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 HOUSE OF REPRESENTATIVES

Ms. LOFGREN introduced the following bill; which was referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Refugee Protection Act of 2022”.

VerDate Nov 24 2008 17:37 Dec 21, 2022 Jkt 000000 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 C:\USERS\SEFLEISHMAN\APPDATA\ROAMING\SOFTQUAD \XMETAL\11.0\GEN\C\LOFGRE\LOFGRE_053.XML
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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

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

Subtitle A—Refugees and Asylum Seekers

Sec. 1101. Modification of definition of refugee.
Sec. 1102. Multiple forms of relief available to refugees and asylum seekers.
Sec. 1103. Elimination of time limits on asylum applications.
Sec. 1104. Safe third country exception.
Sec. 1105. Consideration of asylum claims.
Sec. 1106. Transparency in refugee determinations.
Sec. 1107. Authority to designate certain groups of refugees from countries of particular concern and admission of refugees in emergency situations.
Sec. 1108. Employment authorization for asylum seekers and other individuals.
Sec. 1109. Admission of refugees and asylees as lawful permanent residents.
Sec. 1110. Complementary protection.
Sec. 1111. Internal relocation.
Sec. 1112. Firm resettlement.

Subtitle B—Protections for Children and Families

Sec. 1201. Keeping families together.
Sec. 1202. Protections for minors seeking asylum.
Sec. 1203. Fair day in court for kids.

Subtitle C—Protections for Other Vulnerable Individuals

CHAPTER 1—STATELESS PROTECTION

Sec. 1311. Protection of stateless persons in the United States.
Sec. 1312. Prevention of statelessness.

CHAPTER 2—OTHER INDIVIDUALS

Sec. 1321. Protecting victims of terrorism from being defined as terrorists.
Sec. 1322. Protection for aliens interdicted at sea.
Sec. 1323. Enhanced protection for individuals seeking U visas, T visas, and protection under VAWA.

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

Sec. 1401. Prevention of erroneous in absentia orders of removal.
Sec. 1402. Scope and standard for review of removal orders.
Sec. 1403. Presumption of liberty for asylum seekers.
Sec. 1404. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
Sec. 1405. Inspections by immigration officers.
Sec. 1406. Study on effect on asylum claims of expedited removal provisions, practices, and procedures.

Sec. 1407. Alignment with Refugee Convention obligations by prohibiting criminal prosecution of refugees.

Subtitle E—Refugee Resettlement

Sec. 1501. Sense of Congress on coordination of refugee program agencies.

CHAPTER 1—REFUGEE ADMISSIONS

Sec. 1511. Numerical goals for annual refugee admissions.
Sec. 1512. Reform of refugee admissions consultation process.
Sec. 1513. United States emergency refugee resettlement contingency fund.
Sec. 1514. Complementary pathways.

CHAPTER 2—RESETTLEMENT PROGRAM AND SUPPORT

Sec. 1521. Elevation of Office of Refugee Resettlement.
Sec. 1522. Refugee resettlement; radius requirements.
Sec. 1523. Study and report on contributions by refugees to the United States.
Sec. 1524. Update of reception and placement grants.
Sec. 1525. Subsidy reception and placement grant to support unanticipated economic and public health needs.
Sec. 1526. Resettlement data.
Sec. 1527. Refugee assistance.
Sec. 1528. Stabilizing resettlement site capacity for volunteer coordination, housing coordination, and aor processing.
Sec. 1529. Community partnerships, civic engagement, and refugee leadership development.

CHAPTER 3—ACCESS TO SERVICES AND BENEFITS

Sec. 1532. In-State tuition rates for refugees, asylees, and certain special immigrants.

CHAPTER 4—TRAINING, ORIENTATION, AND INCLUSION

Sec. 1541. Pre-departure training for approved refugee applicants.
Sec. 1542. Domestic refugee resettlement programs on digital and financial literacy; housing and transportation access.
Sec. 1543. Study and report on digital literacy, equity, and inclusion among refugees in the United States.

CHAPTER 5—DOMESTIC REFUGEE RESETTLEMENT REFORM AND MODERNIZATION ACT

Sec. 1551. Short title.
Sec. 1552. Definitions.
Sec. 1553. Assessment of refugee domestic resettlement programs.
Sec. 1554. Guidance regarding refugee placement decisions.

CHAPTER 6—OVERSEAS PROCESSING AND PREPARATION

Sec. 1561. Refugee biometric data and reporting.
Sec. 1562. Prioritization of family reunification in refugee resettlement process.
Sec. 1563. Priority 3 family reunification cases.
Sec. 1564. Creating a roving resettlement support center.

Subtitle F—Authorization of Appropriations

Sec. 1601. Authorization of appropriations.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN WESTERN HEMISPHERE

Sec. 2101. Expansion of refugee and asylum seeker processing.
Sec. 2102. Strengthening regional humanitarian responses.
Sec. 2103. Information campaign on dangers of irregular migration.
Sec. 2104. Reporting requirement.
Sec. 2105. Identification, screening, and processing of refugees and other individuals eligible for lawful admission to the United States.
Sec. 2106. Central American Refugee Program.
Sec. 2107. Central American Minors Program.
Sec. 2108. Central American Family Reunification Parole Program.
Sec. 2109. Informational campaign; case status hotline.

TITLE III—SPECIAL IMMIGRANT VISA PROGRAMS

Sec. 3101. Special immigrant visa program reporting requirement.
Sec. 3102. Inclusion of certain special immigrants in the annual refugee survey.

TITLE IV—NONDISCRIMINATION

Sec. 4101. Expansion of nondiscrimination provision.
Sec. 4102. Transfer and limitations on authority to suspend or restrict the entry of a class of aliens.
Sec. 4103. Visa applicants report.

TITLE V—GENERAL PROVISIONS

Sec. 5101. Authorization of appropriations.
Sec. 5102. Determination of budgetary effects.

1 SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2022, the world is in the midst of the worst global displacement crisis in history, with more than 103,000,000 forcibly displaced persons, including more than 32,500,000 refugees worldwide, nearly half of whom are children, according to esti-
mates from the United Nations High Commissioner for Refugees.

(2) In 2023, the United Nations High Commissioner for Refugees estimates that global resettlement needs will significantly increase to 2,003,982 individuals, as compared to 2022—

(A) in which 1,473,156 individuals were estimated to be in need of third-country resettlement; and

(B) during the first 6 months of which 42,300 individuals were resettled worldwide.

(3) The United States refugee admissions program is a life-saving solution that—

(A) is critical to global humanitarian efforts;

(B) strengthens global security;

(C) leverages United States foreign policy interests, including diplomatic and strategic interests of supporting allies who often host a significant and disproportionate share of refugees per capita; and

(D) stabilizes sensitive regions impacted by forced migration by ensuring that the United States shares responsibility for global refugee protection;
(E) leverages refugee resettlement in the United States to encourage other countries to uphold the human rights of refugees, including by ensuring that refugees—

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

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

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

(G) provides economic and cultural benefits to cities, States, and the United States as a whole; and

(H) aligns with the international obligations of the United States, including under—

(i) the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), of which the United States is a party;

(ii) the Convention against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment, done at New York December 10, 1984, of which the United States is a party;

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


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

(A) responding to displacement crises around the world, including through the provision of robust humanitarian support;

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

(C) welcoming asylum seekers who seek safety and protecting other at-risk migrants, including survivors of torture, victims of trafficking, climate displaced persons, and stateless people; and

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

(5) The United States has steadily reduced access to asylum protection through administrative
policy and programmatic changes, including policies
and operational decisions aimed at reducing or stop-
ping the ability of asylum seekers to access the
United States border.

(6) Refugees are—

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

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

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

(A) asylum reforms that ensure access to
territory and due process;

(B) reforms to border migration enforce-
ment, management, and adjudication systems
that integrate stronger protection of, and en-
sure due process for, asylum seekers, children,
victims of trafficking, climate displaced persons,
stateless people, and other migrants, including—

(i) community-based alternatives to detention for asylum seekers and other vulnerable migrants;

(ii) improved detention conditions and reduced reliance on immigrant detention;

(iii) monitoring to ensure fairness in the arrest and adjudication process;

(iv) increased access to legal information and representation; and

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

(C) refugee reforms that—

(i) ensure that the United States meets the annual refugee admissions goal;

(ii) prevent refugee policy that discriminates based on race or religion;

(iii) improve opportunities for refugees to achieve family unity; and

(iv) update and strengthen support for refugees and the communities that welcome refugees.

(8) The people of the United States, and communities across the United States, overwhelmingly
support refugees and asylum seekers, including people of faith, members of the Armed Forces, veterans, elected officials, and retired high-ranking officials.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the global refugee crisis is dire and requires international and regional cooperation and action; and

(2) the United States should—

(A) assert strong leadership in multilateral fora, such as the United Nations, by collaborating and cooperating with other countries and international and regional organizations to develop a comprehensive and coordinated response to the global refugee crisis; and

(B) exercise leadership in efforts to address the global refugee crisis, including through participation in the Global Refugee Forum.

Sec. 3. Definitions.

In this Act:

(1) asylum seeker.—

(A) In general.—The term “asylum seeker” means—
(i) any applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

(ii) any alien who indicates—

(I) an intention to apply for asylum under that section; or

(II) a fear of persecution; or

(III) a fear of return because of a threat to life or physical or mental integrity; and

(iii) any alien who indicates—

(I) an intention to apply for withholding of removal pursuant to—

(aa) section 241 of the Immigration and Nationality Act (8 U.S.C. 1231); or

(bb) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984; or

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

(B) INCLUSION.—The term “asylum seeker” includes any individual described in sub-
paragraph (A) whose application for asylum or withholding of removal is pending judicial review.

(C) Exclusion.—The term “asylum seeker” does not include an individual with respect to whom a final order denying asylum and withholding of removal has been entered if such order is not pending judicial review.

(2) Best Interest Determination.—The term “best interest determination” means a formal process with procedural safeguards designed to give primary consideration to a child’s best interests in decision making.

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

(4) Internally Displaced Persons.—The term “internally displaced persons” means persons or a group of persons who have been forced to leave their homes or places of habitual residence, in particular due to armed conflict, generalized violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized state border.

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

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

TITLE I—ADMISSION AND PRO-
TECTION OF REFUGEES, ASY-
LUM SEEKERS, AND OTHER
VULNERABLE INDIVIDUALS

Subtitle A—Refugees and Asylum Seekers

SEC. 1101. MODIFICATION OF DEFINITION OF REFUGEE.

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

“(42)(A) The term ‘refugee’ means any person who—
“(i)(I) is outside any country of such person’s
nationality or, in the case of a person having no na-
tionality, is outside any country in which such per-
son last habitually resided; and
“(II) is unable or unwilling to return to, and is
unable or unwilling to avail himself or herself of the
protection of, that country because of persecution, or
a well-founded fear of persecution, on account of
race, religion, nationality, membership in a par-
ticular social group, or political opinion; or
“(ii) in such circumstances as the President
may specify, after appropriate consultation (as de-
efined in section 207(e))—
“(I) is within the country of such person’s
nationality or, in the case of a person having no
nationality, within the country in which such
person is habitually residing; and
“(II) is persecuted, or who has a well-
found fear of persecution, on account of race,
religion, nationality, membership in a particular
social group, or political opinion.
“(B) The term ‘refugee’ does not include any person
who ordered, incited, assisted, or otherwise participated in
the persecution of any person on account of race, religion,
nationality, membership in a particular social group, or
political opinion. A person who establishes that his or her
actions were committed under duress or while the person
was younger than 18 years of age shall not be considered
to have ordered, incited, assisted, or otherwise participated
in persecution under this subparagraph.
“(C) The term ‘political opinion’ refers to any expres-
sion of support for or dissent from, or imputed support
for or dissent from, a practice, policy, or ideology of a gov-
ernment entity or of a nonstate group or actor.

“(D) For purposes of determinations under this
Act—

“(i) a person who has been forced to abort a
pregnancy or to undergo involuntary sterilization, or
who has been persecuted for failure or refusal to un-
dergo such a procedure or for other resistance to a
coercive population control program, shall be deemed
to have been persecuted on account of political opin-
ion;

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

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

“(I) share—

“(aa) a characteristic that is immu-
table or fundamental to identity, con-
science, or the exercise of human rights; or
“(bb) a past experience or voluntary association that, due to its historical nature, cannot be changed; or

“(II) are perceived as a group by society; and

“(iv) a particular social group can be cognizable regardless of the number of members who belong to the group.

“(E)(i) The burden of proof shall be on the applicant to establish that the applicant is a refugee.

“(ii) To establish that the applicant is a refugee, persecution—

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

“(II) may be established by demonstrating that—

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

“(bb) the persecution or feared persecution would not have occurred or would not occur in the future but for a protected ground; or
“(cc) the persecution or feared persecution had or will have the effect of harming the person because of a protected ground.

“(F) Where past or feared persecution by a nonstate actor is unrelated to a protected asylum ground, the causal nexus link is established if the state’s failure to protect the asylum applicant from the nonstate actor is on account of a protected asylum ground.”.

(b) CONFORMING AMENDMENT.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended by striking “section 101(a)(42)(A)” each place such term appears and inserting “section 101(a)(42)(A)(i)”.

SEC. 1102. MULTIPLE FORMS OF RELIEF AVAILABLE TO REFUGEES AND ASYLUM SEEKERS.

(a) IN GENERAL.—An applicant for admission as a refugee may simultaneously pursue admission under any visa category for which the applicant may be eligible.

(b) ASYLUM APPLICANTS ELIGIBLE FOR DIVERSITY VISAS.—Section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

“(iii)(I) An asylum seeker in the United States who is notified that he or she is eligible for an immigrant visa pursuant to section 203(c) may file a petition with the
district director that has jurisdiction over the district in which the asylum seeker resides (or, in the case of an asylum seeker who is or was in removal proceedings, the immigration court in which the removal proceeding is pending or was adjudicated) to adjust status to that of an alien lawfully admitted for permanent residence.

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

“(aa) be filed not later than 30 days before the end of the fiscal year for which the petitioner receives notice of eligibility for the visa; and

“(bb) contain such information and be supported by such documentary evidence as the Secretary of State may require.

“(III) The district director or immigration court shall attempt to adjudicate each petition under this clause before the last day of the fiscal year for which the petitioner was selected. Notwithstanding clause (ii)(II), if the district director or immigration court is unable to complete such adjudication during such fiscal year, the adjudication and adjustment of status of the petitioner may take place after the end of such fiscal year.”.

SEC. 1103. ELIMINATION OF TIME LIMITS ON ASYLUM APPLICATIONS.

Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—
(1) in subparagraph (A), by inserting “or the Secretary of Homeland Security” after “Attorney General” each place such term appears;

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

(3) by redesignating subparagraph (C) as subparagraph (B);

(4) in subparagraph (B), as redesignated, by striking “subparagraph (D)” and inserting “subparagraphs (C) and (D)”;

(5) by inserting after subparagraph (B), as redesignated, the following:

“(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General or the Secretary of Homeland Security, the existence of changed circumstances that materially affect the applicant’s eligibility for asylum.

“(D) MOTION TO REOPEN CERTAIN MERITORIOUS CLAIMS.—

“(i) IN GENERAL.—Not later than 1 year after the date of the enactment of this subparagraph, the Secretary of Homeland Security shall provide to each individual
described in clause (ii), in the best lan-
guage of such individual—

“(I) notice of their eligibility for
asylum; and

“(II) guidance with respect to fil-
ing a motion to reopen their immigra-
tion case in order to be granted asy-
lum.

“(ii) INDIVIDUAL DESCRIBED.—An in-
dividual described in this clause is an indi-
vidual who—

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

“(II) was granted withholding of
removal to the alien’s country of na-
tionality (or, in the case of a person
having no nationality, to the country
of last habitual residence) under sec-
tion 241(b)(3);

“(III) has not obtained lawful
permanent residence in the United
States pursuant to any other provision of law; and

“(IV)(aa) is not subject to the safe third country exception under subparagraph (A) or to a bar to asylum under subsection (b)(2); and

“(bb) was not denied asylum as a matter of discretion.

“(iii) DATE OF GRANT.—

“(I) ADJUSTMENT OF STATUS.—

For purposes of applications for adjustment of status submitted by an individual described in clause (ii) who was granted after the date of the enactment of this subparagraph, an individual granted asylum under this subsection shall be considered to have been so granted on the date on which the individual was granted withholding of removal under section 241(b)(3).

“(II) Petitions for relatives.—An individual granted asylum under this subsection may, during the 2-year period beginning on the
date on which the individual is granted asylum under this subsection, submit a petition for the admission of a spouse or child who is accompanying or following to join.”; and

(6) by adding at the end the following:

“(F) OTHER MOTIONS TO REOPEN.—Notwithstanding section 240(c)(7), an individual who was denied asylum may file a motion to reopen an asylum claim during the 2-year period beginning on the date of the enactment of this subparagraph if the individual was denied asylum based solely on the implementation of—

“(i) the policy memorandum of the U.S. Citizenship and Immigration Services entitled ‘Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with Matter of A–B–’ (PM–602–0162), dated July 11, 2018;

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

“(iii) the interim final rule of the Department of Homeland Security and the Department of Justice entitled ‘Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims’ (83 Fed. Reg. 55934 (November 9, 2019));

“(iv) Presidential Proclamation 9822, issued on November 9, 2018 (83 Fed. Reg. 57661);

“(v) the migrant protection protocols announced by the Secretary of Homeland Security on December 20, 2018 (or any successor protocols);

“(vi) the policy memorandum of the U.S. Citizenship and Immigration Services entitled ‘Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols’ (PM–602–0169), dated January 28, 2019; or

“(vii) any other policy memorandum of the Department of Homeland Security
to implement the protocols described in subclause (V).”.

