have
2 commenced under section 240.”.

3 **SEC. 124. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

4 (a) IN GENERAL.—Section 241(b)(3) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1231(b)(3)), as
6 amended by section 106, is amended—

7 (1) in the paragraph heading, by striking “TO
8 A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM
9 WOULD BE THREATENED” and inserting “OR RE-
10 TURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE
11 THREATENED OR ALIEN WOULD BE SUBJECTED TO
12 TORTURE”;

13 (2) in subparagraph (A)—

14 (A) by striking “Notwithstanding” and in-
15 serting the following:

16 “(i) LIFE OR FREEDOM THREAT-
17 ENED.—Notwithstanding”;

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

19 “(ii) ASYLUM INTERVIEW.—Notwith-
20 standing paragraphs (1) and (2), a United
21 States officer may not return any alien
22 interdicted or otherwise encountered in
23 international waters or United States
24 waters who has expressed a fear of return

1 to his or her country of departure, origin,
2 or last habitual residence—

3 “(I) until such alien has been
4 granted a confidential interview by an
5 asylum officer, in a language the alien
6 claims to understand, to determine
7 whether that alien has a well-founded
8 fear of persecution because of the
9 alien’s race, religion, nationality,
10 membership in a particular social
11 group, or political opinion, or because
12 the alien would be subject to torture
13 in that country; or

14 “(II) if an asylum officer has de-
15 termined that the alien has such a
16 well-founded fear of persecution or
17 would be subject to torture in his or
18 her country of departure, origin, or
19 last habitual residence.”;

20 (3) by redesignating subparagraphs (B), (C),
21 and (D) as subparagraphs (C), (D), and (E), respec-
22 tively; and

23 (4) by inserting after subparagraph (A) the fol-
24 lowing:

1 “(B) PROTECTIONS FOR ALIENS INTER-
2 DICTED IN INTERNATIONAL OR UNITED STATES
3 WATERS.—The Secretary of Homeland Security
4 shall issue regulations establishing a uniform
5 procedure applicable to all aliens interdicted in
6 international or United States waters that—

7 “(i) provides each alien—

8 “(I) a meaningful opportunity to
9 express, through a translator who is
10 fluent in a language the alien claims
11 to understand, a fear of return to his
12 or her country of departure, origin, or
13 last habitual residence; and

14 “(II) in a confidential interview
15 and in a language the alien claims to
16 understand, information concerning
17 the alien’s interdiction, including the
18 ability of the alien to inform United
19 States officers about any fears relat-
20 ing to the alien’s return or repatri-
21 ation;

22 “(ii) provides each alien expressing
23 such a fear of return or repatriation a con-
24 fidential interview conducted by an asylum
25 officer, in a language the alien claims to

1 understand, to determine whether the
2 alien's return to his or her country of de-
3 parture, origin, or last habitual residence
4 is prohibited because the alien has a well-
5 founded fear of persecution—

6 “(I) because of the alien's race,
7 religion, nationality, membership in a
8 particular social group, or political
9 opinion; or

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

12 “(iii) ensures that each alien can ef-
13 fectively communicate with United States
14 officers through the use of a translator flu-
15 ent in a language the alien claims to un-
16 derstand; and

17 “(iv) provides each alien who, accord-
18 ing to the determination of an asylum offi-
19 cer, has a well-founded fear of persecution
20 for the reasons specified in clause (ii), or
21 who would be subject to torture, an oppor-
22 tunity to seek protection in—

23 “(I) a country other than the
24 alien's country of departure, origin, or
25 last habitual residence in which the

1 alien has family or other ties that will
2 facilitate resettlement; or

3 “(II) if the alien has no such
4 ties, a country that will best facilitate
5 the alien’s resettlement, which may in-
6 clude the United States.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 240A(c)(5) of the Immigration and
9 Nationality Act (8 U.S.C. 1229b(c)(5)) is amended
10 by striking “section 241(b)(3)(B)(i)” and inserting
11 “section 241(b)(3)(C)(i)”.

12 (2) Section 242(b)(4) of the Immigration and
13 Nationality Act (8 U.S.C. 1252(b)(4)) is amended,
14 in the undesignated matter following subparagraph
15 (D), by striking “241(b)(3)(C)” and inserting
16 “241(b)(3)(D)”.

17 **SEC. 125. ENHANCED PROTECTION FOR INDIVIDUALS**
18 **SEEKING U VISAS, T VISAS, AND PROTECTION**
19 **UNDER VAWA.**

20 (a) EMPLOYMENT AUTHORIZATION FOR T VISA AP-
21 PPLICANTS.—Section 214(o) (8 U.S.C. 1184(o)) is amend-
22 ed by adding at the end the following:

23 “(8) Notwithstanding any provision of this Act grant-
24 ing eligibility for employment in the United States, the
25 Secretary of Homeland Security shall grant employment

1 authorization to an alien who has filed a petition for non-
2 immigrant status under section 101(a)(15)(T) on the date
3 that is the earlier of—

4 “(A) the date on which the alien’s petition for
5 such status is approved; or

6 “(B) a date determined by the Secretary that
7 is not later than 180 days after the date on which
8 such alien filed such petition.”.

9 (b) INCREASED ACCESSIBILITY AND EMPLOYMENT
10 AUTHORIZATION FOR U VISA APPLICANTS.—Section
11 214(p) of the Immigration and Nationality Act (8 U.S.C.
12 1184(p)) is amended—

13 (1) in paragraph (2)(A), by striking “10,000”
14 and inserting “20,000”; and

15 (2) in paragraph (6), by striking the last sen-
16 tence; and

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

18 “(8) EMPLOYMENT AUTHORIZATION.—Notwith-
19 standing any provision of this Act granting eligibility
20 for employment in the United States, the Secretary
21 of Homeland Security shall grant employment au-
22 thorization to an alien who has filed an application
23 for nonimmigrant status under section
24 101(a)(15)(U) on the date that is the earlier of—

1 “(A) the date on which the alien’s applica-
2 tion for such status is approved; or

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

6 (c) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS
7 WITH PENDING PETITIONS AND APPLICATIONS.—

8 (1) IN GENERAL.—Section 240 of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1229a) is amend-
10 ed—

11 (A) by redesignating subsection (e) as sub-
12 section (f); and

13 (B) by inserting after subsection (d) the
14 following:

15 “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-
16 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

17 “(1) IN GENERAL.—An alien described in para-
18 graph (2) shall not be removed from the United
19 States under this section or any other provision of
20 law until there is a final denial of the alien’s applica-
21 tion for status after the exhaustion of administrative
22 and judicial review.

23 “(2) ALIENS DESCRIBED.—An alien described
24 in this paragraph is an alien who—

1 “(A) has a pending application or petition
2 under—

3 “(i) subparagraph (T) or (U) of sec-
4 tion 101(a)(15);

5 “(ii) section 106;

6 “(iii) section 240A(b)(2); or

7 “(iv) section 244(a)(3) (as in effect on
8 March 31, 1997); or

9 “(B) is a VAWA self-petitioner, as defined
10 in section 101(a)(51), and has a pending appli-
11 cation for relief under a provision referred to in
12 any of subparagraphs (A) through (G) of such
13 section.”.

14 (2) CONFORMING AMENDMENT.—Section
15 240(b)(7) of the Immigration and Nationality Act (8
16 U.S.C. 1229a(b)(7)) is amended by striking “sub-
17 section (e)(1)” and inserting “subsection (f)”.

18 (d) PROHIBITION ON DETENTION OF CERTAIN VIC-
19 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—
20 Section 236 of the Immigration and Nationality Act (8
21 U.S.C. 1226) is amended by adding at the end the fol-
22 lowing:

23 “(f) PROHIBITION ON DETENTION OF CERTAIN VIC-
24 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

25 “(1) PRESUMPTION OF RELEASE.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of this Act, there shall be a pre-
3 sumption that an alien described in paragraph
4 (2) should be released from detention.

5 “(B) REBUTTAL.—The Secretary of
6 Homeland Security may rebut the presumption
7 of release based on clear and convincing evi-
8 dence, including credible and individualized in-
9 formation, that—

10 “(i) the use of alternatives to deten-
11 tion will not reasonably ensure the appear-
12 ance of the alien at removal proceedings;
13 or

14 “(ii) the alien is a threat to another
15 person or the community.

16 “(C) PENDING CRIMINAL CHARGE.—A
17 pending criminal charge against an alien may
18 not be the sole factor to justify the continued
19 detention of the alien.

20 “(2) ALIEN DESCRIBED.—An alien described in
21 this paragraph is an alien who—

22 “(A) has a pending application under—

23 “(i) subparagraph (T) or (U) of sec-
24 tion 101(a)(15);

25 “(ii) section 106;

1 “(iii) section 240A(b)(2); or

2 “(iv) section 244(a)(3) (as in effect on
3 March 31, 1997); or

4 “(B) is a VAWA self-petitioner, as defined
5 in section 101(a)(51), and has a pending peti-
6 tion for relief under a provision referred to in
7 any of subparagraphs (A) through (G) of such
8 section.”.

9 **Subtitle D—Protections Relating to**
10 **Removal, Detention, and Pros-**
11 **ecution**

12 **SEC. 131. PREVENTION OF ERRONEOUS IN ABSENTIA OR-**
13 **DERS OF REMOVAL.**

14 (a) WRITTEN RECORD OF ADDRESS.—Section 239(a)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1229(a)) is amended—

17 (1) in paragraph (1)(F), by inserting “the Sec-
18 retary of Homeland Security or” before “the Attor-
19 ney General” each place such term appears; and

20 (2) in paragraph (2)(A) by striking “the alien
21 or to the alien’s counsel of record” and inserting
22 “the alien and to the alien’s counsel of record.”.

23 (b) REMOVAL IN ABSENTIA AND RESCISSION OF RE-
24 MOVAL ORDERS.—Section 240(b) of the Immigration and
25 Nationality Act (8 U.S.C. 1229a(b)) is amended—

1 (1) in paragraph (5)—

2 (A) by amending subparagraph (A) to read
3 as follows—

4 “(A) REMOVAL IN ABSENTIA.—

5 “(i) IN GENERAL.—Any alien who,
6 after a proceeding under this section is re-
7 scheduled by an immigration judge due to
8 the alien’s failure to attend such pro-
9 ceeding, and written notice required under
10 paragraph (1) or (2) of section 239(a) has
11 been provided to the alien and the alien’s
12 counsel of record, does not attend a pro-
13 ceeding under this section, may be ordered
14 removed in absentia if the Department of
15 Homeland Security establishes by clear,
16 unequivocal, and convincing evidence
17 that—

18 “(I) sufficient written notice was
19 so provided;

20 “(II) the alien is removable; and

21 “(III) in the case of an alien re-
22 quired to periodically report to the
23 Department of Homeland Security,
24 the alien has demonstrated a pattern
25 of failing to report.

1 “(ii) SUFFICIENT NOTICE.—The writ-
2 ten notice by the Secretary of Homeland
3 Security or the Attorney General shall be
4 considered sufficient for purposes of this
5 subparagraph if—

6 “(I) the notice includes—

7 “(aa) the accurate date,
8 time, and court location at which
9 the alien is required to appear;
10 and

11 “(bb) the date on which the
12 notice was issued;

13 “(II) the notice is provided at the
14 most recent complete physical address
15 provided under section 239(a); and

16 “(III) the certificate of service
17 for the notice indicates that oral no-
18 tice and a recitation of the con-
19 sequences of failure to appear were
20 provided—

21 “(aa) in the native language
22 of the alien; or

23 “(bb) in a language the
24 alien understands.”; and

1 (B) by amending paragraph (C) to read as
2 follows:

3 “(C) RESCISSION OF ORDER.—

4 “(i) IN GENERAL.—Such an order
5 may be rescinded only—

6 “(I) upon a motion to reopen
7 filed at any time after the date of the
8 order of removal if the alien dem-
9 onstrates that the failure to appear
10 was because of exceptional cir-
11 cumstances;

12 “(II) upon a motion to reopen
13 filed at any time if the alien dem-
14 onstrates that the alien did not receive
15 notice in accordance with paragraph
16 (1) or (2) of section 239(a) or the
17 alien demonstrates that the alien was
18 in Federal or State custody and the
19 failure to appear was through no fault
20 of the alien;

21 “(III) in the case of an alien who
22 is a minor child, upon a motion to re-
23 open filed at any time; or

24 “(IV) upon a motion to reopen
25 filed at any time if the alien has a

1 pending application for asylum, with-
2 holding of removal, or protection
3 under the Convention against Torture
4 and Other Cruel, Inhuman or Degrad-
5 ing Treatment or Punishment, done
6 at New York December 10, 1984, or
7 demonstrates that he or she has a
8 credible claim to any such protection.

9 “(ii) STAY OF REMOVAL.—The filing
10 of the motion to reopen described in clause
11 (i) shall stay the removal of the alien pend-
12 ing disposition of the motion by the immi-
13 gration judge.”; and

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

15 “(8) CHECK-IN HISTORY.—Before an immigra-
16 tion judge conducts a proceeding under this section,
17 the Secretary of Homeland Security shall report to
18 the immigration judge the extent to which the alien
19 has complied with any requirement to report periodi-
20 cally the whereabouts of the alien to the Secretary
21 of Homeland Security.”.

22 **SEC. 132. SCOPE AND STANDARD FOR REVIEW OF RE-**
23 **MOVAL ORDERS.**

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

1 (1) in paragraph (1)—

2 (A) by striking “The petition” and insert-
3 ing the following:

4 “(A) IN GENERAL.—The petition”; and

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

6 “(B) PROHIBITION ON REMOVAL.—An
7 alien shall not be removed during such 30-day
8 period unless the alien indicates in writing that
9 he or she wishes to be removed before the expi-
10 ration of such period.”.

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

13 “(4) SCOPE AND STANDARD FOR REVIEW.—

14 “(A) IN GENERAL.—Except as provided in
15 paragraph (5)(B), the court of appeals shall
16 sustain a final decision ordering removal unless
17 it is contrary to law, an abuse of discretion, or
18 not supported by substantial evidence.

19 “(B) DECISION BASED ON ADMINISTRA-
20 TIVE RECORD.—The court of appeals shall de-
21 cide the petition based solely on the administra-
22 tive record on which the order of removal is
23 based.