SEC. 1104. SAFE THIRD COUNTRY EXCEPTION.

Subsection 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)), as amended by section 1103, is further amended—

(1) in subparagraph (A), by striking “or equivalent” and all that follows through the period at the end and inserting “with effective protection, including access to a durable solution, for individuals who are refugees, or equivalent temporary protection.”;

and

(2) by adding at the end the following:

“(G) LIMITATION ON BILATERAL AND MULTILATERAL AGREEMENTS.—No bilateral or multilateral agreement proposed under this section shall take effect until the agreement is approved as a treaty by the Senate or approved as an executive agreement by the Senate, the House of Representatives, and the President of the United States.”.

SEC. 1105. CONSIDERATION OF ASYLUM CLAIMS.

(a) CONDITIONS FOR GRANTING ASYLUM.—
(1) IN GENERAL.—Section 208(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)) is amended—

(A) in clause (ii), by striking the last sentence and inserting the following: “If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence. The trier of fact may not require such evidence if the applicant does not have the evidence and demonstrates that he or she cannot reasonably obtain the evidence. Evidence shall not be considered reasonably obtainable if procurement of such evidence would reasonably endanger the life or safety of any person.”;

(B) by striking clause (iii); and

(C) by inserting after clause (ii) the following:

“(iii) SUPPORTING EVIDENCE ACCEPTED.—

“(I) DIRECT AND CIRCUMSTANTIAL EVIDENCE.—Direct or circumstantial evidence, including evi-
dence that the government of the applicable country is unable or unwilling to protect individuals of the applicant’s race, religion, nationality, particular social group, or political opinion, or that the legal or social norms of the country tolerate persecution against individuals of the applicant’s race, religion, nationality, particular social group, or political opinion, may establish that persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(II) EXPERT WITNESS TESTI-

“(aa) IN GENERAL.—Except as provided in item (bb), an asy-

lum officer or immigration judge, as applicable, shall—

“(AA) accept expert witness testimony with re-

spect to the human rights conditions in a country and evidence relating to the
physical and mental condition or history of an applicant for asylum; and

“(BB) give substantial weight to such testimony and evidence.

“(bb) EXCEPTION.—An asylum officer or an immigration judge, as applicable, may reject expert witness testimony only if the asylum officer or immigration judge makes a finding on the record, supported by specific reasons, that—

“(AA) the witness is not qualified to provide an opinion regarding the conditions in the country concerned; or

“(BB) the testimony of the witness is rebutted by contrary evidence.

“(iv) CREDIBILITY DETERMINATION.—
“(I) IN GENERAL.—Subject to subclause (II), a trier of fact may conduct a credibility assessment in the context of evaluating an applicant’s claim for asylum.

“(II) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—

“(aa) OBJECTIVITY.—Decisions regarding credibility shall be made objectively, impartially, and individually.

“(bb) MATERIAL FACTS.—A credibility assessment under this clause may only be conducted on the material facts of the applicant’s claim. The perception of the trier of fact with respect to the applicant’s general truthfulness or trustworthiness shall not be relevant to assessing credibility of material facts.

“(cc) DETAIL AND SPECIFICITY.—In assessing credibility, a trier of fact may consider the detail and specificity of informa-
tion provided by the applicant, the internal consistency of the applicant’s statements, and the consistency of the applicant’s statements with available external information. In considering such information and statements, the trier of fact shall consider the applicant’s contextual circumstances, including—

“(AA) exposure to trauma;

“(BB) age;

“(CC) gender, sexual orientation, or gender identity;

“(DD) educational background;

“(EE) physical or mental health issues;

“(FF) shame, stigma, or denial;

“(GG) communication difficulties;
“(HH) intercultural barriers; and
“(II) the circumstances under which such statements were made.
“(dd) DUTY TO ASSIST.—A trier of fact shall have an affirmative duty to assist the applicant in providing credible testimony.
“(ee) CONSISTENCY WITH SCIENTIFIC LITERATURE.—A credibility assessment conducted under this clause, and any credibility finding made, shall be consistent with current scientific literature relating to behavioral indicators of truth-telling, the nature of traumatic memories, and the ability of trauma survivors to recall aspects of, and surrounding, a traumatic event.
“(ff) TIMING.—A credibility assessment under this clause may not be made until after—
“(AA) an interview of
the applicant; and

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

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

“(hh) CLEAR FINDINGS.—
The result of a credibility assess-
ment under this clause shall in-
clude clear findings based on and
supported by evidence, after con-
sideration of all of the relevant
evidence consistent with items
(cc) and (dd), that describes the
material facts that are accepted
as credible and the material facts
that are rejected as not credible,
and the reason for such accept-
ance or rejection.
“(ii) Rebuttable presumption.—If an adverse credibility determination is not explicitly made, the applicant shall have a rebuttable presumption of credibility on appeal.

“(jj) Oral testimony.—An applicant for asylum who is in removal proceedings shall have the right to testify orally before an immigration judge.”.

(2) Conforming Amendment.—Section 241(b)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking “and (iii)” and inserting “through (iv)”.

(b) Clarification on Asylum Eligibility.—Section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended by striking subparagraph (C) and inserting the following:

“(C) Clarification on asylum eligibility.—Notwithstanding any other provision of law, the eligibility of an alien for asylum shall be governed solely by this section.”.

(c) Third Country Transit.—Section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C.
1158(b)(2)) is amended by adding at the end the follow:

“(E) THIRD COUNTRY TRANSIT.—

“(i) IN GENERAL.—An applicant’s entry to, attempt to enter, or arrival or stay in a third country shall not be—

“(I) considered to amount to the applicant being firmly resettled;

“(II) grounds or a basis for a denial of an asylum application or the issuance of a negative credible fear determination; or

“(III) a factor for otherwise rendering the applicant ineligible for asylum.

“(ii) APPLICABILITY.—Clause (i) shall apply regardless of whether the applicant—

“(I) applied for asylum or was denied or granted asylum in the third country concerned;

“(II) is a victim of 1 or more severe forms of trafficking in persons (as defined in section 103 of the Traf-
ficking Victims Protection Act of 2000 (22 U.S.C. 7102)); or

“(III) the third country concerned is a party to the Convention Relating to the Status of Refugees, done at Geneva July 28 1951, (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)) or other similar treaty or protocol.”.

(d) INITIAL JURISDICTION OVER ASYLUM APPLICATIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended—

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

(2) by adding at the end the following:

“(4) INITIAL JURISDICTION.—

“(A) IN GENERAL.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application regardless of whether filed in accordance with this section or section 235(b) or section 240.

“(B) FINAL ORDER OF REMOVAL ENTERED.—In the case of an alien with respect to
whom a final order of removal was previously entered, an asylum officer shall have initial jurisdiction over any application for withholding of removal under section 241(b)(3) or protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, regardless of whether such an application is filed in accordance with this section or section 235(b) or section 240.”.

(e) LIMITATION ON IMPOSITION OF FEES.—Section 208(d)(3) is amended to read as follows:

“(3) LIMITATION ON IMPOSITION OF FEES.—

“(A) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should not impose fees for the consideration of an application for asylum, employment authorization under this section, adjustment of status under section 209, the collection of biometrics in conjunction with applications under this section, petitions for family reunification, or the issuance of refugee travel documents.

“(B) LIMITATION.—
“(i) IN GENERAL.—If the Secretary of Homeland imposes a fee for the consideration of an application for asylum, employment authorization under this section, adjustment of status under section 209, the collection of biometrics in conjunction with applications under this section or section 209, petitions for family reunification, or the issuance of refugee travel documents—

“(I) such fee shall not exceed the Secretary of Homeland Security’s costs in adjudicating such applications, processing such biometrics, or issuing such document, as applicable;

“(II) the applicant shall be eligible for a fee waiver; and

“(III) the applicant shall be permitted to pay such fee over a period of time or in installments.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the Secretary of Homeland Security to charge fees for adjudication services provided to asylum applicants.”.
(f) CONSIDERATION OF ASYLUM APPLICATIONS.—

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

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking “(A) Procedures.—”; and

(B) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and moving such subparagraphs 2 ems to the left.

(g) CONFIDENTIALITY OF ASYLUM APPLICATIONS.—Section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended by adding at the end the following:

“(8) CONFIDENTIALITY OF ASYLUM APPLICATIONS AND PROCEEDINGS.—An employee of the United States may not disclose to any individual other than an immigration or law enforcement official of the United States information in an asylum application or from an asylum proceeding without the consent of the applicant.”.

(h) TRANSPARENCY OF STATISTICAL INFORMATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:
“(f) Transparency of Statistical Information.—

“(1) Department of Homeland Security.—

“(A) Credible fear and reasonable fear adjudications database.—The Secretary Homeland Security shall develop, maintain, and make available to the public a database reflecting adjudications of credible fear or reasonable fear under section 235 that includes, for each such adjudication that occurs not later than 90 days after the date of the enactment of this subsection, the following:

“(i) An anonymized code number or sequence of characters for the asylum applicant.

“(ii) The month and year in which the applicant was apprehended.

“(iii) The month and year in which the applicant was interviewed under section 235.

“(iv)(I) Whether the applicant was in the custody of the Secretary of Homeland Security on the date of such interview.
“(II) In the case of an applicant who was in the custody of the Secretary of Homeland Security on such date—

“(aa) the component of the Department of Homeland Security responsible for the applicant’s detention; and

“(bb) the name of the facility in which the applicant was held.

“(v) The age of the applicant on the date of such interview.

“(vi) The nationality of the applicant.

“(vii) The gender of the applicant.

“(viii)(I) Whether the applicant entered at a port of entry.

“(II) In the case of an applicant who entered at a port of entry, the name of the port of entry.

“(ix)(I) Whether the applicant included one or more derivative beneficiaries in their asylum application.

“(II) In the case of an applicant who included one or more derivative beneficiaries in their asylum application, the
age and relationship to the applicant of each such beneficiary.

“(x) An anonymized code number for the officer conducting the interview and, if the officer’s decision was reviewed by a supervisor, an anonymized code number for the supervisor.

“(xi)(I) Whether such interview was conducted in person, by telephone, or by videoconference.

“(II) In the case of an interview conducted in person, the location of the interview.

“(xii) Whether such interview was conducted with the assistance of an interpreter.

“(xiii) The regional asylum office to which the officer conducting such interview was assigned.

“(xiv) Whether the asylum application was based on—

“(I) past persecution;

“(II) a well-founded fear of persecution; or
“(III) past persecution and a well-founded fear of persecution.

“(xv) Whether—

“(I) the alleged persecutor was the government of a country or a private entity; or

“(II) in the case of 1 or more alleged persecutors, the persecutors included both a government of a country and a private entity.

“(xvi) Whether the applicant was assisted by an attorney or other legal service provider during the interview.

“(xvii) Whether the adjudicator determined that the applicant was credible.

“(xviii) Whether the adjudicator found that the applicant—

“(I) established—

“(aa) a credible fear;

“(bb) a reasonable fear; or

“(cc) a likelihood of torture;

or

“(II) did not establish any such fear or likelihood.
“(xix) In the case of an applicant who was determined not to have established a credible fear or a reasonable fear, whether the applicant appealed such determination to an immigration judge.

“(xx) Any other data that the Secretary of Homeland Security considers helpful to the government or the public in understanding or analyzing the operation of asylum adjudication.

“(B) Merits Adjudications Database.—The Secretary Homeland Security shall develop, maintain, and make available to the public a database reflecting asylum adjudications on the merits, that includes, for each such adjudication that occurs not later than 90 days after the date of the enactment of this subsection, the following:

“(i) An anonymized code number or sequence of characters for the asylum applicant, which shall be the same code number or sequence assigned to the applicant if such a number or sequence was assigned during an earlier stage of proceedings under section 235.
“(ii) The date on which the applicant’s asylum application was filed or considered to have been filed.

“(iii) The age of the applicant on the date on which such application was filed.

“(iv) The date on which the applicant entered the United States or, in the case of an applicant for whom the date of entry is unknown, an indication that such date is unknown.

“(v)(I) Whether the applicant included in their asylum application 1 or more derivative beneficiaries who are in the United States.

“(II) In the case of an applicant who included such a derivative beneficiary in their asylum application, the age and relationship to the applicant of each such beneficiary.

“(vi) The nationality of the applicant.

“(vii) The gender of the applicant.

“(viii) Whether the asylum application was based on—

“(I) past persecution;
“(II) a well-founded fear of persecution; or

“(III) past persecution and a well-founded fear of persecution.

“(ix) Whether—

“(I) the alleged persecutor was the government of a country or a private entity; or

“(II) in the case of 1 or more alleged persecutors, the persecutors included both a government of a country and a private entity.

“(x) Whether the applicant’s application for asylum included a claim of persecution on account of gender.

“(xi) Whether the applicant was processed under this section or section 235.

“(xii) Whether the applicant had entered the United States—

“(I) pursuant to a visa;

“(II) through the visa waiver program; or

“(III) without inspection.

“(xiii) Whether the applicant—
“(I) was assisted in the completion of their asylum application by—

“(aa) an attorney;

“(bb) an accredited representative;

“(cc) a law student; or

“(dd) an individual other than an individual described in items (aa) through (cc); or

“(II) was not represented.

“(xiv) Whether the applicant—

“(I) was represent during their asylum interview by—

“(aa) an attorney;

“(bb) an accredited representative;

“(cc) a law student; or

“(dd) an individual other than an individual described in items (aa) through (cc); or

“(II) was not represented.

“(xv) Whether the asylum interview was conducted with the assistance of an interpreter.
“(xvi) An anonymized code number or sequence of characters for the asylum officer who adjudicated the case.

“(xvii) An anonymized code number or sequence of characters for any officer who reviewed the asylum officer’s decision.

“(xviii) The regional office or sub-office to which the asylum officer was assigned.

“(xix) The date of the adjudication.

“(xx) Whether the applicant was—

“(I) granted asylum;

“(II) denied asylum;

“(III) referred to immigration court for further consideration; or

“(IV) considered by the immigration court under some other procedure.

“(xxi) Any other data that the Secretary of Homeland Security considers helpful to the government or the public in understanding or analyzing the operation of asylum adjudication.

“(2) DEPARTMENT OF JUSTICE.—
“(A) Database on Appeals of Credible Fear and Reasonable Fear Determinations.—The Attorney General shall develop, maintain, and make available to the public a database reflecting appeals from credible fear determinations and reasonable fear determinations that include, for each such appeal that occurs not later than 90 days after the date of the enactment of this subsection, the following:

“(i) An anonymized code number or sequence of characters for the asylum applicant, which shall be the same anonymized code number or sequence of numbers assigned to the applicant by the Department of Homeland Security.

“(ii) The name of the immigration judge who adjudicated the appeal.

“(iii) The location of the immigration judge on the date on which a decision on the appeal was made.

“(iv) Whether the appeal was conducted in person, by telephone, or by videoconference.

“(v) Whether the applicant—
“(I) was represented in the appeal by—

“(aa) an attorney;

“(bb) an accredited representative;

“(cc) a law student; or

“(dd) an individual other than an individual described in items (aa) through (cc); or

“(II) was not represented.

“(vi) Whether the appeal was conducted with the assistance of an interpreter.

“(vii) The outcome of the appeal.

“(viii) Any other data that the Attorney General considers helpful to the government or the public in understanding or analyzing the operation of asylum adjudication.

“(B) MERITS DECISIONS DATABASE.—The Attorney General shall develop, maintain, and make available to the public a database reflecting decisions by immigration judges on the merits of asylum claims (including applications for withholding of removal under section 241(b)(3)
and protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984) that includes, for each such claim filed with the Attorney General not later than 90 days after the date of the enactment of this subsection, the following:

“(i) An anonymized code number or sequence of characters for the respondent, which shall be the same as any anonymized code number or sequence of number assigned by the Department of Homeland Security at a previous stage of adjudication of the claim.

“(ii) The date on which the respondent entered the United States or, in the case of a respondent for whom the date of entry is unknown, an indication that such date is unknown.

“(iii) The age of the respondent on the date on which the respondent entered the United States.

“(iv) The initial date on which the respondent submitted the asylum application to the Secretary of Homeland Security.
“(v) In the case of a respondent who submitted an asylum application to the Secretary of Homeland Security, the date on which an asylum officer issued a decision on such application.

“(vi) The age of the respondent on the date on which the immigration judge rendered a decision on the merits of the claim.

“(vii) The gender of the respondent.

“(viii) Whether the respondent entered the United States at a port of entry.