24 “(C) AVAILABILITY OF REVIEW.—

1 “(i) IN GENERAL.—The court of ap-
 2 peals shall maintain jurisdiction to review
 3 discretionary determinations arising in a
 4 claim for asylum.

5 “(ii) JURISDICTION OVER DENIALS.—
 6 Notwithstanding section 242(a)(2)(C), the
 7 court of appeals shall maintain jurisdiction
 8 to review all denials of requests for with-
 9 holding of removal under to section
 10 241(b)(3) or protection under the Conven-
 11 tion against Torture and Other Cruel, In-
 12 human or Degrading Treatment or Pun-
 13 ishment, done at New York December 10,
 14 1984.”.

15 **SEC. 133. PRESUMPTION OF LIBERTY FOR ASYLUM SEEK-**
 16 **ERS.**

17 (a) CUSTODY DETERMINATION.—

18 (1) INITIAL DETERMINATION.—

19 (A) IN GENERAL.—With respect to an
 20 alien who has expressed fear of returning to his
 21 or her home country or an intent to apply for
 22 asylum in the United States, the Secretary shall
 23 make an initial written custody determination
 24 with respect to the alien and provide the deter-

1 mination to the alien not later than 48 hours
2 after, as applicable—

3 (i) the Secretary takes the alien into
4 custody; or

5 (ii) in the case of an alien already in
6 the custody of the Secretary, the alien ex-
7 presses such fear or intent.

8 (B) LEAST RESTRICTIVE CONDITIONS.—A
9 custody determination under this paragraph
10 shall impose the least restrictive conditions if
11 the Secretary determines that the release of an
12 alien—

13 (i) will not reasonably ensure the ap-
14 pearance of the alien as required; or

15 (ii) will endanger the safety of any
16 other person or the community.

17 (C) APPLICABILITY.—This paragraph shall
18 not apply to unaccompanied alien children (as
19 defined in section 462(g) of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 279g)).

21 (2) PRESUMPTION OF RELEASE.—

22 (A) IN GENERAL.—In a hearing under this
23 subsection, there shall be a presumption that
24 the alien should be released.

1 (B) REBUTTAL.—The Secretary may rebut
2 the presumption of release based on clear and
3 convincing evidence, including credible and indi-
4 vidualized information, that—

5 (i) the use of alternatives to detention,
6 including release on recognizance or on a
7 reasonable bond, will not reasonably ensure
8 the appearance of the alien at removal pro-
9 ceedings; or

10 (ii) the alien is a threat to another
11 person or the community.

12 (C) PENDING CRIMINAL CHARGE.—A
13 pending criminal charge against an alien may
14 not be the sole factor to justify the continued
15 detention of the alien.

16 (D) EVIDENCE OF IDENTITY.—The inabil-
17 ity of an alien to reasonably provide govern-
18 ment-issued evidence of identity, including the
19 inability of the alien to contact the government
20 of the country of nationality of the alien so as
21 not to alert such government of the where-
22 abouts of the alien, may not be the sole factor
23 to justify the continued detention of the alien.

24 (E) PRE-EXISTING COMMUNITY TIES.—A
25 lack of pre-existing community ties in the

1 United States shall not preclude the release of
2 an alien.

3 (b) LEAST RESTRICTIVE CONDITIONS REQUIRED.—

4 (1) IN GENERAL.—If the Secretary or an immi-
5 gration judge determines, pursuant to a hearing
6 under this section, that the release of an alien will
7 not reasonably ensure the appearance of the alien as
8 required or will endanger the safety of any other
9 person or the community, the Secretary or the immi-
10 gration judge shall order the least restrictive condi-
11 tions or combination of conditions that the Secretary
12 or judge determines will reasonably ensure the ap-
13 pearance of the alien and the safety of any other
14 person and the community, which may include—

15 (A) release on recognizance;

16 (B) secured or unsecured release on bond;

17 or

18 (C) participation in a program described in
19 subsection (d).

20 (2) MONTHLY REVIEW.—Any condition as-
21 signed to an alien under paragraph (1) shall be re-
22 viewed by an immigration judge on a monthly basis.

23 (c) SPECIAL RULE FOR VULNERABLE PERSONS AND
24 PRIMARY CAREGIVERS.—

1 (1) IN GENERAL.—In the case that the alien
2 who is the subject of a custody determination under
3 this section is a vulnerable person or a primary care-
4 giver, the alien may not be detained unless the Sec-
5 retary demonstrates, in addition to the requirements
6 under subsection (a)(2), that it is unreasonable or
7 not practicable to place the individual in a commu-
8 nity-based supervision program.

9 (2) DEFINITIONS.—In this subsection:

10 (A) MATERIAL WITNESS.—The term “ma-
11 terial witness” means an individual who pre-
12 sents a declaration to an attorney investigating,
13 prosecuting, or defending the workplace claim
14 or from the presiding officer overseeing the
15 workplace claim attesting that, to the best of
16 the declarant’s knowledge and belief, reasonable
17 cause exists to believe that the testimony of the
18 individual will be relevant to the outcome of the
19 workplace claim.

20 (B) PRIMARY CAREGIVER.—The term “pri-
21 mary caregiver” means a person who is estab-
22 lished to be a caregiver, parent, or close relative
23 caring for or traveling with a child.

24 (C) VULNERABLE PERSON.—The term
25 “vulnerable person” means an individual who—

- 1 (i) is under 21 years of age or over 60
2 years of age;
- 3 (ii) is pregnant;
- 4 (iii) identifies as lesbian, gay, bisexual,
5 ual, transgender, or intersex;
- 6 (iv) is a victim or witness of a crime;
- 7 (v) has filed a nonfrivolous civil rights
8 claim in Federal or State court;
- 9 (vi) has filed, or is a material witness
10 to, a bonafide workplace claim;
- 11 (vii) has a serious mental or physical
12 illness or disability;
- 13 (viii) has been determined by an asy-
14 lum officer in an interview conducted
15 under section 235(b)(1)(B) to have a cred-
16 ible fear of persecution or torture;
- 17 (ix) has limited English language pro-
18 ficiency and is not provided access to ap-
19 propriate and meaningful language services
20 in a timely fashion; or
- 21 (x) has been determined by an immi-
22 gration judge or the Secretary of Home-
23 land Security to be experiencing severe
24 trauma or to be a survivor of torture or
25 gender-based violence, based on informa-

1 tion obtained during intake, from the
2 alien’s attorney or legal service provider, or
3 through credible self-reporting.

4 (D) WORKPLACE CLAIM.—The term
5 “workplace claim” means any written or oral
6 claim, charge, complaint, or grievance filed
7 with, communicated to, or submitted to the em-
8 ployer, a Federal, State, or local agency or
9 court, or an employee representative related to
10 the violation of applicable Federal, State, and
11 local labor laws, including laws concerning
12 wages and hours, labor relations, family and
13 medical leave, occupational health and safety,
14 civil rights, or nondiscrimination.

15 (d) ALTERNATIVES TO DETENTION.—

16 (1) IN GENERAL.—The Secretary shall establish
17 programs that provide alternatives to detaining
18 aliens, which shall offer a continuum of supervision
19 mechanisms and options, including community-based
20 supervision programs and community support.

21 (2) CONTRACTS WITH NONGOVERNMENTAL OR-
22 GANIZATIONS.—The Secretary shall contract with
23 nongovernmental community-based organizations to
24 provide services for programs under paragraph (1),

1 including case management services, appearance as-
2 sistance services, and screenings of detained aliens.

3 (3) INDIVIDUALIZED DETERMINATION RE-
4 QUIRED.—

5 (A) IN GENERAL.—In determining whether
6 to order an alien to participate in a program
7 under this subsection, the Secretary or an im-
8 migration judge, as applicable, shall make an
9 individualized determination with respect to the
10 appropriate level of supervision for the alien.

11 (B) LIMITATION.—Participation in a pro-
12 gram under this subsection may not be ordered
13 for an alien for whom it is determined that re-
14 lease on reasonable bond or recognizance—

15 (i) will reasonably ensure the appear-
16 ance of the alien as required; and

17 (ii) will not pose a threat to any other
18 person or the community.

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

21 (1) TIMING.—In the case of an alien who seeks
22 to challenge the initial custody determination under
23 subsection (a)(1), not later than 72 hours after the
24 initial custody determination, the alien shall be pro-
25 vided with the opportunity for a hearing before an

1 immigration judge to determine whether the alien
2 should be detained.

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—

7 (A) every 60 days; and

8 (B) on a showing of—

9 (i) changed circumstances; or

10 (ii) good cause for such a hearing.

11 **SEC. 134. PROCEDURES FOR ENSURING ACCURACY AND**
12 **VERIFIABILITY OF SWORN STATEMENTS**
13 **TAKEN PURSUANT TO EXPEDITED REMOVAL**
14 **AUTHORITY.**

15 (a) IN GENERAL.—The Secretary shall establish
16 quality assurance procedures to ensure the accuracy and
17 verifiability of signed or sworn statements taken by em-
18 ployees of the Department exercising expedited removal
19 authority under section 235(b) of the Immigration and
20 Nationality Act (8 U.S.C. 1225(b)).

21 (b) RECORDING OF INTERVIEWS.—

22 (1) IN GENERAL.—Any sworn or signed written
23 statement taken from an alien as part of the record
24 of a proceeding under section 235(b)(1)(A) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1225(b)(1)(A)) shall be accompanied by a recording
2 of the interview that served as the basis for such
3 sworn statement.

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

5 (A) a reading of the entire written state-
6 ment to the alien in a language that the alien
7 claims to understand; and

8 (B) the verbal affirmation by the alien of
9 the accuracy of—

10 (i) the written statement; or

11 (ii) a corrected version of the written
12 statement.

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

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

18 (c) EXEMPTION AUTHORITY.—

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

23 (2) CRITERIA.—The Secretary, or a designee of
24 the Secretary, may exempt any detention facility if

1 compliance with subsection (b) at that facility would
2 impair operations or impose undue burdens or costs.

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

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

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

11 (1) the interviewing officer is not certified by
12 the Department to speak a language understood by
13 the alien; and

14 (2) there is no other Federal Government em-
15 ployee available who is able to interpret effectively,
16 accurately, and impartially.

17 **SEC. 135. INSPECTIONS BY IMMIGRATION OFFICERS.**

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

20 (1) by striking “All aliens” and inserting the
21 following:

22 “(A) IN GENERAL.—All aliens;” and

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

24 “(B) PROHIBITION.—An immigration offi-
25 cer may not turn back, instruct to return at a

1 later time, refuse to inspect, or otherwise reject
 2 in any manner whatsoever an applicant for ad-
 3 mission at a port of entry who indicates—

4 “(i) an intent to apply for asylum
 5 under section 208; or

6 “(ii) a fear of persecution.”.

7 **SEC. 136. STUDY ON EFFECT ON ASYLUM CLAIMS OF EXPE-**
 8 **DITED REMOVAL PROVISIONS, PRACTICES,**
 9 **AND PROCEDURES.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Commission shall con-
 12 duct a study to determine whether immigration offi-
 13 cers are engaging in conduct described in paragraph
 14 (2).

15 (2) CONDUCT DESCRIBED.—The conduct de-
 16 scribed in this paragraph is the following:

17 (A) Improperly encouraging an alien to
 18 withdraw or retract an asylum claim.

19 (B) Incorrectly failing to refer an alien for
 20 an interview by an asylum officer to determine
 21 whether the alien has a credible fear of persecu-
 22 tion, including failing to record the expression
 23 of an alien of fear of persecution or torture.

24 (C) Incorrectly removing an alien to a
 25 country in which the alien may be persecuted.

1 (D) Detaining an alien improperly or
2 under inappropriate conditions.

3 (E) Improperly separating a family unit
4 after a member of the family unit has expressed
5 a credible fear of persecution.

6 (F) Improperly referring an alien for proc-
7 essing under an enforcement or deterrence pro-
8 gram, such as the consequence delivery system.

9 (b) REPORT.—Not later than 2 years after the date
10 on which the Commission initiates the study under sub-
11 section (a), the Commission shall submit to the appro-
12 priate committees of Congress a report describing the re-
13 sults of the study.

14 (c) STAFFING.—

15 (1) AGENCY EMPLOYEES.—

16 (A) IDENTIFICATION.—The Commission
17 may identify employees of the Department of
18 Homeland Security, the Department of Justice,
19 and the Government Accountability Office who
20 have significant expertise and knowledge of ref-
21 ugee and asylum issues.

22 (B) DESIGNATION.—At the request of the
23 Commission, the Secretary, the Attorney Gen-
24 eral, and the Comptroller General of the United
25 States shall authorize the employees identified

1 under subparagraph (A) to assist the Commis-
2 sion in conducting the study under subsection
3 (a).

4 (2) ADDITIONAL STAFF.—The Commission may
5 hire additional staff and consultants to conduct the
6 study under subsection (a).

7 (3) ACCESS TO PROCEEDINGS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Secretary and the Attor-
10 ney General shall provide staff designated
11 under paragraph (1)(B) or hired under para-
12 graph (2) with unrestricted access to all stages
13 of all proceedings conducted under section
14 235(b) of the Immigration and Nationality Act
15 (8 U.S.C. 1225(b)).

16 (B) EXCEPTIONS.—The Secretary and the
17 Attorney General may not permit unrestricted
18 access under subparagraph (A) if—

19 (i) the alien subject to a proceeding
20 under such section 235(b) objects to such
21 access; or

22 (ii) the Secretary or Attorney General
23 determines that the security of a particular
24 proceeding would be threatened by such
25 access.

1 (d) DEFINITIONS.—In this section:

2 (1) APPROPRIATE COMMITTEES OF CON-
3 GRESS.—The term “appropriate committees of Con-
4 gress” means—

5 (A) the Committee on Homeland Security
6 and Governmental Affairs, the Committee on
7 the Judiciary, and the Committee on Foreign
8 Relations of the Senate; and

9 (B) the Committee on Homeland Security,
10 the Committee on the Judiciary, and the Com-
11 mittee on Foreign Affairs of the House of Rep-
12 resentatives.

13 (2) COMMISSION.—The term “Commission”
14 means the United States Commission on Inter-
15 national Religious Freedom.

16 (3) CREDIBLE FEAR OF PERSECUTION.—The
17 term “credible fear of persecution” has the meaning
18 given the term in section 235(b)(1)(B)(v) of the Im-
19 migration and Nationality Act (8 U.S.C.
20 1225(b)(1)(B)(v)).