“(ix)(I) Whether the respondent included in their asylum application 1 or more derivative beneficiaries who are in the United States.

“(II) In the case of a respondent who included such a derivative beneficiary in their asylum application, the age and relationship to the respondent of each such beneficiary.

“(x) The nationality of the respondent.
“(xi) The name and location of the immigration judge who adjudicated the claim.

“(xii) Whether the merits hearing was conducted in person, by telephone, or by videoconference.

“(xiii)(I) Whether the respondent was detained on the date on which the merits hearing occurred.

“(II) In the case of a respondent who was detained, the name of the detention facility.

“(xiv) Whether the merits hearing was conducted with the assistance of an interpreter.

“(xv) Whether the respondent—

“(I) was represented in the merits hearing by—

“(aa) an attorney;

“(bb) an accredited representative;

“(cc) a law student; or

“(dd) an individual other than an individual described in items (aa) through (cc); or
“(II) was not represented.

“(xvi) In the case of an application for asylum or withholding of removal under section 241(b)(3), whether the application was based on—

“(I) past persecution;

“(II) a well-founded fear of persecution; or

“(III) past persecution and a well-founded fear of persecution.

“(xvii) Whether—

“(I) the alleged persecutor was the government of a country or a private entity; or

“(II) in the case of 1 or more alleged persecutors, the persecutors included both a government of a country and a private entity.

“(xviii) Whether the respondent’s application for asylum included a claim of persecution on account of gender.

“(xix) The outcome of the case, including—

“(I) whether the case the was terminated without a decision;
“(II) whether the respondent was granted asylum, withholding of removal under section 241(b)(3), protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, voluntary departure, or other relief; and

“(III) whether the respondent was ordered removed from the United States.

“(xx) Any other data that the Attorney General considers helpful to the government or the public in understanding or analyzing the operation of asylum adjudication.

“(C) BOARD OF IMMIGRATION APPEALS DATABASE.—The Attorney General shall develop, maintain, and make available to the public a database reflecting decisions by the Board of Immigration Appeals on appeals of immigration judge denials of asylum, withholding of removal, or protection under the Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment, done at New York December 10, 1984 that includes, for each such appeal filed with the Board of Immigration Appeals not later than 90 days after the date of the enactment of this subsection, the following:

“(i) An anonymized code number or sequence of characters for the appellant, which shall be the same anonymized code number or sequence of numbers that was assigned at a previous stage of the proceedings by the Secretary of Homeland Security or the Attorney General.

“(ii) The date on which the appeal was filed with the Board of Immigration Appeals.

“(iii) The date on which the Board of Immigration Appeals issued a decision on the appeal.

“(iv) The names of the members of the Board of Immigration Appeals who participated in the decision.

“(v) Whether any member of the Board of Immigration Appeals dissented from a decision of a panel or of the entire
Board of Immigration Appeals, and the name of each such member.

“(vi) Whether the appellant—

“(I) was represented in the appeal by—

“(aa) an attorney;

“(bb) an accredited representative;

“(cc) a law student; or

“(dd) an individual other than an individual described in items (aa) through (cc); or

“(II) was not represented.

“(vii) The outcome of the appeal.

“(viii) Any other data that the Attorney General considers helpful to the government or the public in understanding or analyzing the operation of asylum adjudication.”.

(i) FURTHER CONSIDERATION OF APPLICATION FOR ASYLUM.—Section 235(b)(1)(B)(ii) of the Immigration and Nationalities Act (8 U.S.C. 1225 (b)(1)(B)(ii)) is amended by inserting “, which shall include a hearing under section 240 on the alien’s claim for asylum, withholding of removal, or protection under the Convention
against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment, done at New York December
10, 1984, unless the Secretary of Homeland Security has
granted the alien’s claim” before the period at the end.

(j) MODIFICATION OF DEFINITION OF ASYLUM OFFI-
CER.—Section 235(b)(1)(E) of the Immigration and Na-
tionality Act (8 U.S.C. 1225(b)(1)(E)) is amended to read
as follows:

“(E) ASYLUM OFFICER DEFINED.—

“(i) In general.—In this paragraph,
the term ‘asylum officer’ means an immi-
gration officer who—

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

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

“(III) is supervised by an officer
who—

“(aa) meets the condition
described in subclause (I); and
“(bb) has had substantial experience adjudicating asylum applications.

“(ii) Exceptional circumstances.—

“(I) In general.—The Secretary of Homeland Security may, only in exceptional circumstances and to protect national security, designate one or more individuals who do not meet the condition described in clause (i)(III) to act as temporary asylum officers.

“(II) Limitation.—An individual designated as a temporary asylum officer under subclause (I) may not hold or have held in the preceding 3 years a position the central function of which is immigration enforcement, including Border Patrol agents, Customs and Border Protection officers, and Immigration and Customs Enforcement officers.

“(III) Annual report.—During any period in which the Secretary
of Homeland Security designates one
or more temporary asylum officers,
not later than 30 days after such des-
ignation, the Secretary of Homeland
Security shall submit to Congress a
report that includes—

“(aa) a justification for the
designation;

“(bb) the number of officers
designated;

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

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

“(ee) with respect to applic-
cations for asylum, withholding
of removal under section
241(b)(3), and protection under
the Convention against Torture
adjudicated by such officers, the
rate of grants, denials, referrals,
and otherwise closed applications;
and

“(ff) with respect to credible
fear determinations carried out
by such officers, the rate of positive, negative, and otherwise closed determinations.”.

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

(1) in subparagraph (B), by striking the last sentence and inserting the following: “If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence. The trier of fact may not require such evidence if the applicant does not have the evidence and demonstrates that he or she cannot reasonably obtain the evidence. Evidence shall not be considered reasonably obtainable under this subparagraph if procurement of such evidence would reasonably endanger the life or safety of any person in the applicant’s home country.”; and

(2) in subparagraph (C), in the first sentence, by striking “, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor” and inserting “If the trier of fact determines
that there are inconsistencies or omissions, the alien
shall be given an opportunity to explain and provide
support or evidence to clarify such inconsistencies or
omissions.”.

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

(1) in paragraph (5), by striking “If the Attorney
General” and inserting the following:

“(A) IN GENERAL.—Except as provided in
subparagraph (B), if the Secretary of Home-

land Security”; and

(2) by adding at the end the following:

“(B) APPLICABILITY.—Subparagraph (A)
shall not apply to an alien who is otherwise eli-
gible for asylum.”.

SEC. 1106. TRANSPARENCY IN REFUGEE DETERMINATIONS.

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

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

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

“(A) was chosen by the applicant; and

“(B) is authorized by the Secretary of Homeland Security to be recognized as the representative of such applicant in an adjudication under this section.

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

“(i) shall be in writing; and

“(ii) shall cite the specific applicable provisions of this Act upon which such denial was based, including—

“(I) the facts underlying the determination; and

“(II) whether there is a waiver of inadmissibility available to the applicant.

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

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

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

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

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

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

“(i) be in writing; and

“(ii) provide, to the maximum extent practicable, information relating to the reason for the denial.”.

SEC. 1107. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF REFUGEES FROM COUNTRIES OF PARTICULAR CONCERN AND ADMISSION OF REFUGEES IN EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

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

(2) by adding at the end the following:

“(B)(i) The President, after a recommendation of the Secretary of State made in consultation with
the Secretary of Homeland Security, and after ap-
propriate consultation, may designate specifically de-
finied groups of aliens within a category of aliens es-
established under clause (ii) whose resettlement in the
United States is justified by humanitarian concerns
or is otherwise in the national interest and who
share common characteristics that identify such
aliens as targets of persecution on account of race,
religion, nationality, membership in a particular so-
cial group, or political opinion or who otherwise have
a shared need for resettlement due to a specific vul-
nerability.

“(ii) For purposes of clause (i), the President
shall designate one or more groups or one or more
categories of aliens who are or were nationals or ha-
bital residents of the Islamic Republic of Iran or
countries from the former Soviet Union, who, as
members of a religious minority, share common
characteristics that identify them as targets of per-
secution in that state on account of race, religion,
nationality, membership in a particular social group,
or political opinion. At the discretion of the Presi-
dent, the President may designate additional groups
of one or more categories of aliens who are of were
nationals or habitual residents of any other country
which is designated as a country of particular con-
cern under section 402(b)(1)(A) of the International

“(iii) An alien who is outside his or her country
of origin or last habitual residence who establishes
membership in a group designated under clause (i)
to the satisfaction of the Secretary of Homeland Se-
curity shall establish, for purposes of admission as
a refugee under this section, that such alien has a
well-founded fear of persecution on account of race,
religion, nationality, membership in a particular so-
cial group, or political opinion, unless the Secretary
determines that such alien ordered, incited, assisted
or otherwise participated in the persecution of any
person on account of race, religious, membership in
a particular social group, or political opinion.

“(iv) A designation under clause (i)—

“(I) may be revoked by the President at
any time after notification to Congress;

“(II) if not revoked, shall expire at the end
of each fiscal year; and

“(III) may be renewed by the President
after appropriate consultation.
“(v) An alien’s admission under this subparagraph shall count against the refugee admissions goal under subsection (a).

“(vi) A designation under clause (i) shall not influence decisions to grant, to any alien, asylum under section 208, withholding of removal section 241(b)(3), or protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(vii) Each decision to deny an application for refugee status of an alien who is within a category established under this subparagraph shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.”.

(b) ADMISSION OF REFUGEES EXPERIENCING EMERGENCY SITUATIONS.—Section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)), as amended by section 1106, is further amended by adding at the end the following:

“(9) ADMISSION OF REFUGEES EXPERIENCING EMERGENCY SITUATIONS.—

“(A) IN GENERAL.—Subject to the numerical established under subparagraphs (A) and (B) of paragraph (1), the Secretary of Homeland Security
may, in the Secretary’s discretion and pursuant to such regulations as the Secretary may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as provided under section 209) as an immigrant under this Act. Notwithstanding any numerical limitations specified in this Act, any alien admitted under this paragraph shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien’s admission to the United States.

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

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

“(ii) who—

“(I) share common characteristics that identify them as targets of—

“(aa) persecution on account of race, religion, nationality, membership
in a particular social group, or political opinion; or

“(bb) other serious harm; or

“(II) having been identified as targets as described in subclause (I), share a common need for resettlement due to a specific vulnerability.

“(C) MEMBERSHIP IN A DESIGNATED GROUP.—An alien who establishes membership in a group designated under this paragraph to the satisfaction of the Secretary of Homeland Security shall be considered a refugee for purposes of admission as a refugee under this paragraph, unless the Secretary determines that such alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(D) REVOCATION.—A designation under this paragraph is for purposes of adjudicatory efficiency and may be revoked by the President at any time after notification to Congress.

“(E) EFFECT ON OTHER LAWS.—Categories of aliens established under section 599D of the Foreign Operations, Export Financing, and Related Pro-
grams Appropriations Act, 1990 (Public Law 101–
167; 8 U.S.C. 1157 note)—

“(i) shall be designated under subpara-
graph (B) until the end of the first fiscal year
commencing after the date of the enactment of
this paragraph; and

“(ii) shall be eligible for designation there-
after at the discretion of the President.

“(F) Effect on Refugee Admissions
Goal.—The admission of an alien under this para-
graph shall count against the refugee admissions
goal under section 207(a).

“(G) Other Forms of Protection.—A des-
ignation under this paragraph shall not influence de-
cisions to grant to any alien asylum under section
208, withholding of removal under section 241(b)(3),
or protection under the Convention against Torture
and Other Cruel, Inhuman or Degrading Treatment
or Punishment, done at New York December 10,
1984.

“(H) Denials.—A decision to deny admission
under this paragraph to an alien who establishes to
the satisfaction of the Secretary that the alien is a
member of a group designated under subparagraph
(B)—
“(i) shall be in writing; and
“(ii) shall cite the specific applicable provision of this Act upon which such denial is based, including—
“(I) the facts underlying the determination; and
“(II) whether there is a waiver of inadmissibility available to the alien.”.

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

SEC. 1108. EMPLOYMENT AUTHORIZATION FOR ASYLUM SEEKERS AND OTHER INDIVIDUALS.

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

“(2) EMPLOYMENT AUTHORIZATION.—
“(A) ELIGIBILITY.—The Secretary of Homeland Security shall authorize employment for an applicant for asylum, withholding of removal under section 241(b)(3)(B), or withholding or deferral of removal under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
done at New York December 10, 1984 not later than 30 days after the date on which such an applicant files an application for such relief.

“(B) APPLICATION.—An applicant for asylum, withholding of removal under section 241(b)(3)(B), or withholding or deferral of removal under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984 who is prima facie eligible for such relief shall be granted employment authorization not later than 60 days after the date on which the applicant files an application for employment authorization.

“(C) TERM.—Employment authorization under this paragraph shall be valid until the date on which an applicant is issued a final denial of the applicable application, including administrative and judicial review.”.

SEC. 1109. ADMISSION OF REFUGEES AND ASYLEES AS LAWFUL PERMANENT RESIDENTS.

(a) TREATMENT OF ALIENS ADMITTED AS REFUGEES AND OF ALIENS GRANTED ASYLUM.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended to read as follows:
SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFUGEES AND OF ALIENS GRANTED ASYLUM.

(a) In General.—

(1) Treatment of Refugee Families.— Any alien may be lawfully admitted to the United States for permanent residence at the time of initial admission to the United States if the alien—

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

(i) under section 207 or 208; or

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

(B) is admissible under section 212 (except as otherwise provided in subsections (b) and (c)).

(2) Adjustment of Status.—

(A) In General.—The Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General, and under such regulations as the Secretary or the Attorney General may prescribe, may adjust, to the status of an alien lawfully admitted to the United States for permanent residence, the status of any alien who, while in the United States—
“(i) is granted—

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

“(II) refugee status under section 207 as the spouse or child of a refugee;

“(ii) applies for such adjustment of status at any time after being granted asylum or refugee status;

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

“(iv) is admissible (except as otherwise provided under subsections (b) and (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

“(B) APPLICABILITY.—This paragraph shall apply to any alien lawfully admitted for permanent residence under section 207 or 208 before the date of the enactment of the Refugee Protection Act of 2022.

“(3) RECORD.—Upon approval of an application under this subsection, the Secretary of Home-
land Security or the Attorney General shall establish a record of the alien’s admission for lawful permanent residence as of the date such alien was granted asylum or refugee status.

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

“(1) any refugee under section 207;

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

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

“(c) WAIVER OF INADMISSIBILITY OR DEPORTABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—

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

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

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

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

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

(b) CLARIFICATION.—Aliens admitted for lawful permanent residence pursuant to paragraph (1) of section 209(a) of the Immigration and Nationality Act, as amended by subsection (a), or who adjust their status pursuant to paragraph (2) of such section, as amended by subsection (a), shall be considered to be refugees and aliens granted asylum for purposes of sections 402, 403, 412, and 431 of the Personal Responsibility and Work Oppor-

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“(B) Aliens who are admitted to the United States as permanent residents under section 207 or 208 or whose status is adjusted under section 209.”.

(2) TRAINING.—Section 207(f)(1) of such Act (8 U.S.C. 1157(f)(1)) is amended by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(3) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 208(e) of such Act (8 U.S.C. 1158(e)) is amended by striking “section 209(b)” and inserting “section 209(a)(2)”.

(4) TABLE OF CONTENTS.—The table of contents for such Act is amended by striking the item relating to section 209 and inserting the following:

“Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asylum.”.
(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the earlier of—

(1) the date that is 180 days after the date of the enactment of this Act; or

(2) the date on which a final rule is promulgated to implement this section and the amendments made by this section.

SEC. 1110. COMPLEMENTARY PROTECTION.

The Secretary of Homeland Security or the Attorney General may grant asylum to an alien who has applied for asylum if the Secretary of Homeland Security or the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)) or would face a threat to life or physical integrity if returned because of a reasonable possibility of—

(1) violence; or

(2) exceptional situations, such as environmental or other crises or disasters, including from the effects of climate change, for which there is no adequate remedy in the country of origin.
SEC. 1111. INTERNAL RELOCATION.

(a) BURDEN OF PROOF.— The Government bears the burden of establishing the reasonableness of internal relocation.

(b) CASE-BY-CASE ANALYSIS.—Consistent with the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951, it shall be considered unreasonable to presume applicants are able to internally relocate without first conducting an individualized determination applying a totality of circumstances test on a case-by-case basis.

(c) DETERMINATIONS IN MERITS HEARINGS.—Internal relocation determinations—

(1) may only be made in asylum merits proceedings; and

(2) shall not occur at an earlier stage of processing.

(d) PROHIBITION.—The mere possibility of internal relocation shall not be the sole grounds for a discretionary denial of asylum, issuance of a negative credible fear determination, or a factor to otherwise bar asylum eligibility.

SEC. 1112. FIRM RESETTLEMENT.

The Government bears the burden of establishing whether an applicant is firmly resettled and applicants may rebut this under a preponderance of the evidence standard. Firm resettlement determinations shall focus exclusively on the existence of an offer of permanent resettle-
ment and shall not be fulfilled by an offer of temporary, 
transitory, or unauthorized time in another country.