21 (4) IMMIGRATION OFFICER.—The term “immi-
22 gration officer” means an immigration officer per-
23 forming duties under section 235(b) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1225(b)) with re-
25 spect to aliens who—

1 (A) are apprehended after entering the
2 United States;

3 (B) may be eligible to apply for asylum
4 under section 208 of that Act (8 U.S.C. 1158);
5 or

6 (C) may have a credible fear of persecu-
7 tion.

8 **SEC. 137. ALIGNMENT WITH REFUGEE CONVENTION OBLI-**
9 **GATIONS BY PROHIBITING CRIMINAL PROS-**
10 **ECUTION OF REFUGEES.**

11 (a) IN GENERAL.—An alien who has expressed a
12 credible or reasonable fear of persecution, filed an applica-
13 tion for asylum, withholding of removal, or protection
14 under the Convention against Torture and Other Cruel,
15 Inhumane or Degrading Treatment or Punishment, done
16 at New York December 10, 1984, or expressed an intent
17 to file such an application, may not be prosecuted under
18 section 275(a) or 276(a) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1325(a), 1326(a)) until the earlier
20 of—

21 (1) the date on which any such application has
22 been finally adjudicated and denied, including any
23 appeals of such denial; or

24 (2) in the case of an alien who expresses an in-
25 tent to file such an application, the date on which

1 any applicable time limitation for the filing of such
2 an application under section 208 of such Act has
3 ended with an application being filed.

4 (b) AFFIRMATIVE DEFENSE.—If an alien is pros-
5 ecuted under section 275(a) or 276(a) of the Immigration
6 and Nationality Act (8 U.S.C. 1325(a) and 1326(a)) in
7 violation of subsection (a), it shall be a defense that the
8 alien has expressed a credible or reasonable fear of perse-
9 cution, has filed an application for asylum or another form
10 of protection, and such application has not been finally
11 adjudicated and denied, including any appeals of such de-
12 nial.

13 (c) TREATY OBLIGATIONS.—In accordance with the
14 treaty obligations of the United States under Article 31
15 of the Convention Relating to the Status of Refugees, done
16 at Geneva July 28, 1951 (as made applicable by the Pro-
17 tocol Relating to the Status of Refugees, done at New
18 York January 31, 1967 (19 UST 6223)), an alien who
19 has been granted asylum or withholding of removal under
20 the Immigration and Nationality Act (8 U.S.C. 1101 et
21 seq.) may not be prosecuted under section 275(a) or
22 276(a) of that Act (8 U.S.C. 1325(a) and 1326(a)).

1 **Subtitle E—Refugee Resettlement**

2 **SEC. 141. PRIORITIZATION OF FAMILY REUNIFICATION IN** 3 **REFUGEE RESETTLEMENT PROCESS.**

4 (a) IN GENERAL.—The Secretary of State shall
5 prioritize the cases of persons referred by the United Na-
6 tions High Commissioner for Refugees, groups of special
7 humanitarian concern to the United States under sub-
8 section (a)(1) of section 207 of the Immigration and Na-
9 tionality Act (8 U.S.C. 1157), and refugees seeking reuni-
10 fication with relatives living in the United States, regard-
11 less of the nationality of such refugees.

12 (b) REGULATIONS.—

13 (1) IN GENERAL.—The Secretary of State, in
14 consultation with the Secretary of Homeland Secu-
15 rity, shall promulgate regulations to ensure that an
16 individual seeking admission to the United States as
17 a refugee shall not be excluded from being inter-
18 viewed for refugee status based on—

19 (A) a close family relationship to a citizen
20 or lawful permanent resident of the United
21 States;

22 (B) a potential qualification of the indi-
23 vidual for an immigrant visa; or

24 (C) a pending application by the individual
25 for admission to the United States.

1 (2) SIMULTANEOUS CONSIDERATION.—The reg-
2 ulations promulgated under paragraph (1) shall en-
3 sure that an applicant for admission as a refugee is
4 permitted to pursue simultaneously admission to the
5 United States—

6 (A) as a refugee; and

7 (B) under any visa category for which the
8 applicant may be eligible.

9 (c) NOTICE OF SEPARATE TRAVEL.—In the case of
10 an applicant for admission under section 207 of the Immi-
11 gration and Nationality Act (8 U.S.C. 1157) the applica-
12 tion of whom is placed on hold for more than three months
13 and one or more members of the family of the applicant
14 have separate pending applications for admission under
15 such section, the Secretary of Homeland Security shall—

16 (1) notify any individual on that case who is eli-
17 gible to travel separately of the option to separate
18 the case of the individual from the family unit; and

19 (2) permit the individual to travel based on the
20 satisfaction by the individual of all security and
21 other requirements for a refugee application.

22 (d) USE OF EMBASSY REFERRALS.—

23 (1) IN GENERAL.—The Secretary of State shall
24 set forth a plan to ensure that each United States
25 embassy and consulate is equipped and enabled to

1 refer individuals in need of resettlement to the
2 United States refugee admissions program.

3 (2) TRAINING.—The Secretary of State shall
4 undertake training for embassy personnel to ensure
5 that each embassy and consulate has sufficient
6 knowledge and expertise to carry out this paragraph.

7 **SEC. 142. NUMERICAL GOALS FOR ANNUAL REFUGEE AD-**
8 **MISSIONS.**

9 Section 207 of the Immigration and Nationality Act
10 (8 U.S.C. 1157) is amended—

11 (1) in subsection (a)—

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraphs (2) and
14 (4) as paragraphs (1) and (6), respectively;

15 (C) in paragraph (1), as so redesignated—

16 (i) by inserting (A) before “Except as
17 provided”;

18 (ii) by striking “after fiscal year
19 1982”;

20 (iii) by striking “is justified” and all
21 that follows through “interest.” and insert-
22 ing “is—

23 “(i) justified by humanitarian con-
24 cerns or otherwise in the national interest;
25 and

1 “(ii) not less than 95,000.”; and

2 (iv) by adding at the end the fol-
3 lowing—

4 “(B) If the President does not issue a de-
5 termination under this paragraph before the be-
6 ginning of a fiscal year, the number of refugees
7 who may be admitted under this section shall
8 be 95,000.

9 “(2) Each officer of the Federal Government
10 responsible for refugee admissions or refugee reset-
11 tlement shall treat a determination under paragraph
12 (1) and subsection (b) as the numerical goals for
13 refugee admissions under this section for the appli-
14 cable fiscal year.”;

15 (D) by inserting after paragraph (3) the
16 following:

17 “(4) In making a determination under para-
18 graph (1), the President shall consider the number
19 of refugees who, during the calendar year beginning
20 immediately after the beginning of the applicable fis-
21 cal year, are in need of resettlement in a third coun-
22 try, as determined by the United Nations High
23 Commissioner for Refugees in the most recently
24 published projected global resettlement needs report.

1 “(5) The President shall determine regional al-
2 locations for admissions under this subsection,
3 that—

4 “(A) shall consider the projected needs
5 identified by the United Nations High Commis-
6 sioner for Refugees in the projected global re-
7 settlement needs report for the calendar year
8 beginning immediately after the beginning of
9 the applicable fiscal year; and

10 “(B) shall include an unallocated reserve
11 that the Secretary of State, after notifying the
12 Committee on the Judiciary of the Senate and
13 the Committee on the Judiciary of the House of
14 Representatives, may use for 1 or more regions
15 in which the need for additional refugee admis-
16 sions arises.”;

17 (E) in paragraph (6), as so redesignated,
18 by striking “(beginning with fiscal year 1992)”;
19 and

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

21 “(7) All officers of the Federal Government re-
22 sponsible for refugee admissions or refugee resettle-
23 ment shall treat the determinations made under this
24 subsection and subsection (b) as the refugee admis-
25 sions goal for the applicable fiscal year.”; and

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

2 “(g) QUARTERLY REPORTS ON ADMISSIONS.—Not
3 later than 15 days after the last day of each quarter, the
4 President shall submit to the Committee on the Judiciary
5 of the Senate and the Committee on the Judiciary of the
6 House of Representatives a report that includes the fol-
7 lowing:

8 “(1) REFUGEES ADMITTED.—

9 “(A) The number of refugees admitted to
10 the United States during the preceding quarter.

11 “(B) The number of refugees admitted to
12 the United States during the preceding quarter,
13 expressed as a percentage of the number of ref-
14 ugees authorized to be admitted in accordance
15 with the determinations under subsections (a)
16 and (b) for the applicable fiscal year.

17 “(C) The cumulative number of refugees
18 admitted to the United States during the appli-
19 cable fiscal year, as of the last day of the pre-
20 ceding quarter.

21 “(D) The number of refugees to be admit-
22 ted to the United States during the remainder
23 of the applicable fiscal year so as to achieve the
24 numerical goals set forth in the determinations

1 under subsections (a) and (b) for such fiscal
2 year.

3 “(E) The number of refugees from each
4 region admitted to the United States during the
5 preceding quarter, expressed as a percentage of
6 the allocation for each region under subsection
7 (a)(5) for the applicable fiscal year.

8 “(2) ALIENS WITH SECURITY ADVISORY OPIN-
9 IONS.—

10 “(A) The number of aliens, by nationality,
11 for whom a Security Advisory Opinion has been
12 requested who were security-cleared during the
13 preceding quarter, expressed as a percentage of
14 all cases successfully adjudicated by the Direc-
15 tor of U.S. Citizenship and Immigration Serv-
16 ices in the applicable fiscal year.

17 “(B) The number of aliens, by nationality,
18 for whom a Security Advisory Opinion has been
19 requested who were admitted to the United
20 States during the preceding quarter.

21 “(3) CIRCUIT RIDES.—

22 “(A) For the preceding quarter—

23 “(i) the number of Refugee Corps of-
24 ficers deployed on circuit rides, expressed

1 as a percentage of the overall number of
2 Refugee Corps officers;
3 “(ii) the number of individuals inter-
4 viewed—
5 “(I) on each circuit ride; and
6 “(II) at each circuit ride location;
7 “(iii) the number of circuit rides; and
8 “(iv) for each circuit ride—
9 “(I) the duration of the circuit
10 ride;
11 “(II) the average number of
12 interviews conducted daily on the cir-
13 cuit ride; and
14 “(III) the percentages of inter-
15 views conducted for—
16 “(aa) individuals who re-
17 quire Security Advisory Opinions;
18 and
19 “(bb) individuals who do not
20 require Security Advisory Opin-
21 ions.
22 “(B) For the subsequent quarter—
23 “(i) the number of circuit rides sched-
24 uled; and

1 “(ii) the number of circuit rides
2 planned.

3 “(4) PROCESSING.—For the preceding quar-
4 ter—

5 “(A) the average number of days be-
6 tween—

7 “(i) the date on which an individual is
8 identified by the United States Govern-
9 ment as a refugee; and

10 “(ii) the date on which such individual
11 is interviewed by the Secretary of Home-
12 land Security;

13 “(B) the average number of days be-
14 tween—

15 “(i) the date on which an individual
16 identified by the United States Govern-
17 ment as a refugee is interviewed by the
18 Secretary of Homeland Security; and

19 “(ii) the date on which such individual
20 is admitted to the United States; and

21 “(C) with respect to individuals identified
22 by the United States Government as refugees
23 who have been interviewed by the Secretary of
24 Homeland Security, the approval, denial, and

1 hold rates for the applications for admission of
2 such individuals, by nationality.

3 “(5) PLAN AND ADDITIONAL INFORMATION.—

4 “(A) A plan that describes the procedural
5 or personnel changes necessary to ensure the
6 admission of the number of refugees authorized
7 to be admitted to the United States in accord-
8 ance with determinations under subsections (a)
9 and (b), including a projection of the number of
10 refugees to be admitted to the United States
11 each month so as to achieve the numerical goals
12 set forth in such determinations.

13 “(B) Additional information relating to the
14 pace of refugee admissions, as determined by
15 the President.

16 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed—

18 “(1) to inhibit the expeditious processing of ref-
19 ugee and asylum applications;

20 “(2) to restrict the authority of the Secretary of
21 Homeland Security to admit aliens to the United
22 States under any other Act; or

23 “(3) to prevent the executive branch from in-
24 creasing the numerical goal of refugee admissions or
25 regional allocations based on emerging or identified

1 “(i) the number of refugees the President ex-
2 pects to have ready to travel to the United States
3 at the beginning of the fiscal year;

4 “(ii) the number of refugees and the stipulated
5 populations the President expects to admit to the
6 United States in each quarter of the fiscal year; and

7 “(iii) the number of refugees the President ex-
8 pects to have ready to travel to the United States
9 at the end of the fiscal year.

10 “(B) The Secretary of Homeland Security shall en-
11 sure that an adequate number of refugees are processed
12 during the fiscal year to fulfill the refugee admissions
13 goals under subsections (a) and (b).

14 “(C) In fulfilling the requirements of this subsection,
15 the President shall—

16 “(i) establish specific objectives or measure-
17 ments for the integration of refugees admitted to the
18 United States; and

19 “(ii) submit an annual report to Congress on
20 the integration of resettled refugees on the basis of
21 such objectives or measurements.”.

1 **SEC. 144. DESIGNATION OF CERTAIN GROUPS OF REFU-**
2 **GEES FOR RESETTLEMENT AND ADMISSION**
3 **OF REFUGEES IN EMERGENCY SITUATIONS.**

4 (a) ADMISSION OF EMERGENCY SITUATION REFU-
5 GEES.—Section 207(c) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1157(c)), as amended by section
7 111(b), is further amended—

8 (1) by striking the subsection designation and
9 all that follows through “immigrant under this Act.”
10 in paragraph (1) and inserting the following:

11 “(c)(1)(A) Subject to the numerical established pur-
12 suant to subsections (a) and (b), the Secretary of Home-
13 land Security may, in the Secretary’s discretion and pur-
14 suant to such regulations as the Secretary may prescribe,
15 admit any refugee who is not firmly resettled in any for-
16 eign country, is determined to be of special humanitarian
17 concern to the United States, and is admissible (except
18 as provided under subsection (b) and (c) of section 209)
19 as an immigrant under this Act. Notwithstanding any nu-
20 merical limitations specified in this Act, any alien admit-
21 ted under this paragraph shall be regarded as lawfully ad-
22 mitted to the United States for permanent residence as
23 of the date of such alien’s admission to the United States.