Subtitle B—Protections for 
Children and Families

SEC. 1201. KEEPING FAMILIES TOGETHER.

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

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

(2) in subparagraph (F)(ii), by striking the period at the end and inserting a semicolon;

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

(4) by adding at the end the following:

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

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

“(II) for whom the sole or surviving parent is incapable of providing the proper care and has, in writing, irrevocably released the child for emigration and adoption;
“(ii) who has been living in a country of asylum under the care of such principal alien; and
“(iii) for whom the Secretary of Homeland Security is satisfied that proper care will be furnished if the child is admitted to the United States.”.

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

“(2)(A)(i) Irrespective of the date on which such refugee was admitted to the United States, the spouse or a child (as defined in section 101(b)(1)) of any refugee, or the parent or de facto guardian (as determined by the Secretary of Homeland Security) of such a child who qualifies for admission under paragraph (1), if not otherwise entitled to admission under such paragraph and not described in section 101(a)(42)(B), shall be entitled to the same admission status as such refugee if—

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

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

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

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

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

“(D)(i) Not later than 1 year after the date on which an application for refugee status is filed under this paragraph—

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

“(II) the application shall be adjudicated.
“(ii) The adjudication of an application may exceed
the timeframe under clause (i) only in exceptional cir-
cumstances in which additional time to process an applica-
tion is necessary to satisfy national security concerns, if
the Secretary of Homeland Security has—

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

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

(c) TREATMENT OF ASYLEE FAMILIES AND TIMELY
ADJUDICATION.—Section 208(b)(3) of the Immigration
and Nationality Act (8 U.S.C. 1158(b)(3)), as amended
by section 1105(d), is further amended—

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

(2) by adding at the end the following:

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

“(D) Application process.—

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

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

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

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

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

“(II) notified the applicant of 
such determination.
“(iii) Prohibition on denials due to processing delays.—An application for asylum under this paragraph shall not be denied, in whole or in part, on the basis that processing could not be completed within the timeframe under clause (i).”.

SEC. 1202. PROTECTIONS FOR MINORS SEEKING ASYLUM.

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

(1) in subsection (a)(2), as amended by sections 1103 and 1104, by amending subparagraph (E) to read as follows:

“(E) Applicability to minors.—Subparagraphs (A) and (B) shall not apply to an applicant who is younger than 18 years of age on the earlier of—

“(i) the date on which the asylum application is filed; or

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

(2) in subsection (b)(4), as added by section 1105, by adding at the end the following:

“(C) Applicants younger than 18 years of age.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial juris-
diction over any asylum application filed by an
applicant who is younger than 18 years of age
on the earlier of—

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

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

(b) TREATMENT OF SPOUSE, CHILDREN, MOTHER,
AND FATHER SEEKING ASYLUM.—Section 208(b)(3) of
the Immigration and Nationality Act (8 U.S.C. 1158), as
amended by section 1105, is further amended—

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

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

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

“(B) CONTINUED CLASSIFICATION OF CERT-
TAIN ALIENS AS CHILDREN.—
“(i) UNMARRIED ALIENS.—An unmarried alien who seeks to accompany, or follow to join, a mother or father granted asylum under this subsection, and any child of such unmarried alien, shall continue to be classified as a child for purposes of this paragraph and shall be considered a refugee, if—

“(I) the alien was younger than 21 years of age on the date on which such mother or father applied for asylum under this section; and

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

“(ii) EFFECT ON MOTHERS AND FATHERS.—A mother or father who seeks to accompany, or follow to join, an alien granted asylum under this subsection shall continue to be classified as a mother or father for purposes of this paragraph, and together with the spouse or child of such mother or father, be considered a refugee, if the alien attained 21 years of age while such application was pending.”.
(c) **Repeal of Contiguous Country Exception.—**

(1) **In General.—** Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(A) by striking paragraph (2);

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

“(3) **Rule for All Unaccompanied Children.—** The custody of unaccompanied alien children who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).”;

(C) by amending paragraph (4) to read as follows:

“(4) **Screening.—**

“(A) **In General.—** Within 48 hours of the apprehension of a child who is believed to be an unaccompanied alien child, the child shall be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (b).
“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to preclude an earlier transfer of a child.”;

(D) by amending paragraph (5) to read as follows:

“(5) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child sought to be removed by the Department of Homeland Security shall be—

“(A) placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);

“(B) eligible for relief under section 240B of that Act (8 U.S.C. 1229c) at no cost to the child; and

“(C) provided access to counsel in accordance with subsection (c)(5).”;

(E) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(2) CONFORMING AMENDMENTS.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—
(A) in subsection (e)(5), by striking “, and
who are not described in subsection (a)(2)(A),”;
and
(B) in subsection (e), by striking “, including children described in subsection (a)(2)”.

(d) Duration of Unaccompanied Child Designation.—Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), as amended by subsection (c), is further amended by adding at the end the following:

“(5) Duration of Unaccompanied Alien Child Determination.—

“(A) In general.—Upon identification as an unaccompanied alien child, a child shall be afforded all substantive and procedural protections provided for unaccompanied alien children under this section and any other Federal law for the duration of the child’s removal proceedings.

“(B) Reevaluation and Revocation Prohibited.—The head of a Federal agency may not—

“(i) reevaluate or revoke a determination that an individual is an unaccompanied alien child; or
“(ii) deny or impede access to any protections provided for unaccompanied alien children by Federal law, including on the basis of the individual’s reunification with a parent or legal guardian or the individual having attained 18 years of age.”.

(e) Child Protective Measures for All Children in U.S. Customs and Border Protection Custody.—

(1) Purpose.—The purposes of this subsection are—

(A) to ensure the safety and access to protection of children temporarily in the custody of U.S. Customs and Border Protection by requiring the Secretary of Homeland Security to hire child welfare professionals; and

(B) to prevent unnecessary family separation through the deployment of officials of the Department of Health and Human Services to U.S. Customs and Border Protection facilities to evaluate unaccompanied children arriving with non-parent, adult family members for reunification within 72 hours.

(2) Child Welfare Professionals.—
(A) **Definition of Child Welfare Professional.**—The term “child welfare professional” means an individual who—

(i) is State-licensed in social work;

(ii) has direct experience working with children;

(iii) has expertise in—

(I) child development; and

(II) culturally competent, trauma-centered, and developmentally appropriate interviewing skills;

(iv) has knowledge of Federal and State child welfare laws and standards;

and

(v) is proficient in 1 or more of the most common languages spoken by children apprehended at the southern border of the United States.

(B) **Staffing of Child Welfare Professionals at U.S. Customs and Border Protection Facilities.**—The Secretary of Homeland Security shall ensure that 1 or more child welfare professionals is available at each port of entry and Border Patrol station along the southern land border of the United States.
to accomplish the duties described in this subsection.

(i) Hiring.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall hire, or seek to enter into contracts with, child welfare professionals who shall—

(I) work on-site on a full-time basis at ports of entry or Border Patrol stations that have had not fewer than 25 children in custody—

(aa) on any day during the preceding fiscal year; or

(bb) during the fiscal year in which this Act is enacted based on a review of monthly statistical reports during the such fiscal year;

(II) remain available by telephone and videoconference on an on-call basis to U.S. Customs and Border Protection personnel at ports of entry or Border Patrol stations that are not described in subclause (I).
(ii) **INTERPRETER REQUIRED.**—In the case of a child welfare professional who does not speak the best language of a child in the custody of U.S. Customs and Border Protection at a port of entry or Border Patrol station along the southern land border of the United States, the Secretary of Homeland Security shall provide an interpreter.

(C) **DUTIES.**—In accordance with the timeframe under subsections (a)(4) and (b)(3) of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232), as amended by this Act, child welfare professionals placed as ports of entry and Border Patrol stations under subparagraph (B) shall—

(i) conduct screening of each child in the custody of U.S. Customs and Border Protection in accordance with such subsection (a)(4);

(ii) ensure appropriate care of each child in the custody of U.S. Customs and Border Protection;
(iii) ensure that any allegation of abuse or mistreatment of a child in the custody of U.S. Customs and Border Protection is referred to the appropriate Federal and State authorities;

(iv) with respect to a child who may meet the notification and transfer requirements under subsections (a) and (b) of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232), including a child for whom a determination cannot be made, notify the Secretary of Homeland Security and the Assistant Secretary of the Office of Refugee Resettlement of the presence of such child at the port of entry or Border Patrol station;

(v) conduct an initial family relationship and trafficking assessment for each child in the custody of U.S. Customs and Border Protection; and

(vi) perform other duties as appropriate.

(D) REPORT.—Not later than 180 days after the date of the enactment of this Act, and
every quarter thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary, the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Education and Labor of the House of Representatives a report that, for the preceding fiscal quarter—

(i) describes the activities carried out by child welfare professionals under this subsection;

(ii) assesses the effectiveness of such activities; and

(iii) includes non-personally identifiable data on all children screened by child welfare professionals under this subsection, including—

(I) the number and location of children in the physical custody of the Department of Homeland Security;
(II) the number of children transferred to the custody of the Secretary of Health and Human Services; and

(III) the number of children removed from the United States, and the countries of nationality of such children.

(3) EXPEDITED REUNIFICATION AT THE BORDER.—

(A) IN GENERAL.—Unaccompanied children encountered by the Commissioner of U.S. Customs and Border Protection together with 1 or more adult family members who are not their parents or legal guardians shall be—

(i) transferred, along with those adult family members, to the nearest U.S. Customs and Border Protection reception center where field staff of the Department of Health and Human Services are on site; and

(ii) screened, along with the 1 or more adult family members, by such field staff shall to assess—
(I) the validity of the relationship between the child and 1 or more adult family members;

(II) the ability of the 1 or more adult family members to care for child; and

(III) any risk of trafficking or abuse from the 1 or more adult family member.

(B) INTERVIEW.—In conducting the screening under subparagraph (A)(ii), the field staff of the Department of Health and Human Services shall interview the child—

(i) together with the 1 or more adult family members; and

(ii) separately from the adult family member(s).

(C) OBSERVATION.—In the case of young children and infants screened under this paragraph, in addition to evaluating the documentary evidence of relationship provided, the field staff of the Department of Health and Human Services shall observe the interactions between the children and their 1 or more adult family members.
97

(D) U.S. CUSTOMS AND BORDER PROTEC-
TION CUSTODY.—During the screening required
by this paragraph, an unaccompanied child de-
scribed in subparagraph (A) shall remain in the
legal custody of the Commissioner of U.S. Cus-
toms and Border Protection for not more than
72 hours.

(E) SAFE SPONSOR DETERMINATION.—

(i) IN GENERAL.—If field staff of the
Health and Human Services determine
that an adult family member is a safe
sponsor, the Commissioner of U.S. Cus-
toms and Border Protection, absent exi-
gent circumstances, shall approve the spon-
sor for release and transfer custody of the
child from the Commissioner to the Sec-
retary of Health and Human Services in a
designated space so that the Office of Ref-
ugee Resettlement may promptly reunify
the child directly with the adult sponsor.

(ii) REFERRAL FOR LEGAL SERV-
ICES.—The Assistant Secretary of the Of-
lice of Refugee Resettlement shall ensure
that any child approved for release with
their family sponsor under this subpara-
graph is referred to a legal services pro-
vider funded by the Department of Health
and Human Services to represent the child
post-release.

(F) DEPARTMENT OF HEALTH AND
HUMAN SERVICES CUSTODY.—In any case in
which Department of Health and Human Serv-
ices field staff cannot approve a child’s reunifi-
cation not later than 72 hours after the time at
which the child is apprehended—

(i) the Commissioner of U.S. Customs
and Border Protection shall transfer cus-
tody of the child to the Secretary of Health
and Human Services for placement in Of-
lice of Refugee Resettlement care in the
least restrictive setting in the child’s best
interest, as required by section 235 of the
William Wilberforce Trafficking Victims
Protection Reauthorization Act of 2008;
and

(ii) the Secretary of Health and
Human Services shall appoint an inde-
pendent child advocate to the child upon
the child’s arrival in Office of Refugee Re-
settlement care.
(G) LEGAL ORIENTATION PRESENTATIONS

IN RECEPTION CENTERS.—The Secretary of Health and Human Services shall work with stakeholders to ensure that legal staff are detailed to U.S. Customs and Border Protection reception centers sites to provide legal orientation presentations to unaccompanied children while their 1 or more adult family members are evaluated by Department of Health and Human Services field staff.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to modify—

(A) the definition of the term “unaccompanied alien child” under section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2));

(B) the obligation of the Secretary of Health and Human Services to take a child into custody, and if the child cannot be reunified with the adult family member as set forth in paragraph (3)(E) to place the child in the least restrictive setting in their best interests, consistent with section 279(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)) or section 235 of the William Wilberforce Trafficking Vic-
tims Protection Reauthorization Act of 2008 (8 U.S.C. 1232); or


(f) ELIMINATION OF SPECIAL IMMIGRANT JUVENILE VISA CAP.—

(1) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(A)) is amended by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (J)”.

(2) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (J)”.

SEC. 1203. FAIR DAY IN COURT FOR KIDS.

(a) IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.—
(1) APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(A) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ‘‘, or in the case of an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), under regulations of the Secretary of Health and Human Services’’ after ‘‘Attorney General’’;

(ii) in subparagraph (A)—

(I) by striking ‘‘, at no expense to the Government,’’; and

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

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(iv) by inserting after subparagraph (A) the following:

(A) the following:
“(B) the Attorney General, or in the case of an unaccompanied alien child, the Secretary of Health and Human Services, may appoint or provide counsel, at Government expense, to the alien;

“(C) the alien, at the beginning of such proceedings or as expeditiously as possible, shall automatically receive a complete copy of all relevant documents in the possession of the Department of Homeland Security (unless the alien waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands fluently), including—

“(i) all documents (other than documents protected from disclosure by privilege and documents containing national security information referred to in subparagraph (D), law enforcement sensitive information, or information prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Government that includes information with respect to all transactions involving
the alien during the immigration process
(commonly referred to as an ‘A-file’); and
“(ii) all documents pertaining to the
alien that the Department of Homeland
Security has obtained or received from
other government agencies;”; and
(v) in subparagraph (D), as redesign-
nated, by striking “, and” and inserting “;
and”; and
(B) by adding at the end the following:
“(8) FAILURE TO PROVIDE ALIEN REQUIRED
DOCUMENTS.—In the absence of a waiver under
paragraph (4)(C), a removal proceeding may not
proceed until the alien—
“(A) has received the documents required
under such paragraph; and
“(B) has been provided meaningful time to
review and assess such documents.”.
(2) CLARIFICATION REGARDING THE AUTHORITY
OF THE ATTORNEY GENERAL AND THE SECRETARY
OF HEALTH AND HUMAN SERVICES TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—
(A) by striking “In any” and inserting the following:

“(a) IN GENERAL.—In any proceeding conducted under section 235, 236, 238, 240, or 241, or under any other section of this Act, including”;

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

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

(ii) by striking “he shall” and inserting “the person shall”;

(iii) by adding at the end the following:

“(b) ACCESS TO COUNSEL.—

“(1) IN GENERAL.—The Attorney General may appoint or provide counsel to aliens in any proceeding conducted under section 235, 236, 238, 240, or 241, or under any other section of this Act.

“(2) UNACCOMPANIED ALIEN CHILDREN.—The Secretary of Health and Human Services may appoint or provide counsel to unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any applicable proceeding conducted pursuant to any section of this Act.
“(3) IMMIGRATION DETENTION AND BORDER FACILITIES.—The Secretary of Homeland Security shall ensure that aliens have access to counsel inside all immigration detention and border facilities.”.

(3) APPOINTMENT OF COUNSEL FOR CHILDREN AND VULNERABLE ALIENS.—

(A) IN GENERAL.—Section 292 of the Immigration and Nationality Act, as amended by subsection (b), is further amended by adding at the end the following:

“(c) UNACCOMPANIED ALIEN CHILDREN.—Notwithstanding subsection (b), the Secretary of Health and Human Services shall appoint or provide counsel at Government expense, if necessary, at the beginning of immigration proceedings, or as expeditiously as possible, to represent in such proceedings unaccompanied alien children.

“(d) OTHER VULNERABLE ALIENS.—Notwithstanding subsection (b), the Attorney General shall appoint or provide counsel at Government expense, if necessary, at the beginning of immigration proceedings or as expeditiously as possible, to represent in such proceedings any alien who has been determined by the Secretary of Homeland Security or the Attorney General to be—

“(1) a child who is not an unaccompanied alien child;
“(2) a person with a disability;
“(3) a victim of abuse, torture, or violence;
“(4) an individual whose income is at or below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved; or
“(5) an individual whose circumstances require the appointment of counsel to help ensure the fair resolution and efficient adjudication of the proceedings.

“(e) EXTENSION TO CONSOLIDATED CASES.—If the Attorney General has consolidated the case of an alien for whom counsel was appointed under subsection (e) or (d) with the case of another alien who does not have counsel, the counsel appointed under subsection (e) or (d), as applicable, shall be appointed to represent such other alien.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of Refugee Resettlement of the Department of Health and Human Services and to Executive Office for Immigration Review of the Department of Justice, such sums as may be necessary to carry out this section.”. 
(B) Rulemaking.—

(i) Unaccompanied Alien Children.—The Secretary of Health and Human Services shall promulgate regulations to implement section 292(c) of the Immigration and Nationality Act, as added by subparagraph (A), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

(ii) Other Vulnerable Aliens.—The Attorney General shall promulgate regulations to implement section 292(d) of the Immigration and Nationality Act, as added by subparagraph (A), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

(b) Access by Counsel and Legal Orientation at Detention Facilities.—

(1) Access to Counsel.—The Secretary of Homeland Security shall facilitate access to counsel for all aliens detained in facilities under the supervision of U.S. Immigration and Customs Enforcement or of U.S. Customs and Border Protection, including providing information to such aliens regarding legal services programs at detention facilities.
(2) ACCESS TO LEGAL ORIENTATION PROGRAMS.—

(A) PROCEDURES.—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish procedures—

(i) to ensure that legal orientation programs are available for all detained aliens, including aliens held in U.S. Customs and Border Protection facilities; and

(ii) to inform such aliens of—

(I) the basic procedures of immigration hearings;

(II) their rights relating to such hearings under Federal immigration laws;

(III) information that may deter such aliens from filing frivolous legal claims; and

(iii) any other information that the Attorney General considers appropriate, such as a contact list of potential legal resources and providers.

(B) UNIVERSAL AVAILABILITY.—Access to legal orientation programs under subparagraph (A) may not be limited by the alien’s current
immigration status, prior immigration history, or potential for immigration relief.

(c) REPORT ON ACCESS TO COUNSEL.—

(1) REPORT.—Not later than December 31 each year, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in subsections (c) and (d) of section 292 of the Immigration and Nationality Act, as added by subsection (a)(3)(A), have been provided access to counsel.

(2) CONTENTS.—Each report submitted pursuant to paragraph (1) shall include, for the immediately preceding 1-year period—

(A) the number and percentage of aliens described in section 292(c) of the Immigration and Nationality Act and in paragraphs (1), (2), (3), and (4), respectively, of section 292(d) of such Act who were represented by counsel, including information specifying—

(i) the stage of the legal process at which the alien was represented; and
(ii) whether the alien was in government custody; and

(B) the number and percentage of aliens who received legal orientation presentations.

(d) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding at the end the following:

“(v) SPECIAL RULE FOR ALIENS ENTITLED TO APPOINTMENT OF COUNSEL.—

If the Secretary of Health and Human Services or the Attorney General fail to appoint counsel for an alien in accordance with subsection (c) or (d) of section 292, as applicable—

“(I) no limitation under this paragraph pertaining to the filing of any motion under this paragraph by such alien shall apply; and

“(II) the filing of such a motion shall stay the removal of the alien.”.
Subtitle C—Protections for Other Vulnerable Individuals

CHAPTER 1—STATELESS PROTECTION

SEC. 1311. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

“(a) DEFINITIONS.—In this section:

“(1) COMPETENT AUTHORITY.—With respect to a foreign country, the term ‘competent authority’—

“(A) means the authority responsible for—

“(i) conferring nationality on, or withdrawing nationality from, individuals; or

“(ii) in the case of nationality having been acquired or withdrawn automatically, clarifying the nationality status of an individual; and

“(B) includes a Federal, local, or regional government entity, a consular official, and a government official at any level, notwithstanding any process by which a decision by
such an entity or official may later be over-
ridden.

“(2) NATIONAL; NATIONALITY.—The terms ‘na-
tional’ and ‘nationality’—

“(A) refer to a formal link, of a political
and legal character, between an individual and
a country; and

“(B) do not include the concept of nation-
ality relating to membership in a religious, lin-
guistic, or ethnic group.

“(3) NONCITIZEN.—The term ‘noncitizen’ has
the meaning given the term ‘alien’ in section 101(a).

“(4) OPERATION OF LAW; OPERATION OF ITS
LAW.—The terms ‘operation of law’ and ‘operation
of its law’—

“(A) refer to the consideration by a com-
petent authority of a country with respect to an
individual in practice, including under the legis-
lation, ministerial decrees, regulations, orders,
judicial case law, and customary practices of
the competent authority; and

“(B) include situations in which the posi-
tion of the competent authority differs from the
law as written, if the position of the competent
authority that an individual is not a national of the country is determinative.

“(5) RELEVANT ASSOCIATION.—The term ‘relevant association’ means a natural person’s connection to a country through—

“(A) birth on the territory of the country;
“(B) descent from 1 or more individuals who are nationals of the country;
“(C) marriage to an individual who is a national of the country;
“(D) adoption by an individual who is a national of the country; or
“(E) habitual residence in the country.

“(6) STATELESS PERSON.—The term ‘stateless person’ means an individual who is not considered as a national by any state under the operation of its law.

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

“(1) STATELESS PROTECTED STATUS.—

“(A) PRINCIPAL APPLICANTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide stateless protected status to a noncitizen who—
“(i) is a stateless person present in the United States;

“(ii) applies for such relief;

“(iii) has not formally renounced his or her nationality as a result of voluntary, affirmative, and intentional action after arrival in the United States and after the date of the enactment of this section, unless the renunciation was the result of duress, coercion, or a reasonable expectation that the noncitizen had acquired or would acquire another nationality or citizenship; and

“(iv) is not inadmissible under 212(a)(3), except as provided in paragraph (2) of this subsection; and

“(v) is not described in section 241(b)(3)(B)(i).

“(B) TREATMENT OF SPOUSE AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide stateless protected status to a noncitizen who—

“(i) is the spouse or child of a noncitizen described in subparagraph (A), if such
spouse or child is not otherwise eligible for admission under that subparagraph;

“(ii) is accompanying, or following to join, such noncitizen;

“(iii) established the qualifying relationship to such noncitizen before the date on which such noncitizen applied for stateless protected status;

“(iv) is not inadmissible under 212(a)(3), except as provided in paragraph (2) of this subsection; and

“(v) is not described in section 241(b)(3)(B)(i).

“(C) STATELESS PROTECTED STATUS.—

Noncitizens with stateless protected status—

“(i) shall—

“(I) receive relevant protections against deportation, removal, and detention, as described in paragraph (3);

“(II) be authorized for employment, as described in paragraph (4); and

“(III) be eligible to apply for a travel document, as described in paragraph (5); and
“(ii) shall not face limitations from immigration enforcement officials on their domestic travel.

“(D) CONCURRENT GRANT OF LAWFUL PERMANENT RESIDENCE.—

“(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, immediately on granting stateless protected status to a noncitizen, the Secretary of Homeland Security shall adjust the status of the noncitizen to that of a noncitizen lawfully admitted for permanent residence.

“(ii) EXCEPTION.—The Secretary of Homeland Security may not adjust the status of a noncitizen with stateless protected status who is inadmissible under section 212(a)(2).

“(2) WAIVERS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security may, for humanitarian purposes, in the interests of access to fundamental or enabling rights, to ensure family unity, or when it is otherwise in the public interest, waive the op-
eration of the grounds of inadmissibility set forth in paragraphs (2) and (3) of section 212(a), for relief under this section.

“(B) FACTORS.—In making a determination under subparagraph (A), the Secretary of Homeland Security shall consider all relevant factors, including—

“(i) mitigating and aggravating factors of the basis for inadmissibility;

“(ii) the duration of the noncitizen’s residence in the United States; and

“(iii) the degree to which the noncitizen’s removal, or denial of the noncitizen’s application, would adversely affect the noncitizen or the noncitizen’s United States citizen or lawful permanent resident family members.

“(3) RELEASE FROM POST-REMOVAL DETENTION.—A grant of stateless protected status under this section shall—

“(A) trigger immediate release of an individual from post-removal detention;

“(B) be considered to establish that there is no significant likelihood of the individual’s removal in the reasonably foreseeable future; and
“(C) establish a presumption that travel
documents are not available for the individual.
“(4) EMPLOYMENT AUTHORIZATION.—
“(A) IN GENERAL.—An individual granted
stateless protected status under this section
shall receive employment authorization for a re-
newable period not less than 5 years.
“(B) PENDING APPLICATION.—
“(i) IN GENERAL.—During the 150-
day period after the date on which an ap-
lication for status under this section is
submitted, the Secretary of Homeland Se-
curity may authorize the applicant to en-
gage in employment in the United States.
“(ii) MANDATORY EMPLOYMENT AU-
THORIZATION.—If the Secretary of Home-
land Security has not issued a decision
within the 150-day period beginning on the
date on which an application for status
under this section is submitted, the Sec-
retary of Homeland Security shall author-
ize the applicant to engage in employment
in the United States until the date on
which a decision is issued on the applica-
tion for lawful permanent residence or
stateless protected status.

“(5) TRAVEL DOCUMENTS.—

“(A) IN GENERAL.—On request, the Sec-
retary of Homeland Security shall provide to
any noncitizen granted relief under this section,
a travel document that facilitates the nonciti-
zen’s ability to travel abroad and to be admitted
to the United States upon return.

“(B) VALIDITY.—The minimum period of
validity for a document issued under subpara-
graph (A) shall be 10 years.

“(6) NATURALIZATION.—Notwithstanding any
other provision of law, an individual granted lawful
permanent residence status under paragraph (1)(D)
may apply for naturalization after having resided
continuously in the United States for at least 3
years beginning on the date on which such individual
is granted lawful permanent resident status.

“(e) EVIDENTIARY MATTERS.—

“(1) IN GENERAL.—In determining if an indi-
vidual is a stateless person under this section, the
Secretary of Homeland Security shall consider and
obtain any credible evidence relevant to the applica-
tion, including information from—
“(A) the Department of State, particularly
the Bureau of Population, Refugees, and Mi-
migration and the Bureau of Democracy, Human
Rights, and Labor; and
“(B) relevant international and foreign
bodies, such as the United Nations High Com-
missioner for Refugees, nongovernmental organ-
izations, and the competent authorities of
other countries.
“(2) DESIGNATION OF SPECIFIC GROUPS OF
STATELESS PERSONS.—The Secretary of Homeland
Security, in consultation with the Secretary of State,
may designate 1 or more specific groups of individ-
uals who shall be considered stateless persons for
purposes of this section, and a noncitizen who be-
longs to a group so designated shall be considered
a stateless person.
“(3) BURDEN OF PROOF.—The burden of proof
with respect to evidentiary matters relating to an
application under this section shall be shared be-
tween the Secretary of Homeland Security and the
applicant.
“(4) STANDARD OF PROOF.—
“(A) IN GENERAL.—A noncitizen shall be
considered to be a stateless person if it is estab-
lished to a reasonable degree that the noncitizen meets the definition of the term ‘stateless person’ under this section.

“(B) Assessment of Nationality.—The nationality of an individual shall be assessed as of the date on which a determination of eligibility under this section is made.

“(5) Submission of Documentary Evidence.—

“(A) Supporting Documents from Applicant.—An applicant for relief under this section shall submit, as part of the application for such relief—

“(i) a full and truthful account, to the best of the noncitizen’s knowledge, of such noncitizen’s legal status with regard to any country in which the applicant was born or resided before entering the United States or to which the applicant has a relevant association; and

“(ii) all evidence reasonably available, including any valid or expired travel document.

“(B) Evidence Available to Secretary of Homeland Security.—The Sec-
Secretary of Homeland Security shall obtain and submit to the immigration officer or immigration judge and the applicant or, as applicable, the applicant’s counsel, all available evidence regarding the legal status of the applicant in the applicant’s country of birth or prior residence or any country to which the applicant has a relevant association, including information on the relevant laws and practices of the countries concerned.

“(C) CONSIDERATION OF RESPONSE.—The Secretary of Homeland Security may consider as substantial evidence that an individual is not considered by a country to be national of the country the following:

“(i) After 120 days have elapsed after the Secretary of Homeland Security has requested information from the country with respect to the nationality status of the individual, the lack of response from the competent authority of the country.

“(ii) A pro forma response from the country that lacks an application of the law or facts to the particular individual.
“(iii) The refusal of the country to accept the individual for deportation or removal.

“(d) FEES.—The Secretary of Homeland Security may not charge a noncitizen any fee in connection with an application for, or issuance of, lawful status under this section, employment authorization, or travel documents.

“(e) JURISDICTION AND REVIEW.—

“(1) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall have jurisdiction over an application for stateless protected status and adjustment of status filed by a noncitizen under this section.

“(2) REVIEW.—A denial by the Secretary of Homeland Security of an application for relief under this section shall be subject to review by the Administrative Appeals Office of U.S. Citizenship and Immigration Services.

“(f) EFFECT ON REMOVAL PROCEEDINGS.—With respect to a noncitizen in removal proceedings who files an application for relief under this section, the Attorney General shall postpone the removal proceedings pending the adjudication of the application.

“(g) APPLICANTS WITH FINAL ORDERS OF REMOVAL.—
“(1) MOTIONS TO REOPEN.—

“(A) IN GENERAL.—A noncitizen whose removal, deportation, or exclusion proceedings were concluded before the date of the enactment of this section, and who is eligible for relief under this section, may file 1 motion to reopen proceedings to apply for such relief not later than 1 year after the date of the enactment of this section.

“(B) EFFECT OF LIMITATIONS.—A time or numerical limitation on motions to reopen removal, deportation, or exclusion proceedings may not be construed to restrict the filing of a motion to reopen under this paragraph if such limitation is based on previously unavailable evidence or facts, or on changed facts or circumstances, including a discovery by a noncitizen that the noncitizen may be a stateless person.

“(2) STAY OF REMOVAL.—

“(A) IN GENERAL.—An applicant for relief under this section who has been issued a final order of removal, deportation, or exclusion may request a stay of removal, deportation, or exclusion.
“(B) Consideration of request.—With respect to an individual who requests a stay under subparagraph (A), if the Secretary of Homeland Security determines that the application for relief is bona fide, the Secretary shall automatically stay the execution of the final order of deportation, exclusion, or removal, and the stay will remain in effect until a final decision is made on the applications.

“(C) Effect of denial.—If the application is denied, the stay of the final order is deemed lifted as of the date of such denial, without regard to whether the noncitizen appeals the decision.

“(3) Termination.—On the grant of an application for relief under this section to a noncitizen with a final order of removal, deportation, or exclusion, the final order shall be deemed canceled by operation of law as of the date of the approval.

“(h) Exclusion from numerical limitations.—Individuals provided status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4).
“(i) Rule of Construction.—Nothing in this section may be construed to authorize or require the admission of any noncitizen to the United States.

“(j) Reports.—

“(1) In general.—Not later than 120 days after the date of the enactment of this section, and every 90 days thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on—

“(A) the number of applications submitted under each of paragraphs (1), (4), and (5) of subsection (b) since the date of the enactment of this section, disaggregated by the country of birth of the applicants; and

“(B) average timelines for processing each such application.

“(2) Public Availability.—The Secretary of Homeland Security shall publish each report submitted under paragraph (1) on the internet website of the Department of Homeland Security, respectively.

“(k) Publication of Guidance.—Not later than 120 days after the date of the enactment of this section, the Secretary of Homeland Security shall publish all policy
manuals, guidance, and application instructions relating
to applications under this section on the internet website

“(l) REGULATIONS.—The Secretary of Homeland Se-
curity may issue such regulations as the Secretary of
Homeland Security considers appropriate to carry out this
section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of con-
tents for the Immigration and Nationality Act (8
U.S.C. 1101 et seq.) is amended by inserting after
the item relating to section 245A the following:

“Sec. 245B. Protection of stateless persons in the United States.”.

(2) EXCEPTION FOR UNLAWFUL PRESENCE OF
STATELESS PERSONS.—Section 212(a)(9)(B)(iii) of
the Immigration and Nationality Act (8 U.S.C.
1182(a)(9)(B)(iii)) is amended by adding at the end
the following:

“(V) STATELESS PERSONS.—
Clause (i) shall not apply to a noncit-
izen who demonstrates that he or she
is a stateless person (as defined in
section 245B(a)).”.
SEC. 1312. PREVENTION OF STATELESSNESS.

(a) BIRTHS TO UNITED STATES CITIZENS OVERSEAS.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) in subsection (g), by striking “; and” and inserting a semicolon;

(2) in subsection (h), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(i) a person born to a citizen of the United States outside the United States or in an outlying possession of the United States, if such person is born as a stateless person (as defined in section 245B(a)).”.

(b) FOUNDLINGS.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is further amended by striking subsection (f) and inserting the following:

“(f) a person of unknown parentage found in the United States while under the age of 18 years, until shown, prior to the person attaining the age of 21 years, not to have been born in the United States;”.

(c) STATELESS SAFEGUARDS FOR DERIVATIVE CITIZENSHIP AND INTERNATIONAL ADOPTIONS.—

(1) STATELESS SAFEGUARDS.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended by adding at the end the following:
“(e)(1) Notwithstanding any other provision of law, a person born outside the United States or in an outlying possession who is or becomes a stateless person (as defined in section 245B(a)) automatically becomes a citizen of the United States on the date on which one of the following conditions has been fulfilled:

“(A) One parent is or was a citizen of the United States.

“(B) The person was adopted by—

“(i) a citizen of the United States; or

“(ii) an individual who became a citizen of the United States after the date of such adoption.