24 “(B)(i) The President, upon a recommendation of the
25 Secretary of State made in consultation with the Secretary

1 of Homeland Security, and after appropriate consultation,
2 may designate specifically defined groups of aliens—

3 “(I) whose resettlement in the United States is
4 justified by humanitarian concerns or is otherwise in
5 the national interest; and

6 “(II) who—

7 “(aa) share common characteristics that
8 identify them as targets of—

9 “(AA) persecution on account of race,
10 religion, nationality, membership in a par-
11 ticular social group, or political opinion; or

12 “(BB) other serious harm; or

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

16 “(ii) An alien who establishes membership in a group
17 designated under clause (i) to the satisfaction of the Sec-
18 retary of Homeland Security shall be considered a refugee
19 for purposes of admission as a refugee under this section
20 unless the Secretary determines that such alien ordered,
21 incited, assisted, or otherwise participated in the persecu-
22 tion of any person on account of race, religion, nationality,
23 membership in a particular social group, or political opin-
24 ion.

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

4 “(iv) Categories of aliens established under section
5 599D of the Foreign Operations, Export Financing, and
6 Related Programs Appropriations Act, 1990 (Public Law
7 101–167; 8 U.S.C. 1157 note)—

8 “(I) shall be designated under clause (i) until
9 the end of the first fiscal year commencing after the
10 date of the enactment of the Refugee Protection Act
11 of 2019; and

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

14 “(v) The admission of an alien under this subpara-
15 graph shall count against the refugee admissions goal
16 under subsection (a).

17 “(vi) A designation under clause (i) shall not influ-
18 ence decisions to grant to any alien asylum under section
19 208, protection under section 241(b)(3), or protection
20 under the Convention against Torture and Other Cruel,
21 Inhuman or Degrading Treatment or Punishment, done
22 at New York December 10, 1984.

23 “(vii) A decision to deny admission under this section
24 to an alien who establishes to the satisfaction of the Sec-

1 retary that the alien is a member of a group designated
2 under clause (i)—

3 “(I) shall be in writing; and

4 “(II) shall cite the specific applicable provision
5 of this Act upon which such denial is based, includ-
6 ing—

7 “(aa) the facts underlying the determina-
8 tion; and

9 “(bb) whether there is a waiver of inadmis-
10 sibility available to the alien.”;

11 (2) by striking paragraph (3); and

12 (3) by redesignating paragraph (4) as para-
13 graph (3).

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

18 **SEC. 145. REFUGEE RESETTLEMENT; RADIUS REQUIRE-**
19 **MENTS.**

20 The Bureau of Population, Refugees, and Migration
21 shall not require a refugee to be resettled within a pre-
22 scribed radius of a refugee resettlement office.

1 **SEC. 146. STUDY AND REPORT ON CONTRIBUTIONS BY REF-**
2 **UGEES TO THE UNITED STATES.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of the enactment of this Act, and not less frequently
5 than every 5 years thereafter, the Comptroller General of
6 the United States shall conduct a study on the economic,
7 social, and other contributions that refugees make to the
8 United States.

9 (b) MATTERS TO BE INCLUDED.—The study con-
10 ducted under subsection (a) shall include the following:

11 (1) An assessment of economic contributions
12 made by refugees, including—

13 (A) during the first year, 5 years, 10
14 years, and 20 years following the arrival of a
15 refugee in the United States—

16 (i) a description of industries in which
17 the most refugees work;

18 (ii) an analysis of the economic and
19 spending power of refugees;

20 (iii) the rate of home ownership of
21 refugees;

22 (iv) the estimated net amount of rev-
23 enue refugees contribute to the United
24 States, as compared to the cost of govern-
25 ment benefits accessed by refugees; and

1 (v) the estimated gross amount of
2 taxes refugees contribute;

3 (B) the estimated rate of entrepreneurship
4 of refugees during the first year, 5 years, 10
5 years, and 20 years after the arrival of a ref-
6 ugee;

7 (C) the number of jobs created by refugee
8 businesses; and

9 (D) the labor markets for which refugees
10 fill critical gaps.

11 (2) An assessment of the rate of refugee self-
12 sufficiency and a description of unmet needs and
13 outcomes, including—

14 (A) the manner in which the Office of Ref-
15 ugee Resettlement defines self-sufficiency;

16 (B) an assessment as to whether such defi-
17 nition is adequate in addressing refugee needs
18 in the United States;

19 (C) an analysis of the unmet needs and
20 outcomes of refugees; and

21 (D) an evaluation of the budgetary re-
22 sources of the Office of Refugee Resettlement
23 and a projection of the amount of additional re-
24 sources necessary to fully address the unmet
25 needs of refugees and all other populations

1 (2) a sufficient portion of such amount is pro-
2 vided at the beginning of the fiscal year to each na-
3 tional resettlement agency to ensure adequate local
4 and national capacity to serve the initial resettle-
5 ment needs of the number of refugees the Secretary
6 of State anticipates each such resettlement agency
7 will resettle during the fiscal year; and

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

15 **SEC. 148. RESETTLEMENT DATA.**

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

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

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

22 “(11)(A) The Assistant Secretary of Health
23 and Human Services for Refugee and Asylee Reset-
24 tlement (referred to in this section as the ‘Assistant
25 Secretary’) shall expand the data analysis, collection,

1 and sharing activities of the Office of Refugee Reset-
2 tlement.

3 “(B) The Assistant Secretary shall coordinate
4 with the Centers for Disease Control, national reset-
5 tlement agencies, community-based organizations,
6 and State refugee health programs to track national
7 and State trends with respect to refugees arriving
8 with Class A medical conditions and other urgent
9 medical needs. In collecting information under this
10 paragraph, the Assistant Secretary shall use initial
11 refugee health screening data (including any history
12 of severe trauma, torture, mental health symptoms,
13 depression, anxiety, and post traumatic stress dis-
14 order) recorded during domestic and international
15 health screenings, and data on the rate of use of ref-
16 ugee medical assistance.

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

22 “(i) the number of refugees who rent
23 apartments or houses and who own condomin-
24 iums or houses; and

1 “(ii) the number of refugees who have be-
2 come homeless and the number at severe risk of
3 becoming homeless.

4 “(D)(i) Beginning on the fifth year after arrival
5 of a refugee and every 5 years thereafter until the
6 end of the 20th year after arrival, the Assistant Sec-
7 retary shall, to the extent practicable, gather longi-
8 tudinal information relating to refugee self-suffi-
9 ciency and economic contributions to the United
10 States including employment status, earnings and
11 advancement.

12 “(ii) The longitudinal study shall consider addi-
13 tional factors related to self-sufficiency and integra-
14 tion, including family self-sufficiency and caretaking,
15 barriers to and opportunities for integration of the
16 children of refugees and their descendants, and el-
17 derly resettled refugees.

18 “(E) Not less frequently than annually, the As-
19 sistant Secretary shall—

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

22 “(ii) submit to Congress a report on such
23 data; and

24 “(iii) not later than 270 days after the end
25 of the fiscal year following the year for which

1 the data was collected, make the data available
2 to the public on the website of the Office of
3 Refugee Resettlement.”.

4 **SEC. 149. REFUGEE ASSISTANCE.**

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

9 “(B) The funds available for a fiscal year for
10 grants and contracts under subparagraph (A) shall
11 be allocated among the States based on a combina-
12 tion of—

13 “(i) the total number of refugees (includ-
14 ing children and adults) who arrived in the
15 United States not more than 36 months before
16 the beginning of such fiscal year and are actu-
17 ally residing in each State (taking into account
18 secondary migration) as of the beginning of the
19 fiscal year;

20 “(ii) the total number of all other eligible
21 populations served by the Office during the pe-
22 riod described who are residing in the State as
23 of the beginning of the fiscal year; and

24 “(iii) projections on the number, projec-
25 tions on regional allocations, and information

1 on the nature of incoming refugees and other
2 populations, such as demographics, case man-
3 agement or medical needs, served by the Office
4 during the subsequent fiscal year.”.

5 (b) REPORT ON SECONDARY MIGRATION.—Section
6 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

7 (1) in the first sentence, by striking “a peri-
8 odic” and inserting “an annual”; and

9 (2) by adding at the end the following: “At the
10 end of each fiscal year, the Director shall submit to
11 Congress a report that describes the findings of the
12 assessment, including a list of States and localities
13 experiencing departures and arrivals due to sec-
14 ondary migration, likely reasons for migration, the
15 impact of secondary migration on States receiving
16 secondary migrants, availability of social services for
17 secondary migrants in such States, and unmet needs
18 of those secondary migrants.”.

19 (c) ASSISTANCE MADE AVAILABLE TO SECONDARY
20 MIGRANTS.—Section 412(a)(1) of the Immigration and
21 Nationality Act (8 U.S.C. 1522(a)(1)) is amended by add-
22 ing at the end the following:

23 “(C) In providing assistance under this section,
24 the Director shall ensure that such assistance is also
25 provided to refugees who are secondary migrants

1 and meet all other eligibility requirements for such
2 services.”.

3 (d) REFUGEES NEEDING SPECIALIZED MEDICAL
4 CARE OR PREPARATION.—Section 412(b)(4)(B) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1522(b)(4)(B)) is amended by inserting “requiring spe-
7 cialized care or preparation before the arrival of such refu-
8 gees in the United States, or” after “medical conditions”.

9 (e) LEGAL ASSISTANCE FOR REFUGEES AND
10 ASYLEES.—Section 412(c)(1)(A) of the Immigration and
11 Nationality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

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

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

14 and

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

16 “(iii) to provide legal services for refu-
17 gees to assist the refugees in obtaining im-
18 migration benefits for which the refugees
19 are eligible; and”.

20 (f) NOTICE AND RULEMAKING.—Not later than 90
21 days after the date of the enactment of this Act, but in
22 no event later than 30 days before the effective date of
23 the amendments made by this section, the Assistant Sec-
24 retary shall—

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

5 (2) solicit public comment.

6 (g) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the first day of the first
8 fiscal year that begins after the date of the enactment of
9 this Act.

10 **SEC. 150. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**
11 **SECURITY BENEFITS FOR CERTAIN REFU-**
12 **GEES.**

13 (a) EXTENSION OF ELIGIBILITY PERIOD.—

14 (1) IN GENERAL.—Section 402(a)(2)(M)(i) of
15 the Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996 (8 U.S.C.
17 1612(a)(2)(M)(i)) is amended—

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

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

22 (2) CONFORMING AMENDMENT.—The heading
23 for clause (i) of section 402(a)(2)(M) of such Act is
24 amended by striking “TWO-YEAR EXTENSION” and
25 inserting “EXTENSION”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect as of October 1,
3 2020.

4 **SEC. 151. UNITED STATES EMERGENCY REFUGEE RESET-**
5 **TLEMENT CONTINGENCY FUND.**

6 (a) ESTABLISHMENT.—There is established in the
7 Treasury of the United States a fund, to be known as the
8 “Domestic Emergency Refugee Resettlement Contingency
9 Fund” (referred to in this section as the “Fund”), to be
10 administered by the Director of the Office of Refugee Re-
11 settlement (referred to in this section as the “Director”)
12 for the purpose described in subsection (b) and to remain
13 available until expended.

14 (b) PURPOSE.—Amounts from the Fund shall be
15 used to enable the Director to operate programs and carry
16 out efforts and initiatives to respond to urgent, unantici-
17 pated, or underfunded refugee and entrant assistance ac-
18 tivities under—

19 (1) the Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.);

21 (2) section 602(b) of the Afghan Allies Protec-
22 tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101
23 note);

1 (3) section 501 of the Refugee Education As-
2 sistance Act of 1980 (Public Law 96–422; 8 U.S.C.
3 1522 note);

4 (4) the Torture Victims Relief Act of 1998
5 (Public Law 105–320; 22 U.S.C. 2152 note);

6 (5) the Trafficking Victims Protection Act of
7 2000 (22 U.S.C. 7101 et seq.); or

8 (6) section 1244 of the Refugee Crisis in Iraq
9 Act of 2007 (Public Law 110–181; 122 Stat. 396).

10 (c) USE OF FUNDS.—Amounts from the Fund—

11 (1) shall be subject to the same limitations set
12 forth in title V of division B of the Department of
13 Defense and Labor, Health and Human Services,
14 and Education Appropriations Act, 2019 (Public
15 Law 115–245) as are applicable to funds appro-
16 priated for the Department of Health and Human
17 Services under such Act; and

18 (2) may only be used for initiatives that—

19 (A) replenish any previously appropriated
20 funds that have been reprogrammed, trans-
21 ferred, or withheld from programs, projects, or
22 activities that serve refugees and entrants
23 under the authorities described in subsection

24 (b);

1 (B) stabilize existing programs, projects,
2 and activities that serve such refugees and en-
3 trants by augmenting funds previously appro-
4 priated to serve such refugees and entrants;

5 (C) identify unmet resettlement or integra-
6 tion needs of such refugees and entrants and
7 implement solutions for such needs; and

8 (D) meet such other needs as the Director
9 considers appropriate, consistent with the pur-
10 pose under subsection (b).

11 (3) PROTECTION FROM REPROGRAMMING.—
12 Notwithstanding any other provision of law, none of
13 the amounts deposited into or made available from
14 the Fund may be transferred, reprogrammed, or
15 otherwise made available for any purpose or use not
16 specified in this section.

17 (d) AVAILABILITY OF FUNDS.—Amounts in the Fund
18 shall be available to the Director of the Office of Refugee
19 Resettlement to meet the purpose described in subsection
20 (b) in the national interest of the United States, as deter-
21 mined by the Director.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 there is authorized to be appropriated to the Direc-
25 tor from time to time such amounts as may be nec-

1 essary for the Fund to carry out the purpose de-
2 scribed in subsection (b).

3 (2) **LIMITATION.**—No amount of funds may be
4 appropriated that, when added to amounts pre-
5 viously appropriated but not yet obligated, would
6 cause such amount to exceed \$200,000,000.

7 (3) **JUSTIFICATION TO CONGRESS.**—The Presi-
8 dent shall provide to the appropriate committees of
9 Congress a justification for each request for appro-
10 priations under this section.