“(2) This subsection applies to any person who meets the criteria under paragraph (1) at any time.”.

(2) AGE.—Section 320(a) of the Immigration and Nationality Act (8 U.S.C. 1431(a)) is amended by striking paragraph (2) and inserting the following:

“(2) The child is under the age of 21 years.”.

(3) ENTRY AND CUSTODY.—Section 320(a) of the Immigration and Nationality Act (8 U.S.C. 1431(a)) is further amended by striking paragraph (3) and inserting the following:
“(3) The child is residing in the United States, and provided such child is under the legal age of adulthood in the State in which the parent of the child or the child resides, is in the legal and physical custody of the citizen parent.”.

(d) PROGRAMS TO PREVENT STATELESSNESS.—The Secretary of Homeland Security and Secretary of State shall jointly establish and carry out initiatives to prevent statelessness from occurring, which may include—

(1) an assessment of United States citizenship law to determine and amend any provision of law that results in statelessness or a delayed acquisition of nationality that increases the risk of statelessness;

(2) studies on the profiles and number of stateless people living in the United States;

(3) programs to promote inclusive and nondiscriminatory nationality laws and practices in other countries, with particular attention to the prevention of atrocity crimes;

(4) programs to encourage other countries to establish stateless status determination and protection legislation; and

(5) grants to universities and nongovernmental organizations to accelerate research, education, cur-
ricula, and knowledge on nationality law and practice and statelessness.

CHAPTER 2—OTHER INDIVIDUALS

SEC. 1321. PROTECTING VICTIMS OF TERRORISM FROM BEING DEFINED AS TERRORISTS.

(a) Security and Related Grounds.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

“(B) Terrorist activities.—

“(i) In general.—Any alien who—

“(I) has engaged in a terrorist activity;

“(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable grounds to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (ii));

“(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

“(IV) is a representative (as defined in clause (v)) of—
“(aa) a terrorist organization described in subclause (I) or (II) of clause (vi)); and

“(bb) a political, social, or other group that endorses or espouses terrorist activity;

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

“(VI) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or to support a terrorist organization described in subclause (I) or (II) of clause (vi); or

“(VII) has received military-type training (as defined in section 2339D (c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization described in subclause (I) or (II) of clause (vi)), or was a terrorist organization described in subclause (III) of such clause and there are reasonable
grounds for regarding the alien as a
danger to the security of the United
States
is inadmissible. An alien who is an officer,
official, representative, or spokesman of
the Palestine Liberation Organization is
considered, for purposes of this Act, to be
engaged in a terrorist activity.

“(ii) TERRORIST ACTIVITY DE-
FINED.—In this Act, the term ‘terrorist
activity’ means any activity that is unlaw-
ful under the laws of the place in which it
is committed (or which, if it had been com-
menced in the United States, would be un-
lawful under the laws of the United States
or any State) and that involves any of the
following:

“(I) The highjacking or sabotage
of any conveyance (including an air-
craft, vessel, or vehicle).

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

“(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such person.

“(IV) An assassination.

“(V) The use, with the intent to endanger the safety of 1 or more individuals or to cause substantial damage to property, of any—

“(aa) biological agent, chemical agent, or nuclear weapon or device; or

“(bb) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.
“(VI) A threat, attempt, or conspiracy to do any of the foregoing.

“(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—In this Act, the term ‘engage in terrorist activity’ means, in an individual capacity or as a member of an organization—

“(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

“(II) to prepare or plan a terrorist activity;

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

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

“(aa) a terrorist activity; or

“(bb) a terrorist organization described in subclause (I) or (II) of clause (vi)(II);

“(V) to solicit any individual—
“(aa) to engage in conduct otherwise described in this subsection; or

“(bb) for membership in a terrorist organization described in subclause (I) or (II) of clause (vi); or

“(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

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

“(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity; or
“(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization.

“(iv) MATERIAL SUPPORT.—In this Act, the term ‘material support’ means support that is significant and of a kind directly relevant to terrorist activity.

“(v) REPRESENTATIVE DEFINED.—In this paragraph, the term ‘representative’ includes an officer, official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.

“(vi) TERRORIST ORGANIZATION DEFINED.—In this section, the term ‘terrorist organization’ means an organization—

“(I) designated under section 219; or

“(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of
Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv).”.

(b) Child Soldiers.—


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

“(i) In General.—Any alien”; and

(B) by adding at the end the following:

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

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

(A) by striking “Any alien” and inserting

the following:

“(i) In General.—Any alien”; and

(B) by adding at the end the following:
“(ii) APPLICABILITY.—Clause (i) shall not apply to an alien who establishes that the actions giving rise to deportability under such clause were committed under duress or carried out while the alien was younger than 18 years of age.”.

(c) TEMPORARY ADMISSION OF NONIMMIGRANTS.—

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

“(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude, in such Secretary’s sole, unreviewable discretion, that subsection (a)(3)(B) shall not apply to an alien or that subsection (a)(3)(B)(iii)(V)(cc) shall not apply to a group. The Secretary of State may not exercise discretion under this clause with respect to an alien after removal proceedings against the alien have commenced under section 240.”.
SEC. 1322. PROTECTION FOR ALIENS INTERDICTED AT SEA.

(a) In General.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)), as amended by section 1105, is amended—

(1) in the paragraph heading, by striking “TO A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM WOULD BE THREATENED” and inserting “OR RETURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE THREATENED OR ALIEN WOULD BE SUBJECTED TO TORMURE”;

(2) in subparagraph (A)—

(A) by striking “Notwithstanding” and inserting the following:

“(i) LIFE OR FREEDOM THREATENED.—Notwithstanding”; and

(B) by adding at the end the following:

“(ii) ASYLUM INTERVIEW.—Notwithstanding paragraphs (1) and (2), a United States officer may not return any alien interdicted or otherwise encountered in international waters or United States waters who has expressed a fear of return to his or her country of departure, origin, or last habitual residence—

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

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

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

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

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

“(i) provides each alien—

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

“(II) in a confidential interview and in a language the alien claims to understand, information concerning the alien’s interdiction, including the ability of the alien to inform United States officers about any fears relating to the alien’s return or repatriation;

“(ii) provides each alien expressing such a fear of return or repatriation a confidential interview conducted by an asylum officer, in a language the alien claims to understand, to determine whether the alien’s return to his or her country of departure, origin, or last habitual residence
is prohibited because the alien has a well-founded fear of persecution—

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

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

“(iii) ensures that each alien can effectively communicate with United States officers through the use of a translator fluent in a language the alien claims to understand; and

“(iv) provides each alien who, according to the determination of an asylum officer, has a well-founded fear of persecution for the reasons specified in clause (ii), or who would be subject to torture, an opportunity to seek protection in—

“(I) a country other than the alien’s country of departure, origin, or last habitual residence in which the alien has family or other ties that will facilitate resettlement; or
“(II) if the alien has no such ties, a country that will best facilitate the alien’s resettlement, which may include the United States.”.

(b) CONFORMING AMENDMENTS.—

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

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

SEC. 1323. ENHANCED PROTECTION FOR INDIVIDUALS SEEKING U VISAS, T VISAS, AND PROTECTION UNDER VAWA.

(a) Employment Authorization for T Visa Applicants.—Section 214(o) (8 U.S.C. 1184(o)) is amended by adding at the end the following:

“(8) Notwithstanding any provision of this Act granting eligibility for employment in the United States, the Secretary of Homeland Security shall grant employment authorization to an alien who has filed a petition for non-
immigrant status under section 101(a)(15)(T) on the date that is the earlier of—

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

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

(b) Increased Accessibility and Employment Authorization for U Visa Applicants.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended—

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

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

(3) by adding at the end the following:

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

“(A) the date on which the alien’s application for such status is approved; or
“(B) a date determined by the Secretary
that is not later than 180 days after the date
on which such alien filed such application.”.

(c) Prohibition on Removal of Certain Victims
With Pending Petitions and Applications.—

(1) In general.—Section 240 of the Immigration
and Nationality Act (8 U.S.C. 1229a) is amended—

(A) by redesignating subsection (e) as subsection (f); and

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

“(e) Prohibition on Removal of Certain Victims
With Pending Petitions and Applications.—

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

“(2) Aliens described.—An alien described
in this paragraph is an alien who—

“(A) has a pending application or petition
under—
“(i) subparagraph (T) or (U) of section 101(a)(15); 

“(ii) section 106; 

“(iii) section 240A(b)(2); or 

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

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

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

(d) PROHIBITION ON DETENTION OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

“(f) PROHIBITION ON DETENTION OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.—

“(1) PRESUMPTION OF RELEASE.—

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

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

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

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

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

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

“(A) has a pending application under—

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

“(ii) section 106;

“(iii) section 240A(b)(2); or
“(iv) section 244(a)(3) (as in effect on March 31, 1997); or

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

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

SEC. 1401. PREVENTION OF ERRONEOUS IN ABSENTIA OR- DERS OF REMOVAL.

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

(1) in paragraph (1)(F), by inserting “the Secretary of Homeland Security or” before “the Attorney General” each place such term appears; and

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

(b) REMOVAL IN ABSENTIA AND RESCISSION OF REMOVAL ORDERS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)), as amended by section 1203, is further amended—
(1) in paragraph (5)—

(A) by amending subparagraph (A) to read as follows:

“(A) Removal in absentia.—

“(i) In general.—Any alien who, after a proceeding under this section is rescheduled by an immigration judge due to the alien’s failure to attend such proceeding, and written notice required under paragraph (1) or (2) of section 239(a) has been provided to the alien and the alien’s counsel of record, does not attend a proceeding under this section, may be ordered removed in absentia if the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that—

“(I) sufficient written notice was so provided;

“(II) the alien is removable; and

“(III) in the case of an alien required to periodically report to the Department of Homeland Security, the alien has demonstrated a pattern of failing to report.
“(ii) SUFFICIENT NOTICE.—The written notice by the Secretary of Homeland Security or the Attorney General shall be considered sufficient for purposes of this subparagraph if—

“(I) the notice includes—

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

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

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

“(III) the certificate of service for the notice indicates that oral notice and a recitation of the consequences of failure to appear were provided—

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

“(bb) in a language the alien understands.”; and
(B) by amending paragraph (C) to read as follows:

“(C) RESCISSON OF ORDER.—

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

“(I) upon a motion to reopen filed at any time after the date of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances;

“(II) upon a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 239(a) or the alien demonstrates that the alien was in Federal or State custody and the failure to appear was through no fault of the alien;

“(III) in the case of an alien who is a minor child, upon a motion to reopen filed at any time; or

“(IV) upon a motion to reopen filed at any time if the alien has a
pending application for asylum, withholding of removal, or protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or demonstrates that he or she has a credible claim to any such protection.

“(ii) STAY OF REMOVAL.—The filing of the motion to reopen described in clause (i) shall stay the removal of the alien pending disposition of the motion by the immigration judge.”; and

(2) by adding at the end the following:

“(9) CHECK-IN HISTORY.—Before an immigration judge conducts a proceeding under this section, the Secretary of Homeland Security shall report to the immigration judge the extent to which the alien has complied with any requirement to report periodically the whereabouts of the alien to the Secretary of Homeland Security.”.

SEC. 1402. SCOPE AND STANDARD FOR REVIEW OF REMOVAL ORDERS.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended—
(1) in paragraph (1)—

(A) by striking “The petition” and inserting the following:

“(A) IN GENERAL.—The petition”; and

(B) by adding at the end the following:

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

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

“(4) SCOPE AND STANDARD FOR REVIEW.—

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

“(B) DECISION BASED ON ADMINISTRATIVE RECORD.—The court of appeals shall decide the petition based solely on the administrative record on which the order of removal is based.

“(C) AVAILABILITY OF REVIEW.—
“(i) IN GENERAL.—The court of appeals shall maintain jurisdiction to review discretionary determinations arising in a claim for asylum.

“(ii) JURISDICTION OVER DENIALS.—Notwithstanding section 242(a)(2)(C), the court of appeals shall maintain jurisdiction to review all denials of requests for withholding of removal under to section 241(b)(3) or protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.”.

SEC. 1403. PRESUMPTION OF LIBERTY FOR ASYLUM SEEKERS.

(a) CUSTODY DETERMINATION.—

(1) INITIAL DETERMINATION.—

(A) IN GENERAL.—With respect to an alien who has expressed fear of returning to his or her home country or an intent to apply for asylum in the United States, the Secretary shall make an initial written custody determination with respect to the alien and provide the deter-
mination to the alien not later than 48 hours after, as applicable—

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

(ii) in the case of an alien already in the custody of the Secretary, the alien expresses such fear or intent.

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

(i) will not reasonably ensure the appearance of the alien as required; or

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

(C) APPLICABILITY.—This paragraph shall not apply to unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279g)).

(2) PRESUMPTION OF RELEASE.—

(A) IN GENERAL.—In a hearing under this subsection, there shall be a presumption that the alien should be released.
(B) **REBUTTAL.**—The Secretary may rebut the presumption of release based on clear and convincing evidence, including credible and individualized information, that—

(i) the use of alternatives to detention, including release on recognizance or on a reasonable bond, will not reasonably ensure the appearance of the alien at removal proceedings; or

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

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

(D) **EVIDENCE OF IDENTITY.**—The inability of an alien to reasonably provide government-issued evidence of identity, including the inability of the alien to contact the government of the country of nationality of the alien so as not to alert such government of the whereabouts of the alien, may not be the sole factor to justify the continued detention of the alien.

(E) **PRE-EXISTING COMMUNITY TIES.**—A lack of pre-existing community ties in the
United States shall not preclude the release of an alien.

(b) LEAST RESTRICTIVE CONDITIONS REQUIRED.—

(1) IN GENERAL.—If the Secretary or an immigration judge determines, pursuant to a hearing under this section, that the release of an alien will not reasonably ensure the appearance of the alien as required or will endanger the safety of any other person or the community, the Secretary or the immigration judge shall order the least restrictive conditions or combination of conditions that the Secretary or judge determines will reasonably ensure the appearance of the alien and the safety of any other person and the community, which may include—

   (A) release on recognizance;

   (B) secured or unsecured release on bond;

   or

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

(2) MONTHLY REVIEW.—Any condition assigned to an alien under paragraph (1) shall be reviewed by an immigration judge on a monthly basis.

(e) SPECIAL RULE FOR VULNERABLE PERSONS AND PRIMARY CAREGIVERS.—
(1) IN GENERAL.—In the case that the alien who is the subject of a custody determination under this section is a vulnerable person or a primary caregiver, the alien may not be detained unless the Secretary demonstrates, in addition to the requirements under subsection (a)(2), that it is unreasonable or not practicable to place the individual in a community-based supervision program.

(2) DEFINITIONS.—In this subsection:

(A) MATERIAL WITNESS.—The term “material witness” means an individual who presents a declaration to an attorney investigating, prosecuting, or defending the workplace claim or from the presiding officer overseeing the workplace claim attesting that, to the best of the declarant’s knowledge and belief, reasonable cause exists to believe that the testimony of the individual will be relevant to the outcome of the workplace claim.

(B) PRIMARY CAREGIVER.—The term “primary caregiver” means a person who is established to be a caregiver, parent, or close relative caring for or traveling with a child.

(C) VULNERABLE PERSON.—The term “vulnerable person” means an individual who—
(i) is under 21 years of age or over 60 years of age;

(ii) is pregnant;

(iii) identifies as lesbian, gay, bisexual, transgender, or intersex;

(iv) is a victim or witness of a crime;

(v) has filed a nonfrivolous civil rights claim in Federal or State court;

(vi) has filed, or is a material witness to, a bonafide workplace claim;

(vii) has a serious mental or physical illness or disability;

(viii) has been determined by an asylum officer in an interview conducted under section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) to have a credible fear of persecution or torture;

(ix) has limited English language proficiency and is not provided access to appropriate and meaningful language services in a timely fashion; or

(x) has been determined by an immigration judge or the Secretary of Homeland Security to be experiencing severe
trauma or to be a survivor of torture or
gender-based violence, based on informa-
tion obtained during intake, from the
alien’s attorney or legal service provider, or
through credible self-reporting.

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

(d) ALTERNATIVES TO DETENTION.—

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

(2) CONTRACTS WITH NONGOVERNMENTAL OR-
GANIZATIONS.—The Secretary shall contract with
nongovernmental community-based organizations to
provide services for programs under paragraph (1), including case management services, appearance assistance services, and screenings of detained aliens.

(3) **INDIVIDUALIZED DETERMINATION REQUIRED.**—

(A) **IN GENERAL.**—In determining whether to order an alien to participate in a program under this subsection, the Secretary or an immigration judge, as applicable, shall make an individualized determination with respect to the appropriate level of supervision for the alien.

(B) **LIMITATION.**—Participation in a program under this subsection may not be ordered for an alien for whom it is determined that release on reasonable bond or recognizance—

(i) will reasonably ensure the appearance of the alien as required; and

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

(e) **REGULAR REVIEW OF CUSTODY DETERMINATIONS AND CONDITIONS OF RELEASE.**—

(1) **TIMING.**—In the case of an alien who seeks to challenge the initial custody determination under subsection (a)(1), not later than 72 hours after the initial custody determination, the alien shall be pro-
vided with the opportunity for a hearing before an immigration judge to determine whether the alien should be detained.

(2) Subsequent determinations.—An alien who is detained under this section shall be provided with a de novo custody determination hearing under this subsection—

(A) every 60 days; and

(B) on a showing of—

(i) changed circumstances; or

(ii) good cause for such a hearing.

SEC. 1404. PROCEDURES FOR ENSURING ACCURACY AND VERIFIABILITY OF SWORN STATEMENTS TAKEN PURSUANT TO EXPEDITED REMOVAL AUTHORITY.

(a) In general.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) Recording of interviews.—

(1) In general.—Any sworn or signed written statement taken from an alien as part of the record of a proceeding under section 235(b)(1)(A) of the
Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview that served as the basis for such sworn statement.

(2) CONTENT.—The recording shall include—

(A) a reading of the entire written statement to the alien in a language that the alien claims to understand; and

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

(i) the written statement; or

(ii) a corrected version of the written statement.

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

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

(c) EXEMPTION AUTHORITY.—

(1) EXEMPTED FACILITIES.—Subsection (b) shall not apply to interviews that occur at detention facilities exempted by the Secretary under this subsection.

(2) CRITERIA.—The Secretary, or a designee of the Secretary, may exempt any detention facility if
compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) **REPORT.**—The Secretary shall annually submit to Congress a report that identifies the facilities that have been exempted under this subsection.

(4) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subsection may be construed to create a private cause of action for damages or injunctive relief.

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

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

(2) there is no other Federal Government employee available who is able to interpret effectively, accurately, and impartially.

**SEC. 1405. INSPECTIONS BY IMMIGRATION OFFICERS.**

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

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

“(A) **IN GENERAL.**—All aliens;”; and

(2) by adding at the end the following:

“(B) An immigration officer shall accept for inspection, and may not turn back, expel,
instruct to return at a later time, refuse to inspect, or otherwise reject in any manner whatsoever, an applicant for admission who indicates —

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

“(ii) a fear of persecution.

“(C) Special rule for asylum seekers.—A noncitizen may not be returned to a contiguous country if the noncitizen indicates an intent to apply for asylum or a fear of persecution.”.

SEC. 1406. STUDY ON EFFECT ON ASYLUM CLAIMS OF EXPEDITED REMOVAL PROVISIONS, PRACTICES, AND PROCEDURES.

(a) Study.—

(1) In general.—The Commission shall conduct a study to determine whether immigration officers are engaging in conduct described in paragraph (2).

(2) Conduct described.—The conduct described in this paragraph is the following:

(A) Improperly encouraging an alien to withdraw or retract an asylum claim.
(B) Incorrectly failing to refer an alien for an interview by an asylum officer to determine whether the alien has a credible fear of persecution, including failing to record the expression of an alien of fear of persecution or torture.

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

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

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

(F) Improperly referring an alien for processing under an enforcement or deterrence program, such as the consequence delivery system.

(b) REPORT.—Not later than 2 years after the date on which the Commission initiates the study under subsection (a), the Commission shall submit to the appropriate committees of Congress a report describing the results of the study.

(c) STAFFING.—

(1) AGENCY EMPLOYEES.—

(A) IDENTIFICATION.—The Commission may identify employees of the Department of Homeland Security, the Department of Justice,
and the Government Accountability Office who have significant expertise and knowledge of refugee and asylum issues.

(B) DESIGNATION.—At the request of the Commission, the Secretary, the Attorney General, and the Comptroller General of the United States shall authorize the employees identified under subparagraph (A) to assist the Commission in conducting the study under subsection (a).

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

(3) ACCESS TO PROCEEDINGS.—

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

(B) EXCEPTIONS.—The Secretary and the Attorney General may not permit unrestricted access under subparagraph (A) if—
(i) the alien subject to a proceeding under such section 235(b) objects to such access; or

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

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

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

(B) the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives.

(2) COMMISSION.—The term “Commission” means the United States Commission on International Religious Freedom.

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

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

(A) are apprehended after entering the United States;

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

or

(C) may have a credible fear of persecution.

SEC. 1407. ALIGNMENT WITH REFUGEE CONVENTION OBLIGATIONS BY PROHIBITING CRIMINAL PROSECUTION OF REFUGEES.

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

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

(2) in the case of an alien who expresses an intent to file such an application, the date on which any applicable time limitation for the filing of such an application under section 208 of such Act has ended with an application being filed.

(b) AFFIRMATIVE DEFENSE.—If an alien is prosecuted under section 275(a) or 276(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a) and 1326(a)) in violation of subsection (a), it shall be a defense that the alien has expressed a credible or reasonable fear of persecution, has filed an application for asylum or another form of protection, and such application has not been finally adjudicated and denied, including any appeals of such denial.

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

Subtitle E—Refugee Resettlement

SEC. 1501. SENSE OF CONGRESS ON COORDINATION OF
REFUGEE PROGRAM AGENCIES.

It is the sense of the Congress that—

(1) the President should appoint a White House
Coordinator on Refugee Protection and grant such
official the authority and staff necessary to coordi-
nate, prioritize, and lead efforts to address refugee
protection issues that involve multiple agencies, in-
cluding the refugee admissions program, and to re-
solve interagency differences in a timely, efficient,
and effective manner; and

(2) such position should be at a senior level and
require as a condition for appointment a significant
level of prior experience in the refugee protection
field.

CHAPTER 1—REFUGEE ADMISSIONS

SEC. 1511. NUMERICAL GOALS FOR ANNUAL REFUGEE AD-
MISSIONS.

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

(A) by striking paragraph (1);

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

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

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

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

(iii) by striking “is justified” and all that follows through “interest.” and inserting the following:

“(i) justified by humanitarian concerns or otherwise in the national interest; and

“(ii) not fewer than 125,000.”; and

(iv) by adding at the end the following:

“(B) If the President does not issue a determination under this paragraph before the beginning of a fiscal year, the number of refugees who may be admitted under this section shall be 125,000.

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

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

“(4) In making a determination under paragraph (1), the President shall consider the number of refugees who, during the calendar year beginning immediately after the beginning of the applicable fiscal year, are in need of resettlement in a third country, as determined by the United Nations High Commissioner for Refugees in the most recently published projected global resettlement needs report.

“(5) The President shall determine regional allocations for admissions under this subsection, that—

“(A) shall consider the projected needs identified by the United Nations High Commissioner for Refugees in the projected global resettlement needs report for the calendar year beginning immediately after the beginning of the applicable fiscal year; and

“(B) shall include an unallocated reserve that the Secretary of State, after notifying the
Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, may use for 1 or more regions in which the need for additional refugee admissions arises.”;

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

and

(F) by adding at the end the following:

“(7) All officers of the Federal Government responsible for refugee admissions or refugee resettlement shall treat the determinations made under this subsection and subsection (b) as the refugee admissions goal for the applicable fiscal year.”; and

(2) by adding at the end the following:

“(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 15 days after the last day of each quarter, the President shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

“(1) REFUGEES ADMITTED.—

“(A) The number of refugees admitted to the United States during the preceding quarter.
“(B) The number of refugees admitted to the United States during the preceding quarter, expressed as a percentage of the number of refugees authorized to be admitted in accordance with the determinations under subsections (a) and (b) for the applicable fiscal year.

“(C) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

“(D) The number of refugees to be admitted to the United States during the remainder of the applicable fiscal year so as to achieve the numerical goals set forth in the determinations under subsections (a) and (b) for such fiscal year.

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

“(2) ALIENS WITH SECURITY ADVISORY OPINIONS.—

“(A) The number of aliens, by nationality, for whom a Security Advisory Opinion has been
requested who were security-cleared during the preceding quarter, expressed as a percentage of all cases successfully adjudicated by the Director of U.S. Citizenship and Immigration Services in the applicable fiscal year.

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

“(3) CIRCUIT RIDES.—

“(A) For the preceding quarter—

“(i) the number of Refugee Corps officers deployed on circuit rides, expressed as a percentage of the overall number of Refugee Corps officers;

“(ii) the number of individuals interviewed—

“(I) on each circuit ride; and

“(II) at each circuit ride location;

“(iii) the number of circuit rides; and

“(iv) for each circuit ride—

“(I) the duration of the circuit ride;
“(II) the average number of interviews conducted daily on the circuit ride; and

“(III) the percentages of interviews conducted for—

“(aa) individuals who require Security Advisory Opinions; and

“(bb) individuals who do not require Security Advisory Opinions.

“(B) For the subsequent quarter—

“(i) the number of circuit rides scheduled; and

“(ii) the number of circuit rides planned.

“(4) PROCESSING.—For the preceding quarter—

“(A) the average number of days between—

“(i) the date on which an individual is identified by the United States Government as a refugee; and
“(ii) the date on which such individual is interviewed by the Secretary of Homeland Security;

“(B) the average number of days between—

“(i) the date on which an individual identified by the United States Government as a refugee is interviewed by the Secretary of Homeland Security; and

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

“(C) with respect to individuals identified by the United States Government as refugees who have been interviewed by the Secretary of Homeland Security, the approval, denial, and hold rates for the applications for admission of such individuals, by nationality.

“(5) PLAN AND ADDITIONAL INFORMATION.—

“(A) A plan that describes the procedural or personnel changes necessary to ensure the admission of the number of refugees authorized to be admitted to the United States in accordance with determinations under subsections (a) and (b), including a projection of the number of refugees to be admitted to the United States
each month so as to achieve the numerical goals
set forth in such determinations.

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

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

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

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

“(3) to prevent the executive branch from in-
creasing the numerical goal of refugee admissions or
regional allocations based on emerging or identified
resettlement needs during and throughout the fiscal
year.”.

SEC. 1512. REFORM OF REFUGEE ADMISSIONS CONSULTA-
TION PROCESS.

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

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

(2) in the matter preceding subparagraph (A),
as so redesignated—
(A) by inserting “(1)” after “(e)”; and

(B) by inserting “, which shall be commenced not later than May 1 of each year and continue periodically throughout the remainder of the year, if necessary,” after “discussions in person”;

(3) in the undesignated matter following subparagraph (G), as so redesignated, by striking “To the extent possible,” and inserting the following: “(2) To the extent possible”; and

(4) by adding at the end the following: “(3)(A) The plans referred to in paragraph (1)(C) shall include estimates of—

“(i) the number of refugees the President expects to have ready to travel to the United States at the beginning of the fiscal year;

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

“(iii) the number of refugees the President expects to have ready to travel to the United States at the end of the fiscal year.

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

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

“(i) establish specific objectives or measurements for the integration of refugees admitted to the United States; and

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

SEC. 1513. UNITED STATES EMERGENCY REFUGEE RESETTLEMENT CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Domestic Emergency Refugee Resettlement Contingency Fund” (referred to in this section as the “Fund”), to be administered by the Assistant Secretary of the Office of Refugee Resettlement (referred to in this section as the “Assistant Secretary”) for the purpose described in subsection (b) and to remain available until expended.

(b) PURPOSE.—Amounts from the Fund shall be used to enable the Assistant Secretary to operate programs and carry out efforts and initiatives to respond to urgent, unanticipated, or underfunded refugee and entrant assistance activities under—
(1) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) section 602(b) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note);

(3) section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 8 U.S.C. 1522 note);

(4) the Torture Victims Relief Act of 1998 (Public Law 105–320; 22 U.S.C. 2152 note);

(5) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note);

(7) section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232); and


(c) USE OF FUNDS.—Amounts from the Fund—

(1) shall be subject to the same limitations set forth in title V of division H of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1619) as are applicable to funds appropriated
for the Department of Health and Human Services under such Act; and

(2) may only be used for initiatives that—

(A) replenish any previously appropriated funds that have been reprogrammed, transferred, or withheld from programs, projects, or activities that serve refugees and entrants under the authorities described in subsection (b);

(B) stabilize existing programs, projects, and activities that serve such refugees and entrants by augmenting funds previously appropriated to serve such refugees and entrants;

(C) identify unmet resettlement or integration needs of such refugees and entrants and implement solutions for such needs; and

(D) meet such other needs as the Assistant Secretary considers appropriate, consistent with the purpose under subsection (b).

(3) PROTECTION FROM REPROGRAMMING.— Notwithstanding any other provision of law, none of the amounts deposited into or made available from the Fund may be transferred, reprogrammed, or otherwise made available for any purpose or use not specified in this section.
(d) Availability of Funds.—Amounts in the Fund shall be available to the Assistant Secretary to meet the purpose described in subsection (b) in the national interest of the United States, as determined by the Assistant Secretary.

(e) Authorization of Appropriations.—

(1) In general.—Subject to paragraph (2), there is authorized to be appropriated to the Assistant Secretary from time to time such amounts as may be necessary for the Fund to carry out the purpose described in subsection (b).

(2) Limitation.—No amount of funds may be appropriated that, when added to amounts previously appropriated but not yet obligated, would cause such amount to exceed $300,000,000.

(3) Justification to Congress.—The President shall provide to the appropriate committees of Congress a justification for each request for appropriations under this section.

SEC. 1514. COMPLEMENTARY PATHWAYS.

(a) Sense of Congress.—It is the sense of Congress that any complementary pathways program described in subsection (b) should be in addition to, and not in lieu of, the United States Refugee Admissions Program.
(b) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on, and make recommendations pertaining to, complementary pathways to protection in the United States, including scholastic resettlement and labor mobility programs or other parallel systems for admitting refugees and individuals fleeing violence and persecution.

CHAPTER 2—RESETTLEMENT PROGRAM AND SUPPORT

SEC. 1521. ELEVATION OF OFFICE OF REFUGEE RESETTLEMENT.

(a) IN GENERAL.—Section 411(a) of the Immigration and Nationality Act (8 U.S.C. 1521(a)) is amended by striking the second sentence and inserting the following: “The head of the Office of Refugee Resettlement in the Department of Health and Human Services shall be an Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement (hereinafter in this chapter referred to as the ‘Assistant Secretary’), to be appointed by the President, and to report directly to the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 411(b) of the Immigration and Nationality Act (8 U.S.C. 1521(b)) is amended by
striking “Director” and inserting “Assistant Secretary”.

(2) Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by striking “Director” each place it appears and inserting “Assistant Secretary”.

(3) Section 413 of the Immigration and Nationality Act (8 U.S.C. 1523) is amended by striking “Director” each place it appears and inserting “Assistant Secretary”.

(4) Section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) is amended by striking “Director” each place it appears and inserting “Assistant Secretary”.

(c) REFERENCES.—Any reference to the Director of the Office of Refugee Resettlement in any other Federal law, Executive order, rule, regulation, operating instruction, or delegation of authority, or any document of or pertaining to the Department of Health and Human Services or the Office of Refugee Resettlement that refers to the Director of the Office of Refugee Resettlement, shall be deemed to refer to the Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement.
SEC. 1522. REFUGEE RESETTLEMENT; RADIUS REQUIREMENTS.

The Bureau of Population, Refugees, and Migration shall not require a refugee to be resettled within a prescribed radius of a refugee resettlement office.

SEC. 1523. STUDY AND REPORT ON CONTRIBUTIONS BY REFUGEES TO THE UNITED STATES.

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

(b) MATTERS TO BE INCLUDED.—The study conducted under subsection (a) shall include the following:

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

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

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

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

(iii) the rate of home ownership of refugees;
(iv) the estimated net amount of revenue refugees contribute to the United States, as compared to the cost of government benefits accessed by refugees; and

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

(B) the estimated rate of entrepreneurship of refugees during the first year, 5 years, 10 years, and 20 years after the arrival of a refugee;

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

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

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

(A) the manner in which the Office of Refugee Resettlement defines self-sufficiency;

(B) an assessment as to whether such definition is adequate in addressing refugee needs in the United States;

(C) an analysis of the unmet needs and outcomes of refugees; and
(D) an evaluation of the budgetary resources of the Office of Refugee Resettlement and a projection of the amount of additional resources necessary to fully address the unmet needs of refugees and all other populations within the mandate of the Office of Refugee Resettlement, with respect to self-sufficiency.

(3) Recommendations on ways in which the Office of Refugee Resettlement may improve the rate of self-sufficiency, outcomes, and the domestic refugee program with respect to the matters assessed under paragraphs (1) and (2).

(c) Report.—Not later than 30 days after date on which a study under subsection (a) is completed, the Comptroller General shall submit to Congress a report that describes the results of the study.

SEC. 1524. UPDATE OF RECEPTION AND PLACEMENT GRANTS.

(a) In General.—Beginning with fiscal year 2023, not later than 30 days before the beginning of each fiscal year, the Secretary of State shall notify Congress of the amount of funds that the Secretary of State plans to provide to national resettlement agencies in reception and placement grants during the following fiscal year.
(b) REQUIREMENTS.—In setting the amount of such grants, the Secretary of State shall ensure that—

(1) the grant amount for each fiscal year is adjusted to provide adequately for the anticipated initial resettlement needs of refugees, including adjusting the amount for inflation and the cost of living;

(2) 100 percent of administrative per capita based on an approved consolidated placement plan is provided at the beginning of the fiscal year to each national resettlement agency to ensure adequate local and national capacity to serve the initial resettlement needs of the number of refugees the Secretary of State anticipates each such resettlement agency will resettle during the fiscal year; and

(3) additional amounts are provided to each national resettlement agency promptly on the arrival of refugees that, exclusive of the amounts provided under paragraph (2), are sufficient to meet the anticipated initial resettlement needs of such refugees and support local and national operational costs in excess of the estimates described in paragraph (1).