11 **Subtitle F—Miscellaneous**
12 **Provision**

13 **SEC. 161. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as may be necessary to carry out this title, including, in
16 addition to annual funds derived from fee accounts of U.S.
17 Citizenship and Immigration Services, such sums as may
18 be necessary to reduce the backlog of asylum applications
19 to the Refugee, Asylum and International Operations Di-
20 rectorate.

1 **TITLE II—REFUGEE AND ASY-**
2 **LUM SEEKER PROCESSING IN**
3 **WESTERN HEMISPHERE**

4 **SEC. 201. EXPANSION OF REFUGEE AND ASYLUM SEEKER**
5 **PROCESSING.**

6 (a) **STRENGTHENING PROCESSING AND ADJUDICA-**
7 **TION CAPACITY.—**

8 (1) **IN GENERAL.—**The Secretary of State, in
9 consultation with the Secretary, shall collaborate
10 with international partners, including the United
11 Nations High Commissioner for Refugees, to sup-
12 port and strengthen the domestic capacity of coun-
13 tries in the Western Hemisphere—

14 (A) to process and accept refugees for re-
15 settlement; and

16 (B) to adjudicate asylum claims.

17 (2) **SUPPORT AND TECHNICAL ASSISTANCE.—**

18 The Secretary of State, in consultation with the Sec-
19 retary, shall provide support and technical assistance
20 to countries in the Western Hemisphere to help such
21 countries—

22 (A) expand and improve their capacity to
23 identify, process, and adjudicate refugee claims,
24 adjudicate applications for asylum, or otherwise
25 accept refugees referred for resettlement by the

1 United Nations High Commissioner for Refu-
2 gees or host nations, including by increasing the
3 number of refugee and asylum officers (as de-
4 fined in section 235(b)(1)(E) of the Immigra-
5 tion and Nationality Act (8 U.S.C.
6 1225(b)(1)(E))) who are trained in the relevant
7 legal standards for adjudicating claims for pro-
8 tection;

9 (B) establish and expand safe and secure
10 refugee reception centers to facilitate the safe
11 and orderly movement of individuals and fami-
12 lies seeking international protection;

13 (C) improve national refugee and asylum
14 registration systems to ensure that any person
15 seeking refugee status, asylum, or other human-
16 itarian protections—

17 (i) receives due process and meaning-
18 ful access to existing humanitarian protec-
19 tions;

20 (ii) is provided with adequate informa-
21 tion about his or her rights, including the
22 right to seek protection;

23 (iii) is properly screened for security,
24 including biographic and biometric capture;
25 and

1 (iv) receives appropriate documents to
2 prevent fraud and ensure freedom of move-
3 ment and access to basic social services;
4 and

5 (D) develop the capacity to conduct best
6 interest determinations for unaccompanied chil-
7 dren with international protection needs to en-
8 sure that—

9 (i) such children are properly reg-
10 istered; and

11 (ii) their claims are appropriately con-
12 sidered.

13 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
14 TION.—The Secretary of State, in coordination with the
15 Secretary, as appropriate, shall—

16 (1) carry out diplomatic engagement to secure
17 commitments from governments to resettle refugees
18 from Central America; and

19 (2) take all necessary steps to ensure effective
20 cooperation among governments resettling refugees
21 from Central America.

22 **SEC. 202. STRENGTHENING REGIONAL HUMANITARIAN RE-**
23 **SPONSES.**

24 The Secretary of State, in consultation with the Sec-
25 retary, and in coordination with international partners, in-

1 cluding the United Nations High Commissioner for Refu-
2 gees, shall support and coordinate with the government
3 of each country hosting a significant population of refu-
4 gees and asylum seekers from El Salvador, Guatemala,
5 and Honduras—

6 (1) to establish and expand temporary shelter
7 and shelter network capacity to meet the immediate
8 protection and humanitarian needs of refugees and
9 asylum seekers, including shelters for families,
10 women, unaccompanied children, and other vulner-
11 able populations;

12 (2) to deliver to refugees and asylum seekers
13 humanitarian assistance that—

14 (A) is sensitive to gender identity and sex-
15 ual orientation, trauma, and age; and

16 (B) includes access to accurate informa-
17 tion, legal representation, education, livelihood
18 opportunities, cash assistance, mental and phys-
19 ical health care, and other services;

20 (3) to establish and expand sexual, gender-
21 based, intimate partner, and intra-family violence
22 prevention, recovery, and humanitarian program-
23 ming;

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

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

5 **SEC. 203. 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—

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

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

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

18 (b) ELEMENTS.—To the greatest extent possible, the
19 information campaigns implemented pursuant to sub-
20 section (a)—

21 (1) shall be targeted at regions with high rates
22 of violence, high levels of out-bound migration, or
23 significant populations of internally displaced per-
24 sons;

25 (2) shall use local languages;

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

3 (4) shall be developed in consultation with pro-
4 gram officials at the Department of Homeland Secu-
5 rity, the Department of State, and other govern-
6 ment, nonprofit, or academic entities in close contact
7 with migrant populations from El Salvador, Guate-
8 mala, and Honduras, including repatriated migrants.

9 **SEC. 204. REPORTING REQUIREMENT.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary of State, in consultation
12 with the Secretary, shall submit a report describing the
13 plans of the Secretary of State to assist in developing the
14 refugee and asylum processing capabilities described in
15 this title to—

16 (1) the Committee on the Judiciary of the Sen-
17 ate;

18 (2) the Committee on Foreign Relations of the
19 Senate;

20 (3) the Committee on Appropriations of the
21 Senate;

22 (4) the Committee on the Judiciary of the
23 House of Representatives;

24 (5) the Committee on Foreign Affairs of the
25 House of Representatives; and

1 (6) the Committee on Appropriations of the
2 House of Representatives.

3 **SEC. 205. IDENTIFICATION, SCREENING, AND PROCESSING**
4 **OF REFUGEES AND OTHER INDIVIDUALS ELI-**
5 **GIBLE FOR LAWFUL ADMISSION TO THE**
6 **UNITED STATES.**

7 (a) DESIGNATED PROCESSING CENTERS.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Secretary
10 of State, in consultation with the Secretary, shall
11 enter into agreements for the Secretary to establish
12 designated processing centers for—

13 (A) registering, screening, and processing
14 refugees and other eligible individuals in North
15 America and Central America; and

16 (B) resettling or relocating such individ-
17 uals to the United States or to other countries.

18 (2) LOCATIONS.—Not fewer than 1 designated
19 processing center shall be established in a safe and
20 secure location identified by the United States and
21 the host government in—

22 (A) El Salvador;

23 (B) Guatemala;

24 (C) Honduras;

25 (D) Mexico;

1 (E) Costa Rica; and

2 (F) any other country that the Secretary
3 of State determines can accept and process re-
4 quests and applications under this title, includ-
5 ing any country in North America or Central
6 America that is hosting significant numbers of
7 refugees or other displaced individuals.

8 (b) ASSISTANT DIRECTOR OF REGIONAL PROC-
9 ESSING.—

10 (1) IN GENERAL.—The Director of U.S. Citi-
11 zenship and Immigration Services shall appoint an
12 Assistant Director of Regional Processing, who shall
13 oversee the establishment and operation of all des-
14 ignated processing centers.

15 (2) DUTIES.—The Assistant Director of Re-
16 gional Processing, in coordination with the Secretary
17 and the Director of U.S. Citizenship and Immigra-
18 tion Services, shall—

19 (A) coordinate with the Secretary of State
20 and the host country to ensure that each des-
21 ignated processing center is safe, secure, and
22 reasonably accessible to the public to facilitate
23 the registration, screening, and processing of
24 individuals under this title;

1 (B) establish standard operating proce-
2 dures for the registration, screening, and proc-
3 essing of individuals under this title;

4 (C) oversee the administration of the pro-
5 cedures established pursuant to subparagraph
6 (B); and

7 (D) carry out other duties and powers pre-
8 scribed by the Director of U.S. Citizenship and
9 Immigration Services.

10 (c) PERSONNEL.—

11 (1) REFUGEE OFFICERS AND RELATED PER-
12 SONNEL.—The Secretary, in consultation with the
13 Director of U.S. Citizenship and Immigration Serv-
14 ices and the Assistant Director of Regional Proc-
15 essing, shall ensure that sufficient numbers of ref-
16 ugee officers and other personnel are assigned to
17 each designated processing center to fulfill the re-
18 quirements under this title.

19 (2) SUPPORT PERSONNEL.—The Secretary and
20 the Attorney General shall hire and assign sufficient
21 personnel to ensure that all security and law en-
22 forcement background checks required under this
23 title are completed not later than 180 days after a
24 relevant application is submitted, absent exceptional
25 circumstances.

1 (d) OPERATIONS.—

2 (1) IN GENERAL.—Each designated processing
3 center established pursuant to subsection (a)(2)
4 shall commence operations not later than 270 days
5 after the date of the enactment of this Act, absent
6 extraordinary circumstances.

7 (2) PRODUCTIVITY.—The Secretary, in coordi-
8 nation with the Secretary of State, shall—

9 (A) monitor the activities of each des-
10 ignated processing center; and

11 (B) establish metrics and criteria for eval-
12 uating the productivity of each designated proc-
13 essing center.

14 (3) CONTINUING OPERATIONS.—Each des-
15 ignated processing center—

16 (A) shall remain in operation for not less
17 than 5 fiscal years; and

18 (B) shall continue operating until the Sec-
19 retary determines, in consultation with the Sec-
20 retary of State, and using the metrics and cri-
21 teria established pursuant to paragraph (2)(B),
22 that the designated processing center has failed
23 to maintain sufficient productivity for at least 4
24 consecutive calendar quarters.

1 (4) REGISTRATION.—Each designated proc-
2 essing center shall receive and register individuals
3 seeking to apply for benefits under this title.

4 (5) INTAKE.—Consistent with this title, reg-
5 istered individuals shall be assessed to determine the
6 benefits for which they may be eligible, including—

7 (A) refugee resettlement pursuant to the
8 Central American Refugee Program described
9 in section 206;

10 (B) the Central American Minors Program
11 described in section 207; and

12 (C) the Central American Family Reunifi-
13 cation Parole Program described in section 208.

14 (6) EXPEDITED PROCESSING.—The Secretary
15 may grant expedited processing of applications and
16 requests under this title in emergency situations, for
17 humanitarian reasons, or if other circumstances war-
18 rant expedited treatment.

19 (e) CONGRESSIONAL REPORTS.—Not later than Jan-
20 uary 31 of the first fiscal year immediately following the
21 conclusion of the fiscal year during which the first des-
22 ignated processing center commences operations, and
23 every January 31 thereafter, the Secretary, in consulta-
24 tion with the Secretary of State, shall submit a report to
25 the Committee on the Judiciary of the Senate, the Com-

1 mittee on Foreign Relations of the Senate, the Committee
2 on the Judiciary of the House of Representatives, and the
3 Committee on Foreign Affairs of the House of Representa-
4 tives that identifies, with respect to each designated proc-
5 essing center during the previous fiscal year—

6 (1) the number of individuals who were reg-
7 istered, screened, and processed for benefits under
8 this title;

9 (2) the number of benefits requests that were
10 approved; and

11 (3) the number of benefits requests that were
12 denied.

13 **SEC. 206. CENTRAL AMERICAN REFUGEE PROGRAM.**

14 (a) IN GENERAL.—

15 (1) MINIMUM ANNUAL NUMBER OF CENTRAL
16 AMERICAN REFUGEES.—In addition to any refugees
17 designated for admission under section 207 of the
18 Immigration and Nationality Act (8 U.S.C. 1157),
19 in each of fiscal years 2020, 2021, 2022, 2023, and
20 2024, not fewer than 100,000 nationals of El Sal-
21 vador, Guatemala, or Honduras shall be admitted
22 into the United States under this section.

23 (2) ELIGIBILITY.—Any alien described in para-
24 graph (1) shall be admitted under this section if—

1 (A) the alien registers at a designated
2 processing center on or before September 30,
3 2024; and

4 (B) the Secretary of State, in consultation
5 with the Secretary, determines that the alien is
6 admissible as a refugee of special humanitarian
7 concern to the United States in accordance with
8 this section.

9 (b) INITIAL PROCESSING.—

10 (1) IN GENERAL.—Any alien who, while reg-
11 istering at a designated processing center, expresses
12 a fear of persecution or an intention to apply for ref-
13 ugee status may apply for refugee resettlement
14 under this section. Each applicant who files a com-
15 pleted application shall be referred to a refugee offi-
16 cer for further processing in accordance with this
17 section.

18 (2) SUBMISSION OF BIOGRAPHIC AND BIOMET-
19 RIC DATA.—An applicant described in paragraph (1)
20 shall submit biographic and biometric data in ac-
21 cordance with procedures established by the Assist-
22 ant Director of Regional Processing appointed pur-
23 suant to section 205(b), who shall provide an alter-
24 native procedure for applicants who are unable to

1 provide all required biographic and biometric data
2 due to a physical or mental impairment.

3 (3) BACKGROUND CHECKS.—The Assistant Di-
4 rector of Regional Processing shall utilize biometric,
5 biographic, and other appropriate data to conduct
6 security and law enforcement background checks of
7 applicants to determine whether there is any crimi-
8 nal, national security, or other ground that would
9 render the applicant ineligible for admission as a
10 refugee under section 207 of the Immigration and
11 Nationality Act (8 U.S.C. 1157).

12 (4) ORIENTATION.—The Assistant Director of
13 Regional Processing shall provide prospective appli-
14 cants for refugee resettlement with information on
15 applicable requirements and legal standards. All ori-
16 entation materials, including application forms and
17 instructions, shall be made available in English and
18 Spanish.

19 (5) INTERNATIONAL ORGANIZATIONS.—The
20 Secretary of State, in consultation with the Sec-
21 retary, shall enter into agreements with international
22 organizations, including the United Nations High
23 Commissioner for Refugees, to facilitate the proc-
24 essing and preparation of case files for applicants
25 under this section.

1 (c) ADJUDICATION OF APPLICATIONS.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the date on which an applicant is referred for fur-
4 ther processing pursuant to subsection (b)(1), the
5 applicant shall be interviewed by a refugee officer,
6 who shall determine whether the applicant is a ref-
7 ugee of special humanitarian concern to the United
8 States (as defined in paragraph (5)).

9 (2) DECISION.—Not later than 14 days after
10 the date on which an applicant is interviewed under
11 paragraph (1), the refugee officer shall issue a writ-
12 ten decision regarding the application.

13 (3) APPROVAL OF APPLICATION.—If a refugee
14 officer approves an application under this section,
15 the applicant shall be processed for resettlement to
16 the United States as a refugee in accordance with
17 section 207 of the Immigration and Nationality Act
18 (8 U.S.C. 1157). The security and law enforcement
19 background checks required under subsection (b)(3)
20 shall be completed, to the satisfaction of the Assist-
21 ant Director of Regional Processing, before the date
22 on which an approved applicant may be admitted to
23 the United States.

24 (4) DENIAL OF APPLICATION.—If the refugee
25 officer denies an application under this section, the

1 officer shall include a reasoned, written explanation
2 for the denial and refer the applicant for a deter-
3 mination of eligibility for other benefits under this
4 title in accordance with section 205(d)(5). An appli-
5 cant who has been denied status as a refugee of spe-
6 cial humanitarian concern under this section may re-
7 quest review of such decision by a supervisory ref-
8 ugee officer not later than 30 days after the date of
9 such denial. The supervisory refugee officer shall
10 issue a final written decision not later than 30 days
11 after such request for review.

12 (5) REFUGEE OF SPECIAL HUMANITARIAN CON-
13 CERN.—In this section, the term “refugee of special
14 humanitarian concern to the United States” means
15 any individual who, in his or her country of nation-
16 ality has suffered (or in the case of an individual
17 who remains in his or her country of nationality, has
18 a well-founded fear of suffering)—

19 (A) domestic, sexual, or other forms of
20 gender-based violence, including forced mar-
21 riage and persecution based on sexual orienta-
22 tion or gender identity;

23 (B) violence, extortion, or other forms of
24 persecution (including forced recruitment) com-

1 mitted by gangs or other organized criminal or-
2 ganizations;

3 (C) a severe form of trafficking in persons;

4 or

5 (D) other serious human rights abuses.

6 (6) SPOUSES AND MINOR CHILDREN.—The
7 spouse or child of any applicant who qualifies for ad-
8 mission under section 207(c) of the Immigration and
9 Nationality Act (8 U.S.C. 1157(c)) shall be granted
10 the same status as the applicant if accompanying or
11 following to join such applicant, in accordance with
12 such section.

13 (7) REFUGEE STATUS.—An individual who is
14 admitted to the United States as a refugee of special
15 humanitarian concern to the United States under
16 this section shall enjoy the same rights and privi-
17 leges, and shall be subject to the same grounds for
18 termination of refugee status, as provided in sections
19 207 and 209 of the Immigration and Nationality Act
20 (8 U.S.C. 1157 and 1159).

21 (8) FEES.—No fee shall be imposed for the fil-
22 ing, processing, or adjudication of an application
23 under this section.

24 (d) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

1 (1) IN GENERAL.—Notwithstanding subsection
2 (b), an applicant for refugee resettlement under this
3 section may be referred to another country for the
4 processing of the applicant’s refugee claim if—

5 (A) another country agrees to immediately
6 process the applicant’s refugee claim in accord-
7 ance with the terms and procedures of a bilat-
8 eral agreement under paragraph (2); and

9 (B) the applicant lacks substantial ties to
10 the United States as defined in paragraph (3)
11 or requests resettlement to a country other than
12 the United States.

13 (2) BILATERAL AGREEMENTS FOR REFERRAL
14 OF REFUGEES.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the Secretary of State, in consulta-
17 tion with the Secretary, shall enter into bilat-
18 eral agreements with other countries for the re-
19 ferral, processing, and resettlement of individ-
20 uals who—

21 (i) register at a designated processing
22 center; and

23 (ii) seek to apply for refugee resettle-
24 ment under this section.

1 (B) LIMITATION.—Agreements required
2 under subparagraph (A) may only be entered
3 into with countries that have the demonstrated
4 capacity—

5 (i) to accept and adjudicate applica-
6 tions for refugee status and other forms of
7 international protection; and

8 (ii) to resettle refugees consistent with
9 obligations under the United Nations Con-
10 vention Relating to the Status of Refugees,
11 done at Geneva July 28, 1951, as made
12 applicable by the Protocol Relating to the
13 Status of Refugees, done at New York
14 January 31, 1967 (19 UST 6223).

15 (C) INTERNATIONAL ORGANIZATIONS.—

16 The Secretary of State, in consultation with the
17 Secretary, shall enter into agreements with
18 international organizations, including the
19 United Nations High Commissioner for Refu-
20 gees, to facilitate the referral, processing, and
21 resettlement of individuals covered under this
22 paragraph.

23 (3) DEFINED TERM.—In this subsection, an in-
24 dividual has “substantial ties to the United States”
25 if the individual—

1 (A) has a spouse, parent, son, daughter,
2 sibling, grandparent, aunt, or uncle who resides
3 in the United States;

4 (B) can demonstrate previous residence in
5 the United States for not less than 2 years; or

6 (C) can otherwise demonstrate substantial
7 ties to the United States, as defined by the Sec-
8 retary.

9 (e) EMERGENCY RELOCATION COORDINATION.—

10 (1) IN GENERAL.—The Secretary of State, in
11 consultation with the Secretary, shall enter into bi-
12 lateral or multilateral agreements with other coun-
13 tries in the Western Hemisphere to establish safe
14 and secure emergency transit centers for individuals
15 who—

16 (A) register at a designated processing
17 center;

18 (B) face an imminent risk of harm; and

19 (C) require temporary placement in a safe
20 location, pending a final decision on an applica-
21 tion under this section.

22 (2) CONSULTATION REQUIREMENT.—Agree-
23 ments required under paragraph (1)—

1 (A) shall be developed in consultation with
2 the United Nations High Commissioner for
3 Refugees; and

4 (B) shall conform to international humani-
5 tarian standards.

6 (f) **EXPANSION OF REFUGEE CORPS.**—Not later than
7 60 days after the date of the enactment of this Act, and
8 subject to the availability of amounts provided in advance
9 in appropriation Acts, the Secretary shall appoint such ad-
10 ditional refugee officers as may be necessary to carry out
11 this section.

12 **SEC. 207. CENTRAL AMERICAN MINORS PROGRAM.**

13 (a) **SPECIAL IMMIGRANTS.**—Section 101(a)(27) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1101(a)(27)) is amended—

16 (1) in subparagraph (L)(iii), by inserting a
17 semicolon at the end;

18 (2) in subparagraph (M), by striking the period
19 at the end and inserting “; or”; and

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

21 “(N) an immigrant (and any of his or her
22 children who are accompanying or following to
23 join such immigrant) who is—

24 “(i) a national of El Salvador, Hon-
25 duras, or Guatemala;

1 “(ii) an unmarried child of an indi-
2 vidual who is lawfully present in the
3 United States;

4 “(iii) otherwise eligible to receive an
5 immigrant visa; and

6 “(iv) otherwise admissible to the
7 United States (excluding the grounds of
8 inadmissibility specified in section
9 212(a)(4)).”.

10 (b) NUMERICAL LIMITATIONS.—

11 (1) IN GENERAL.—The total number of aliens
12 described in section 101(a)(27)(N) of the Immigra-
13 tion and Nationality Act, as added by subsection
14 (a)(3), who may be granted special immigrant status
15 under this section may not exceed 10,000 during
16 any of the 5 consecutive fiscal years beginning with
17 the fiscal year during which the first designated
18 processing center commences operations.

19 (2) EXCLUSION FROM NUMERICAL LIMITA-
20 TIONS.—Aliens granted special immigrant status
21 under this section shall not be counted against any
22 numerical limitation under section 201, 202, or 203
23 of the Immigration and Nationality Act (8 U.S.C.
24 1151 et seq.).

1 (3) CARRY FORWARD.—If the numerical limita-
2 tion described in paragraph (1) is not reached dur-
3 ing any fiscal year, the numerical limitation under
4 such paragraph for the following fiscal year shall be
5 increased by a number equal to the difference be-
6 tween—

7 (A) the total number of aliens who may be
8 granted special immigrant status under this
9 section during the first fiscal year; and

10 (B) the number of aliens who were granted
11 such special immigrant status during the first
12 fiscal year.

13 (c) PETITIONS.—If an alien is determined to be eligi-
14 ble for special immigrant status pursuant to an assess-
15 ment under section 205(d)(5), the alien, or a parent or
16 legal guardian of the alien, may submit a petition for spe-
17 cial immigrant status under this section at a designated
18 processing center.

19 (d) ADJUDICATION.—

20 (1) IN GENERAL.—If an alien who submits a
21 completed petition under subsection (c) is deter-
22 mined to be eligible for special immigrant status
23 under section 101(a)(27)(N) of the Immigration and
24 Nationality Act, as added by subsection (a)(3), the
25 Secretary, shall grant such status to such alien.

1 (2) DEADLINE.—Absent exceptional cir-
2 cumstances, petitions submitted under this section
3 shall be adjudicated not later than 180 days after
4 the date on which they are submitted at a des-
5 ignated processing center.

6 (3) APPLICANTS UNDER PRIOR PROGRAM.—

7 (A) IN GENERAL.—The Secretary of
8 Homeland Security shall deem an application
9 filed under the Central American Minors Ref-
10 ugee Program, established on December 1,
11 2014, and terminated on August 16, 2017, and
12 which was not the subject of a final disposition
13 before January 31, 2018, to be a petition filed
14 under this section.

15 (B) NOTIFICATION.—The Secretary
16 shall—

17 (i) promptly notify all relevant parties
18 of the conversion of applications described
19 in subparagraph (A) into special immi-
20 grant petitions under this section; and

21 (ii) provide instructions for with-
22 drawing such petitions to such parties if
23 the alien no longer desires the requested
24 relief.

1 (C) DEADLINE.—Absent exceptional cir-
2 cumstances, the Secretary shall make a final
3 determination on each petition described in sub-
4 paragraph (A) that is not withdrawn pursuant
5 to subparagraph (B)(ii) not later than 180 days
6 after the date of the enactment of this Act.

7 (4) BIOMETRICS AND BACKGROUND CHECKS.—

8 (A) SUBMISSION OF BIOMETRIC AND BIO-
9 GRAPHIC DATA.—Petitioners for special immi-
10 grant status under this section shall submit bio-
11 metric and biographic data in accordance with
12 procedures established by the Assistant Direc-
13 tor of Regional Processing. The Assistant Di-
14 rector shall provide an alternative procedure for
15 applicants who are unable to provide all of the
16 required biometric data due to a physical or
17 mental impairment.

18 (B) BACKGROUND CHECKS.—The Assist-
19 ant Director shall utilize biometric, biographic,
20 and other appropriate data to conduct security
21 and law enforcement background checks of peti-
22 tioners to determine whether there is any crimi-
23 nal, national security, or other ground that
24 would render the applicant ineligible for special
25 immigrant status under 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, before the date
6 on which a petition for special immigrant status
7 under this section may be approved.

8 **SEC. 208. CENTRAL AMERICAN FAMILY REUNIFICATION PA-**
9 **ROLE PROGRAM.**

10 (a) IN GENERAL.—If an alien is determined to be eli-
11 gible for parole under subsection (b) pursuant to an as-
12 sessment under section 205(d)(5)—

13 (1) the designated processing center shall ac-
14 cept a completed application for parole filed by the
15 alien, or on behalf of the alien by a parent or legal
16 guardian of the alien; and

17 (2) the Secretary shall grant parole to the alien,
18 in accordance with section 212(d)(5) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1182(d)(5)).

20 (b) ELIGIBILITY.—An alien shall be eligible for parole
21 under this subsection if the alien—

22 (1) is a national of El Salvador, Guatemala, or
23 Honduras;

1 (2) is the beneficiary of an approved immigrant
2 visa petition under section 203(a) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1153(a));

4 (3) does not have an immigrant visa; and

5 (4) expects to obtain an immigrant visa not
6 later than 5 years after the date on which the alien
7 registers with a designated processing center.

8 (c) APPLICATION AND ADJUDICATION.—

9 (1) IN GENERAL.—An alien described in sub-
10 section (b) may submit an application for parole
11 under this section during the 90-day period begin-
12 ning on the date on which the alien is determined
13 to be eligible for parole pursuant to an assessment
14 under section 205(d)(5).

15 (2) ADJUDICATION DEADLINES.—Absent excep-
16 tional circumstances, applications submitted under
17 this section shall be adjudicated not later than 180
18 days after the date of submission.

19 (3) BIOMETRICS AND BACKGROUND CHECKS.—

20 (A) SUBMISSION OF BIOMETRIC AND BIO-
21 GRAPHIC DATA.—Applicants for parole under
22 this section shall submit biometric and bio-
23 graphic data in accordance with procedures es-
24 tablished by the Assistant Director of Regional
25 Processing. The Assistant Director shall provide

1 an alternative procedure for applicants who are
2 unable to provide all required biometric data
3 due to a physical or mental impairment.

4 (B) BACKGROUND CHECKS.—The Assist-
5 ant Director of Regional Processing shall utilize
6 biometric, biographic, and other appropriate
7 data to conduct security and law enforcement
8 background checks of applicants to determine
9 whether there is any criminal, national security,
10 or other ground that would render the applicant
11 ineligible for parole under this section.

12 (C) COMPLETION OF BACKGROUND
13 CHECKS.—The security and law enforcement
14 background checks required under subpara-
15 graph (B) shall be completed to the satisfaction
16 of the Assistant Director before the date on
17 which an application for parole may be ap-
18 proved.

19 (4) APPROVAL.—Each designated processing
20 center shall issue appropriate travel documentation
21 to aliens granted parole under this section. Such
22 aliens shall present such documentation to U.S. Cus-
23 toms and Border Protection personnel at a port of
24 entry for parole into the United States not later
25 than 120 days after such documentation is issued.

1 **SEC. 209. INFORMATIONAL CAMPAIGN; CASE STATUS HOT-**
 2 **LINE.**

3 (a) INFORMATIONAL CAMPAIGN.—The Secretary
 4 shall implement an informational campaign, in English
 5 and Spanish, in the United States, El Salvador, Guate-
 6 mala, and Honduras to increase awareness of the provi-
 7 sions set forth in this title.

8 (b) CASE STATUS HOTLINE.—Not later than 90 days
 9 after the date of the enactment of this Act, the Secretary
 10 shall establish a case status hotline providing confidential
 11 processing information on pending cases.

12 **TITLE III—SPECIAL IMMIGRANT**
 13 **VISA PROGRAMS**

14 **SEC. 301. IMPROVEMENT OF THE DIRECT ACCESS PRO-**
 15 **GRAM FOR U.S.-AFFILIATED IRAQIS.**

16 (a) IN GENERAL.—Section 1243 of the Refugee Cri-
 17 sis in Iraq Act of 2007 (8 U.S.C. 1157 note) is amended
 18 by adding at the end the following:

19 “(g) IMPROVED APPLICATION PROCESS.—

20 “(1) IN GENERAL.—Not later than 180 days
 21 after the date of the enactment of the Refugee Pro-
 22 tection Act of 2019, the Secretary of State and the
 23 Secretary of Homeland Security shall improve the
 24 efficiency by which applications for status as a ref-
 25 ugee of special humanitarian concern under this sec-
 26 tion are processed to ensure that all steps under the

1 control of the United States Government incidental
2 to the approval of such applications, including re-
3 quired screenings and background checks, are com-
4 pleted not later than 5 years after the date on which
5 an eligible applicant submits an application under
6 subsection (a).

7 “(2) EXCEPTION.—Notwithstanding paragraph
8 (1), the United States Refugee Admission Program
9 may take additional time to process applications de-
10 scribed in paragraph (1) if satisfaction of national
11 security concerns requires such additional time, pro-
12 vided that the Secretary of Homeland Security, or
13 his or her designee, has determined that the appli-
14 cant meets the requirements for status as a refugee
15 of special humanitarian concern under this section
16 and has notified the applicant of such fact.

17 “(3) REPORTING REQUIREMENTS.—

18 “(A) IN GENERAL.—Not later than 180
19 days after the date of enactment of the Refugee
20 Protection Act of 2019, and every 90 days
21 thereafter, the Secretary of State and the Sec-
22 retary of Homeland Security shall submit a re-
23 port, with a classified annex, if necessary, to—

24 “(i) the Committee on the Judiciary
25 of the Senate;

1 “(ii) the Committee on Foreign Rela-
2 tions of the Senate;

3 “(iii) the Committee on Armed Serv-
4 ices of the Senate;

5 “(iv) the Committee on the Judiciary
6 of the House of Representatives;

7 “(v) the Committee on Foreign Af-
8 fairs of the House of Representatives; and

9 “(vi) the Committee on Armed Serv-
10 ices of the House of Representatives.

11 “(B) PUBLIC REPORTS.—The Secretary of
12 State shall publish each report submitted pur-
13 suant to subparagraph (A) on the website of
14 the Department of State.

15 “(C) CONTENTS.—Each report submitted
16 pursuant to subparagraph (A) shall describe the
17 implementation of improvements to the proc-
18 essing of applications for refugee status re-
19 quired under paragraph (1), including informa-
20 tion relating to—

21 “(i) enhancing existing systems for
22 conducting background and security checks
23 of persons applying for refugee status
24 under this section, which shall—

1 “(I) support immigration secu-
2 rity; and

3 “(II) provide for the orderly
4 processing of such applications with-
5 out significant delay;

6 “(ii) the number of aliens who have
7 applied for refugee status under this sec-
8 tion during each month of the preceding
9 fiscal year;

10 “(iii) the reasons for the failure to
11 process any applications that have been
12 pending for longer than 5 years;

13 “(iv) the total number of applications
14 that are pending at the end of the report-
15 ing period;

16 “(v) the average wait times for all ap-
17 plicants who are currently pending—

18 “(I) employment verification;

19 “(II) a prescreening interview
20 with a resettlement support center;

21 “(III) an interview with U.S.
22 Citizenship and Immigration Services;
23 and

24 “(IV) the completion of security
25 checks;

1 “(vi) the number of denials or rejec-
2 tions of applicants for refugee status,
3 disaggregated by the reason for denial; and

4 “(vii) the reasons for denials by U.S.
5 Citizenship and Immigration Services
6 based on the categories already made avail-
7 able to denied applicants for refugee status
8 in the notification of ineligibility issued to
9 them by U.S. Citizenship and Immigration
10 Services.”.

11 (b) SAVINGS PROVISIONS.—Refugee admissions
12 granted pursuant to section 1243 of the Refugee Crisis
13 in Iraq Act (8 U.S.C. 1157 note) shall not count against
14 the numerical limitation set forth in section 207 of the
15 Immigration and Nationality Act (8 U.S.C. 1157).

16 **SEC. 302. CONVERSION OF CERTAIN PETITIONS.**

17 Section 2 of Public Law 110–242 (8 U.S.C. 1101
18 note) is amended by striking subsection (b) and inserting
19 the following:

20 “(b) DURATION.—The authority under subsection (a)
21 shall expire on the date on which the numerical limitation
22 specified under section 1244 of the National Defense Au-
23 thorization Act for Fiscal Year 2008 (Public Law 110–
24 181; 8 U.S.C. 1157 note) is reached.”.

1 **SEC. 303. SPECIAL IMMIGRANT VISA PROGRAM REPORTING**
2 **REQUIREMENT.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Inspector General
5 of the Department of State, in consultation with the In-
6 spector General of the Department of Defense, shall sub-
7 mit a report, with a classified annex if necessary, to—

8 (1) the Committee on the Judiciary of the Sen-
9 ate;

10 (2) the Committee on Foreign Relations of the
11 Senate;

12 (3) the Committee on Armed Services of the
13 Senate;

14 (4) the Committee on the Judiciary of the
15 House of Representatives;

16 (5) the Committee on Foreign Affairs of the
17 House of Representatives; and

18 (6) the Committee on Armed Services of the
19 House of Representatives.

20 (b) PUBLICATION.—The Department of State shall
21 publish the report submitted under subsection (a) on the
22 website of the Department of State.

23 (c) CONTENTS.—The report submitted under sub-
24 section (a) shall evaluate—

1 (1) the obstacles to effective protection of Af-
2 ghan and Iraqi allies through the special immigrant
3 visa program between 2009 and the present;

4 (2) measures to improve efficient processing in
5 the special immigrant visa programs; and

6 (3) suggestions for improvements in future pro-
7 grams, including information relating to—

8 (A) the hiring of locally employed staff and
9 contractors;

10 (B) documenting the identity and employ-
11 ment of locally employed staff and contractors
12 of the United States Government, including the
13 possibility of establishing a central database of
14 employees of the United States Government
15 and its contractors;

16 (C) the protection in and safety of employ-
17 ees of locally employed staff and contractors;

18 (D) means of expediting processing at all
19 stages of the process for applicants, including
20 consideration of reducing required forms;

21 (E) appropriate staffing levels for expe-
22 dited processing domestically and abroad;

23 (F) the effect of uncertainty of visa avail-
24 ability on visa processing;

1 (G) the cost and availability of medical ex-
2 aminations; and

3 (H) means to reduce delays in interagency
4 processing and security checks.

5 (d) CONSULTATION.—In preparing the report under
6 subsection (a), the Inspector General shall consult with—

7 (1) the Visa Office of the Bureau of Consular
8 Affairs Visa Office of the Department of State;

9 (2) the Executive Office of the Bureau of Near
10 Eastern Affairs and South and Central Asian Af-
11 fairs of the Department of State;

12 (3) the Consular Section of the United States
13 Embassy in Kabul, Afghanistan;

14 (4) the Consular Section of the United States
15 Embassy in Baghdad, Iraq;

16 (5) U.S. Citizenship and Immigration Services
17 of the Department of Homeland Security;

18 (6) the Department of Defense;

19 (7) nongovernmental organizations providing
20 legal aid in the special immigrant visa application
21 process; and

22 (8) wherever possible, current and former em-
23 ployees of the offices referred to in paragraphs (1)
24 through (6).

1 **SEC. 304. IMPROVEMENTS TO APPLICATION PROCESS FOR**
2 **AFGHAN SPECIAL IMMIGRANT VISAS.**

3 Section 602(b) of the Afghan Allies Protection Act
4 of 2009 (8 U.S.C. 1101 note) is amended—

5 (1) in paragraph (2)(A)(ii)—

6 (A) in the matter preceding subclause (I),
7 by inserting “for the first time” after “Sep-
8 tember 30, 2015”; and

9 (B) in subclause (I)—

10 (i) in item (aa) by inserting “for the
11 first time” after “subparagraph (D)”; and

12 (ii) in item (bb) by inserting “for the
13 first time” after “subparagraph (D)”; and

14 (2) in paragraph (4)(A) by inserting, “, includ-
15 ing Chief of Mission approval,” after “so that all
16 steps”.

17 **SEC. 305. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
18 **VIVING SPOUSES AND CHILDREN.**

19 (a) **IN GENERAL.**—Section 101(a)(27)(D) of the Im-
20 migration and Nationality Act (8 U.S.C. 1101(a)(27)(D))
21 is amended—

22 (1) by striking “an immigrant who is an em-
23 ployee” and inserting the following: “an immigrant
24 who—

25 “(i) is an employee”; and

1 (2) by striking “status;” and inserting the fol-
2 lowing: “status; or

3 “(ii) an immigrant who is the sur-
4 viving spouse or child of an employee of
5 the United States Government abroad:
6 *Provided*, That the employee performed
7 faithful service for a total of not less than
8 15 years or was killed in the line of duty;”.

9 (b) SPECIAL IMMIGRANT STATUS FOR SURVIVING
10 SPOUSES AND CHILDREN.—Section 602(b)(2)(C) of the
11 Afghan Allies Protection Act of 2009, as amended by sec-
12 tion 304, is further amended—

13 (1) in clause (ii), by redesignating subclauses
14 (I) and (II) as items (aa) and (bb), respectively and
15 moving such items 2 ems to the right;

16 (2) by redesignating clauses (i) and (ii) as sub-
17 clauses (I) and (II), respectively and moving such
18 subclauses 2 ems to the right;

19 (3) in the matter preceding subclause (I), as re-
20 designated, by striking “An alien is described” and
21 inserting the following:

22 “(i) IN GENERAL.—An alien is de-
23 scribed”;

24 (4) in clause (i)(I), as redesignated, by striking
25 “who had a petition for classification approved” and

1 inserting “who had submitted an application to the
2 Chief of Mission”; and

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

4 “(ii) EMPLOYMENT REQUIREMENTS.—

5 An application by a surviving spouse or
6 child of a principal alien shall be subject to
7 employment requirements set forth in sub-
8 paragraph (A) as of the date of the prin-
9 cipal alien’s filing of an application for the
10 first time, or if no application has been
11 filed, the employment requirements as of
12 the date of the principal alien’s death.”.

13 (c) SPECIAL IMMIGRANT STATUS FOR CERTAIN
14 IRAQIS.—Section 1244(b)(3) of the Refugee Crisis in Iraq
15 Act (8 U.S.C. 1157 note)—

16 (1) in subparagraph (B), by redesignating
17 clauses (i) and (ii) as subclauses (I) and (II), respec-
18 tively and moving such subclauses 2 ems to the
19 right;

20 (2) by redesignating subparagraphs (A) and
21 (B) as clauses (i) and (ii), respectively and moving
22 such clauses 2 ems to the right;

23 (3) in the matter preceding clause (i), as reded-
24 icated, by striking “An alien is described” and in-
25 serting the following:

1 tional Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109–163; 8 U.S.C. 1101 note), section 1244
3 of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157
4 note), section 602 of the Afghan Allies Protection Act of
5 2009 (8 U.S.C. 1101 note), or section 308 of the Refugee
6 Protection Act of 2019” after “who have entered the
7 United States,”.

8 **SEC. 307. UNITED STATES REFUGEE PROGRAM PRIORITIES.**

9 (a) IN GENERAL.—The Secretary of State, in con-
10 sultation with the Secretary of Homeland Security, shall
11 designate as Priority 2 refugees of special humanitarian
12 concern—

13 (1) Syrian Kurds, stateless persons who habit-
14 ually resided in Syria, and other Syrians who
15 partnered with, or worked for or directly with, the
16 United States Government in Syria;

17 (2) Syrian Kurds, stateless persons who habit-
18 ually resided in Syria, and other Syrians who were
19 employed in Syria by—

20 (A) a media or nongovernmental organiza-
21 tion based in the United States;

22 (B) an organization or entity that has re-
23 ceived a grant from, or entered into a coopera-
24 tive agreement or contract with, the United
25 States Government; or

- 1 (C) an organization that—
- 2 (i) was continuously physically present
- 3 in Northeast Syria between 2011 and the
- 4 date of the enactment of this Act; and
- 5 (ii) has partnered with an organiza-
- 6 tion described in subparagraph (A) or (B);
- 7 (3) the spouses, children, sons, daughters, sib-
- 8 lings, and parents of aliens described in paragraph
- 9 (1) or section 308(b);
- 10 (4) Syrian Kurds, stateless persons who habit-
- 11 ually resided in Syria, and other Syrians who have
- 12 an immediate relative (as defined in section
- 13 201(b)(2)(A)(i) of the Immigration and Nationality
- 14 Act (8 U.S.C. 1151(b)(2)(A)(i))) or a family mem-
- 15 ber described in section 203(a) of such Act (8
- 16 U.S.C. 203(a)) who is physically present in the
- 17 United States;
- 18 (5) Syrian Kurds, stateless persons who habit-
- 19 ually resided in Syria, and other Syrians who were
- 20 or are employed by the United States Government in
- 21 Syria, for an aggregate period of at least 1 year; and
- 22 (6) citizens or nationals of Syria or Iraq, or
- 23 stateless persons who habitually resided in Syria or
- 24 Iraq, who provided service to United States counter-

1 ISIS efforts for an aggregate period of at least 1
2 year.

3 (b) ELIGIBILITY FOR ADMISSION AS A REFUGEE.—

4 An alien may not be denied the opportunity to apply for
5 admission as a refugee under this section solely because
6 such alien qualifies as an immediate relative of a national
7 of the United States or is eligible for admission to the
8 United States under any other immigrant classification.

9 (c) MEMBERSHIP IN CERTAIN SYRIAN ORGANIZA-
10 TIONS.—An applicant for admission to the United States
11 may not be deemed inadmissible based solely on member-
12 ship in, participation in, or support provided to, the Syrian
13 Democratic Forces or other partner organizations as de-
14 termined by the Secretary of Defense.

15 (d) EXCLUSION FROM NUMERICAL LIMITATIONS.—

16 Aliens provided refugee status under this section shall not
17 be counted against any numerical limitation under section
18 201, 202, 203, or 207 of the Immigration and Nationality
19 Act (8 U.S.C. 1151, 1152, 1153, and 1157).

20 (e) TIMELINE FOR PROCESSING APPLICATIONS.—

21 (1) IN GENERAL.—The Secretary of State and
22 the Secretary of Homeland Security shall ensure
23 that all steps under the control of the United States
24 Government incidental to the approval of such appli-
25 cations, including required screenings and back-

1 ground checks, are completed not later than 5 years
2 after the date on which an eligible applicant submits
3 an application under subsection (a).

4 (2) EXCEPTION.—Notwithstanding paragraph
5 (1), the United States Refugee Admission Program
6 may take additional time to process applications de-
7 scribed in paragraph (1) if satisfaction of national
8 security concerns requires such additional time, pro-
9 vided that the Secretary of Homeland Security, or
10 the designee of the Secretary, has determined that
11 the applicant meets the requirements for status as
12 a refugee of special humanitarian concern under this
13 section and has so notified the applicant.

14 (f) REPORTING REQUIREMENTS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of the Refugee Protec-
17 tion Act of 2019, and every 90 days thereafter, the
18 Secretary of State and the Secretary of Homeland
19 Security shall submit a report to—

20 (A) the Committee on the Judiciary, the
21 Committee on Foreign Relations, and the Com-
22 mittee on Armed Services of the Senate; and

23 (B) the Committee on the Judiciary, the
24 Committee on Foreign Affairs, and the Com-

1 committee on Armed Services of the House of Rep-
2 representatives.

3 (2) MATTERS TO BE INCLUDED.—Each report
4 submitted under paragraph (1) shall describe the
5 processing of applications for refugee status required
6 under subsection (e), including information relating
7 to—

8 (A) the number of aliens who have applied
9 for refugee status under this section during
10 each month of the preceding fiscal year;

11 (B) the total number of applications that
12 are pending at the end of the reporting period;

13 (C) the average wait-times for all appli-
14 cants who are currently pending—

15 (i) employment verification;

16 (ii) a prescreening interview with a re-
17 settlement support center;

18 (iii) an interview with U.S. Citizen-
19 ship and Immigration Services; and

20 (iv) the completion of security checks;

21 (D) the number of denials or rejections of
22 applicants for refugee status, disaggregated by
23 the reason for denial; and

24 (E) the reasons for denials by U.S. Citi-
25 zenship and Immigration Services based on the

1 categories already made available to denied ap-
2 plicants for refugee status in the notification of
3 ineligibility issued to such denied applicants by
4 U.S. Citizenship and Immigration Services.

5 (3) FORM.—Each report under paragraph (1)
6 shall be submitted in unclassified form, but may in-
7 clude a classified annex.

8 (4) PUBLIC REPORTS.—The Secretary of State
9 shall make each report submitted under paragraph
10 (1) available to the public on the internet website of
11 the Department of State.

12 (g) IDENTIFICATION OF OTHER PERSECUTED
13 GROUPS.—The Secretary of State, or the designee of the
14 Secretary, is authorized to classify other groups of Syr-
15 ians, including vulnerable populations, as Priority 2 refu-
16 gees of special humanitarian concern.

17 (h) SATISFACTION OF OTHER REQUIREMENTS.—
18 Aliens granted status under this section as Priority 2 refu-
19 gees of special humanitarian concern under the refugee
20 resettlement priority system shall be deemed to satisfy the
21 requirements under section 207 of the Immigration and
22 Nationality Act (8 U.S.C. 1157) for admission to the
23 United States.

1 **SEC. 308. SPECIAL IMMIGRANT STATUS FOR CERTAIN SYR-**
2 **IAN WHO WORKED FOR THE UNITED STATES**
3 **GOVERNMENT IN SYRIA.**

4 (a) IN GENERAL.—Subject to subsection (c)(1), for
5 purposes of the Immigration and Nationality Act (8
6 U.S.C. 1101 et seq.), the Secretary of Homeland Security
7 may provide any alien described in subsection (b) with the
8 status of a special immigrant under section 101(a)(27) of
9 such Act (8 U.S.C. 1101(a)(27)) if—

10 (1) the alien, or an agent acting on behalf of
11 the alien, submits a petition to the Secretary under
12 section 204 of such Act (8 U.S.C. 1154) for classi-
13 fication under section 203(b)(4) of such Act (8
14 U.S.C. 1153(b)(4));

15 (2) the alien is otherwise eligible to receive an
16 immigrant visa;

17 (3) the alien is otherwise admissible to the
18 United States for permanent residence (excluding
19 the grounds for inadmissibility specified in section
20 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))), ex-
21 cept that an applicant for admission to the United
22 States under this section may not be deemed inad-
23 missible based solely on membership in, participation
24 in, or support provided to, the Syrian Democratic
25 Forces or other partner organizations as determined
26 by the Secretary of Defense; and

1 (4) clears a background check and appropriate
2 screening, as determined by the Secretary of Home-
3 land Security.

4 (b) ALIENS DESCRIBED.—An alien described in this
5 subsection—

6 (1)(A) is a citizen or national of Syria or a
7 stateless person who has habitually resided in Syria;

8 (B) was employed by or on behalf of (including
9 under a contract, cooperative agreement or grant)
10 with the United States Government in Syria, for a
11 period of at least 1 year beginning on January 1,
12 2014; and

13 (C) obtained a favorable written recommenda-
14 tion from a U.S. citizen supervisor who was in the
15 chain of command of the United States Armed
16 Forces unit or U.S. Government entity that was
17 supported by the alien; or

18 (2)(A) is the spouse or a child of a principal
19 alien described in paragraph (1); and

20 (B)(i) is following or accompanying to join the
21 principal alien in the United States; or

22 (ii) due to the death of the principal alien, a pe-
23 tition to follow or accompany to join the principal
24 alien in the United States—

1 (I) was or would be revoked, terminated,
2 or otherwise rendered null; and

3 (II) would have been approved if the prin-
4 cipal alien had survived.

5 (c) NUMERICAL LIMITATIONS.—

6 (1) IN GENERAL.—Except as otherwise pro-
7 vided under this subsection, the total number of
8 principal aliens who may be provided special immi-
9 grant status under this section may not exceed
10 5,000 in any of the first 5 fiscal years beginning
11 after the date of the enactment of this Act.

12 (2) EXCLUSION FROM NUMERICAL LIMITA-
13 TIONS.—Aliens provided special immigrant status
14 under this section shall not be counted against any
15 numerical limitation under section 201(d), 202(a),
16 or 203(b)(4) of the Immigration and Nationality Act
17 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

18 (3) CARRY FORWARD.—If the numerical limita-
19 tion set forth in paragraph (1) is not reached during
20 a fiscal year, the numerical limitation under such
21 paragraph for the following fiscal year shall be in-
22 creased by a number equal to the difference be-
23 tween—

24 (A) the number of visas authorized under
25 paragraph (1) for such fiscal year; and

1 (B) the number of principal aliens provided
2 special immigrant status under this section dur-
3 ing such fiscal year.

4 (d) VISA AND PASSPORT ISSUANCE AND FEES.—An
5 alien described in subsection (b) may not be charged any
6 fee in connection with an application for, or the issuance
7 of, a special immigrant visa under this section. The Sec-
8 retary of State shall ensure that aliens who are issued a
9 special immigrant visa under this section are provided
10 with an appropriate passport necessary for admission to
11 the United States.

12 (e) PROTECTION OF ALIENS.—The Secretary of
13 State, in consultation with the heads of other appropriate
14 Federal agencies, shall make a reasonable effort to provide
15 protection to each alien described in subsection (b) who
16 is seeking special immigrant status under this section or
17 to immediately remove such alien from Syria, if possible,
18 if the Secretary determines, after consultation, that such
19 alien is in imminent danger.

20 (f) APPLICATION PROCESS.—

21 (1) REPRESENTATION.—An alien applying for
22 admission to the United States as a special immi-
23 grant under this section may be represented during
24 the application process, including at relevant inter-
25 views and examinations, by an attorney or other ac-

1 credited representative. Such representation shall
2 not be at the expense of the United States Govern-
3 ment.

4 (2) COMPLETION.—

5 (A) IN GENERAL.—The Secretary of State
6 and the Secretary of Homeland Security, in
7 consultation with the Secretary of Defense,
8 shall ensure that applications for special immi-
9 grant visas under this section are processed in
10 such a manner to ensure that all steps under
11 the control of the respective departments inci-
12 dental to the issuance of such visas, including
13 required screenings and background checks, are
14 completed not later than 9 months after the
15 date on which an eligible alien submits all re-
16 quired materials to apply for such visa.

17 (B) RULE OF CONSTRUCTION.—Notwith-
18 standing subparagraph (A), any Secretary re-
19 ferred to in such subparagraph may take longer
20 than 270 days to complete the steps incidental
21 to issuing a visa under this section if the Sec-
22 retary, or the designee of the Secretary—

23 (i) determines that the satisfaction of
24 national security concerns requires addi-
25 tional time; and

1 (ii) notifies the applicant of such de-
2 termination.

3 (3) APPEAL.—An alien whose petition for sta-
4 tus as a special immigrant is rejected or revoked—

5 (A) shall receive a written decision that
6 provides, to the maximum extent feasible, infor-
7 mation describing the basis for the denial, in-
8 cluding the facts and inferences underlying the
9 individual determination; and

10 (B) shall be provided not more than 1
11 written appeal per rejection or denial, which—

12 (i) shall be submitted not more than
13 120 days after the date on which the appli-
14 cant receives a decision pursuant to sub-
15 paragraph (A);

16 (ii) may request the reopening of such
17 decision; and

18 (iii) shall provide additional informa-
19 tion, clarify existing information, or ex-
20 plain any unfavorable information.

21 (g) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-
22 FICATION.—An alien may not be denied the opportunity
23 to apply for admission under this section solely because
24 such alien—

1 (1) qualifies as an immediate relative of a na-
2 tional of the United States; or

3 (2) is eligible for admission to the United
4 States under any other immigrant classification.

5 (h) RESETTLEMENT SUPPORT.—An alien who is
6 granted special immigrant status under this section shall
7 be eligible for the same resettlement assistance, entitle-
8 ment programs, and other benefits as is available to refu-
9 gees admitted under section 207 of the Immigration and
10 Naturalization Act (8 U.S.C. 1157).

11 (i) AUTHORITY TO CARRY OUT ADMINISTRATIVE
12 MEASURES.—The Secretary of Homeland Security, the
13 Secretary of State, and the Secretary of Defense shall im-
14 plement any additional administrative measures as they
15 consider necessary and appropriate—

16 (1) to ensure the prompt processing of applica-
17 tions under this section;

18 (2) to preserve the integrity of the program es-
19 tablished under this section; and

20 (3) to protect the national security interests of
21 the United States related to such program.

22 (j) RULEMAKING.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of Home-
24 land Security, in consultation with the Secretary of De-
25 fense, shall promulgate regulations to carry out this sec-

1 tion, including establishing requirements for background
2 checks.

3 (k) SAVINGS PROVISION.—Nothing in this section
4 may be construed to affect the authority of the Secretary
5 of Homeland Security under section 1059 of the National
6 Defense Authorization Act for Fiscal Year 2006 (Public
7 Law 109–163; 8 U.S.C. 1101 note).

8 **SEC. 309. SPECIAL IMMIGRANT STATUS REPORTING RE-**
9 **QUIREMENT.**

10 (a) IN GENERAL.—Not later than January 30 each
11 year, the Inspector General of the Department of State
12 shall submit an report on the implementation of the Syr-
13 ian special immigrant status program under section 308
14 for the preceding calendar year to—

15 (1) the Committee on Judiciary, the Committee
16 on Foreign Relations, and the Committee on Armed
17 Services of the Senate; and

18 (2) the Committee on Judiciary, the Committee
19 on Foreign Relations, and the Committee on Armed
20 Services of the House of Representatives.

21 (b) MATTERS TO BE INCLUDED.—Each report sub-
22 mitted under subsection (a) shall include, for the applica-
23 ble calendar year, the following:

24 (1) The number of petitions filed under such
25 program.

1 (2) The number of such petitions pending adju-
2 dication.

3 (3) The number of such petitions pending visa
4 interview.

5 (4) The number of such petitions pending secu-
6 rity checks.

7 (5) The number of such petitions that were de-
8 nied.

9 (6) The number of cases under such program
10 that have exceeded the mandated processing time
11 and relevant case numbers.

12 (7) A description of any obstacle discovered
13 that would hinder effective implementation of such
14 program.

15 (c) CONSULTATION.—In preparing a report under
16 subsection (a), the Inspector General shall consult with—

17 (1) the Department of State, Bureau of Con-
18 sular Affairs, Visa Office;

19 (2) the Department of State, Bureau of Near
20 Eastern Affairs and South and Central Asian Af-
21 fairs, Executive Office;

22 (3) the Department of Homeland Security, U.S.
23 Citizenship and Immigration Services;

24 (4) the Department of Defense; and

1 (5) nongovernmental organizations providing
2 legal aid in the special immigrant visa application
3 process.

4 (d) FORM.—Each report submitted under subsection
5 (a) shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 (e) PUBLICATION.—Each report submitted under this
8 section shall be made available to the public on the inter-
9 net website of the Department of State.

10 **SEC. 310. PROCESSING MECHANISMS.**

11 The Secretary of State shall use existing refugee
12 processing mechanisms in Iraq and in other countries, as
13 appropriate, in the region in which—

14 (1) aliens described in section 307(a) may apply
15 and interview for admission to the United States as
16 refugees; and

17 (2) aliens described in section 308(b) may apply
18 and interview for admission to the United States as
19 special immigrants.

20 **TITLE IV—GENERAL**
21 **PROVISIONS**

22 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out this Act, and the amend-
25 ments made by this Act.

1 **SEC. 402. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010
4 (Public Law 111–139), shall be determined by reference
5 to the latest statement titled “Budgetary Effects of
6 PAYGO Legislation” for this Act, jointly submitted for
7 printing in the Congressional Record by the Chairmen of
8 the Senate Budget Committee, provided that such state-
9 ment has been submitted prior to the vote on passage.

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