(c) DURATION OF RECEPTION AND PLACEMENT SERVICES.—With respect to individuals eligible to receive reception and placement grants, the reception and placement period shall be not less than 1 year.
SEC. 1525. SUBSIDY RECEPTION AND PLACEMENT GRANT
TO SUPPORT UNANTICIPATED ECONOMIC
AND PUBLIC HEALTH NEEDS.

The Secretary of State shall develop and implement
methods and programs to support a subsidizing line item
to supplement the reception and placement grant to ac-
count for unanticipated needs of refugees, such as for eco-
nomic and public health crises that necessitate additional
support.

SEC. 1526. RESETTLEMENT DATA.

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

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

(2) by adding at the end the following:

“(11)(A) The Assistant Secretary of Health
and Human Services for Refugee and Asylee Reset-
tlement (referred to in this section as the ‘Assistant
Secretary’) shall expand the data analysis, collection,
and sharing activities of the Office of Refugee Reset-
tlement.

“(B) The Assistant Secretary shall coordinate
with the Centers for Disease Control, national reset-
tlement agencies, community-based organizations,
and State refugee health programs to track national
and State trends with respect to refugees arriving with Class A medical conditions and other urgent medical needs. In collecting information under this paragraph, the Assistant Secretary shall use initial refugee health screening data (including any history of severe trauma, torture, mental health symptoms, depression, anxiety, and post traumatic stress disorder) recorded during domestic and international health screenings, and data on the rate of use of refugee medical assistance. The Assistant Secretary shall examine the information sharing process from country of arrival through refugee resettlement to determine if access to additional mental health data could help determine placements and enable agencies to better prepare to meet refugee mental health needs.

“(C) The Assistant Secretary shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

“(i) the number of refugees who rent apartments or houses and who own condominiums or houses; and
“(ii) the number of refugees who have become homeless and the number at severe risk of becoming homeless.

“(D)(i) Beginning on the fifth year after arrival of a refugee and every 5 years thereafter until the end of the 20th year after arrival, the Assistant Secretary shall, to the extent practicable, gather longitudinal information relating to refugee self-sufficiency and economic contributions to the United States including employment status, earnings and advancement.

“(ii) The longitudinal study shall consider additional factors related to self-sufficiency and integration, including family self-sufficiency and caretaking, barriers to and opportunities for integration of the children of refugees and their descendants, and elderly resettled refugees.

“(E) Not less frequently than annually, the Assistant Secretary shall—

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

“(ii) submit to Congress a report on such data; and

“(iii) not later than 270 days after the end of the fiscal year following the year for which
the data was collected, make the data available to the public on the website of the Office of Refugee Resettlement.”.

SEC. 1527. REFUGEE ASSISTANCE.

(a) AMENDMENTS TO SOCIAL SERVICES FUNDING.—

Section 412(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(B)) is amended to read as follows:

“(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on a combination of—

“(i) the total number or refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year;

“(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

“(iii) projections on the number, projections on regional allocations, and information
on the nature of incoming refugees and other populations, such as demographics, case management or medical needs, served by the Office during the subsequent fiscal year.”.

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

(1) in the first sentence, by striking “a periodic” and inserting “an annual”; and

(2) by adding at the end the following: “At the end of each fiscal year, the Assistant Secretary shall submit to Congress a report that describes the findings of the assessment, including a list of States and localities experiencing departures and arrivals due to secondary migration, likely reasons for migration, the impact of secondary migration on States receiving secondary migrants, availability of social services for secondary migrants in such States, and unmet needs of those secondary migrants.”.

(c) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

“(C) In providing assistance under this section, the Assistant Secretary shall ensure that such assistance is also provided to refugees who are secondary
migrants and meet all other eligibility requirements for such services.”.

(d) Refugees Needing Specialized Medical Care or Preparation.—Section 412(b)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(b)(4)(B)) is amended by inserting “requiring specialized care or preparation before the arrival of such refugees in the United States, or” after “medical conditions”.

(e) Legal Assistance for Refugees and Asylees.—Section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

(1) in clause (ii), by striking “and” at the end;
(2) by redesignating clause (iii) as clause (iv);
and
(3) by inserting after clause (ii) the following:

“(iii) to provide legal services for refugees to assist the refugees in obtaining immigration benefits for which the refugees are eligible; and”.

(f) Notice and Rulemaking.—Not later than 90 days after the date of the enactment of this Act, but in no event later than 30 days before the effective date of the amendments made by this section, the Assistant Secretary shall—
(1) issue a proposed rule of the new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment.

(g) **Effective Date.**—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

**SEC. 1528. STABILIZING RESETTLEMENT SITE CAPACITY FOR VOLUNTEER COORDINATION, HOUSING COORDINATION, AND AOR PROCESSING.**

In consultation with the Assistant Secretary of the Office of Refugee Resettlement, the Assistant Secretary for the Bureau of Population, Refugees, and Migration shall develop and implement methods for improving volunteer coordination, housing coordination, and Affidavit of Relationship processing to ensure resettlement sites have the resources and capacity they need. The Assistant Secretary is authorized to make grants to implement this section.
SEC. 1529. COMMUNITY PARTNERSHIPS, CIVIC ENGAGEMENT, AND REFUGEE LEADERSHIP DEVELOPMENT.

(a) IN GENERAL.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration shall fund a full-time employee, to be known as a “Community Relations Officer”, with each State contracted for resettlement whose position will focus on building community partnerships, encouraging diverse attendance at community consultations, and organizing community consultations.

(b) GRANTS AUTHORIZED.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration is authorized to make grants to, and enter into contracts with, State and local governments to implement this section.

(c) RESPONSIBILITIES.—The responsibilities of a Community Relations Officer shall be—

(1) to consider opportunities to encourage regular consultation among diverse stakeholders, such as by refugees, State Refugee Coordinators and health coordinators, resettlement agencies, and other service organizations and Ethnic Community Based Organizations;

(2) to support civic engagement of refugees and refugee leadership development; and
(3) to consider methods to expand outreach to asylees to ensure asylee access to services.

CHAPTER 3—ACCESS TO SERVICES AND BENEFITS

SEC. 1531. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL SECURITY BENEFITS FOR CERTAIN REFUGEES.


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

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

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

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of October 1, 2023.
SEC. 1532. IN-STATE TUITION RATES FOR REFUGEES, ASYLEES, AND CERTAIN SPECIAL IMMIGRANTS.

(a) In general.—The Higher Education Act of 1965 is amended by inserting after section 135 (20 U.S.C. 1015d) the following:

“SEC. 135A. IN-STATE TUITION RATES FOR REFUGEES, ASYLEES, AND CERTAIN SPECIAL IMMIGRANTS.

“(a) Requirement.—In the case of an alien described in subsection (b) whose domicile is in a State that receives assistance under this Act, such State shall not charge such alien tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

“(b) Aliens described.—An alien is described in this subsection if the alien was granted—

“(1) refugee status and admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

“(2) asylum under section 208 of such Act (8 U.S.C. 1158); or

“(3) special immigrant status under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) pursuant to—
“(A) section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 8 U.S.C. 1157 note);

“(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note); or


“(c) LIMITATIONS.—The requirement under subsection (a) shall apply with respect to an alien only until the alien has established residency in the State, and only with respect to the first State in which the alien was first domiciled after being admitted into the United States as a refugee or special immigrant or being granted asylum.

“(d) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins after July 1, 2024.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Higher Education Act of 1965 is amended by inserting after the item relating to section 135 the following:

“Sec. 135A. In-State tuition rates for refugees, asylees, and certain special immigrants.”.
CHAPTER 4—TRAINING, ORIENTATION, AND INCLUSION

SEC. 1541. PRE-DEPARTURE TRAINING FOR APPROVED REFUGEE APPLICANTS.

(a) TRAINING PROGRAMS.—

(1) IN GENERAL.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration, in consultation with the directors and heads of office of the Resettlement Support Centers (or the designees of such directors and heads of office), shall develop and implement methods for improving overseas refugee training programs administered by the Resettlement Support Centers to offer English as a second language, work orientation training options, cultural orientation, civic engagement, and health and wellness for refugees and Iraqi and Afghan special immigrant visa holders and their dependents, who have been approved for admission to the United States before their departure for the United States.

(2) COMMUNITY INTEGRATION.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration shall develop and implement pre-departure programs for achieving community integration of refugees resettled in the United States.
(3) Grants Authorized.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration is authorized to make grants to implement this subsection.

(b) Design and Implementation.—In designing and implementing the programs referred to in subsection (a), the Secretary of State shall consult with or use—

(1) nongovernmental or international organizations with direct ties to the United States refugee resettlement program; and

(2) nongovernmental or international organizations with appropriate expertise in developing curriculum and teaching English as a second language.

(c) Impact on Processing Times.—The Secretary of State shall ensure that such training programs are strictly optional, occur within applicable processing times and do not delay or prevent the departure for the United States of refugees who have been approved for admission to the United States.

(d) Timeline for Implementation.—

(1) Initial Implementation.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall ensure that the training programs under subsection (a) are fully and contin-
ually operational in at least 3 refugee processing regions.

(2) ADDITIONAL IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall notify the Committees on Appropriations and the Committee on the Judiciary of the Senate and the Committees on Appropriations and the Committee on the Judiciary of the House of Representatives that such training programs are fully and consistently operational in 5 refugee processing regions.

(e) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of this section, including an assessment of the quality of English as a second language curriculum and instruction, the benefits of the work orientation and English as a second language training program to refugees, and recommendations on whether such programs should be continued, broadened, or modified, and shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives a report on the findings of such study.
(f) Rule of Construction.—Nothing in this section may be construed to require that a refugee participate in such a training program as a precondition for the admission to the United States of such refugee.

SEC. 1542. DOMESTIC REFUGEE RESETTLEMENT PROGRAMS ON DIGITAL AND FINANCIAL LITERACY; HOUSING AND TRANSPORTATION ACCESS.

(a) Amendments to Social Services Funding.—Section 412(b) of the Immigration and Nationality Act (8 U.S.C. 1522(b)) is amended to read as follows:

“(b) Programs for Digital and Financial Literacy and Housing and Transportation Access.—

“(1) In general.—The Assistant Secretary of the Office of Refugee Resettlement, in consultation with the Assistant Secretary for the Bureau of Population, Refugees, and Migration, shall develop and implement methods—

“(A) for improving the digital literacy of refugees, and strengthening their access to digital devices and broadband;

“(B) to support refugees with bereavement costs and financial literacy, such as life insurance, retirement, banking, and other forms of financial independence;
“(C) to support refugees’ access to affordable housing, home ownership, public housing, legal orientation, and public transportation; and
“(D) to support refugees’ driving orientation with respect to laws, defensive driving, and vehicle maintenance classes.
“(2) GRANTS AUTHORIZED.—The Assistant Secretary of the Office of Refugee Resettlement is authorized to make grants to, and enter into contracts with, State and local governments and resettlement agencies to implement this section.”.

(b) IMMEDIATE ELIGIBILITY FOR DRIVER’S LICENSES FOR REFUGEES, ASYLEES, AND CERTAIN SPECIAL IMMIGRANTS.—

(1) IN GENERAL.—Any State in which a alien described in paragraph (2) is domiciled shall waive residency requirements for obtaining a driver’s license or an identification card in a manner than ensure that such an alien is immediately eligible for a driver’s license or identification card, including under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note), notwithstanding subsection (e)(2)(B) of such Act.
(2) ALIEN DESCRIBED.—An alien is described in this subsection if the alien was granted—

(A) refugee status and admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

(B) asylum under section 208 of such Act (8 U.S.C. 1158); or


(c) ADDITIONAL PROGRAMS.—

(1) IN GENERAL.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration, in consultation with the Assistant Secretary of the Office of Refugee Resettlement, shall develop and implement methods—
(A) for improving the digital literacy of refugees, and strengthening their access to digital devices and broadband;

(B) to support refugees with bereavement costs and financial literacy, such as life insurance, retirement, banking, and other forms of financial independence; and

(C) to support refugees’ access to affordable housing, home ownership, public housing, legal orientation, and public transportation.

(2) GRANTS AUTHORIZED.—The Assistant Secretary for the Bureau of Population, Refugees, and Migration is authorized to make grants to, and enter into contracts with, State and local governments and resettlement agencies to implement this subsection.

SEC. 1543. STUDY AND REPORT ON DIGITAL LITERACY, EQUITY, AND INCLUSION AMONG REFUGEES IN THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) DIGITAL EQUITY.—The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society, democracy, and economy of the United States.
(2) DIGITAL INCLUSION.—The term “digital inclusion”—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

(i) reliable broadband internet service;

(ii) internet-enabled devices that meet the needs of the user; and

(iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration, including applications and online content that can be rendered accessible in the user’s preferred language; and

(B) includes—

(i) obtaining access to digital literacy training;

(ii) the provision of quality technical support; and

(iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.
(3) DIGITAL LITERACY.—The term “digital literacy” means the skills associated with using technology to enable learners to find, evaluate, organize, create, communicate, and understand information in the learner’s preferred language.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the status of digital literacy among refugees resettled to the United States.

(2) MATTERS TO BE INCLUDED.—The study conducted under paragraph (1) shall include the following:

(A) An assessment of refugee digital literacy, equity, and inclusion outcomes including an analysis of—

(i) access to internet service subscriptions as measured by the rates at which households subscribe to service plans, the quality of service plans, and the affordability of service plans;

(ii) device access as measured by type, and number per members of household school-age and older;
(iii) digital literacy as measured by a continuum of proficiency rates and ability to overcome language barriers;

(iv) availability of technical assistance and training services;

(v) digital usage patterns (such as school, work, job applications, or coding);

and

(vi) awareness of, availability of, and ability to navigate to public access points (such as schools, libraries and other community access).

(B) The results of the assessment under subparagraph (A) disaggregated by socioeconomic factors, including income level, race and ethnicity, gender, preferred language, age, disability, and level of education.

(C) An assessment of how digital literacy, equity, and inclusion limitations impact refugee integration outcomes across—

(i) employment;

(ii) participation in financial systems;

(iii) participation in democracy;

(iv) civic engagement;

(v) adult education;
(vi) children’s education; and
(vii) access to health services.

(D) An assessment of whether and how digital literacy training, free internet service, and technical support should be incorporated as part of cultural orientation programs offered to refugees before their arrival in the United States and to refugees recently arrived in the United States.

(E) An assessment of whether and how related costs to support digital literacy, equity, and inclusion, should be factored into reception and placement per capita grant amounts, including for—

(i) the 1-time cost of digital device purchases, ensuring adequate and gender-equitable distribution of devices per household; and

(ii) ongoing internet service subscription costs.

(F) An assessment of whether and how to include a measure of digital literacy in the self sufficiency metrics used by the Office of Refugee Resettlement to assess refugee integration outcomes.
(G) A survey of existing digital literacy, equity, and inclusion programming across resettlement agency offices and existing best practices, including—

(i) technology mentorship programs;
(ii) digital literacy workshops;
(iii) digitally related career pathways;
(iv) device ownership programs;
(v) digital navigator programs and
(vi) home broadband support.

(H) An evaluation of the budgetary resources of the Office of Refugee Resettlement and a projection of the amount of additional resources necessary to fully address the unmet needs of refugees and all other populations within the mandate of the Office of Refugee Resettlement, with respect to digital literacy, equity, and inclusion.

(I) Recommendations on ways in which the Office of Refugee Resettlement may improve digital literacy outcomes and the domestic refugee resettlement program with respect to digital literacy, equity, and inclusion.

(J) Recommendations for metrics and criteria for evaluating digital literacy, equity, and
215 inclusion in populations within the mandate of
the Office of Refugee Resettlement.
(c) REPORT.—Not later than 30 days after the date
on which a study under subsection (a) is completed, the
Comptroller General shall submit a report to the Com-
mittee on the Judiciary of Senate and the Committee on
the Judiciary of the House of Representatives that de-
scribes the results of the study.

CHAPTER 5—DOMESTIC REFUGEE RESET-
TLEMENT REFORM AND MODERNIZA-
TION ACT

SEC. 1551. SHORT TITLE.
This chapter may be cited as the “Domestic Refugee
Resettlement Reform and Modernization Act of 2022”.

SEC. 1552. DEFINITIONS.
In this chapter:

(1) ASSISTANT SECRETARY.—The term “Assist-
ant Secretary” means the Assistant Secretary of the
Office of Refugee Resettlement in the Department of
Health and Human Services.

(2) COMMUNITY-BASED ORGANIZATION.—The
term “community-based organization” means a non-
profit organization providing a variety of social,
health, educational and community services to a pop-
ulation that includes refugees resettled into the
United States.

(3) National Resettlement Agencies.—
The term “national resettlement agencies” means
voluntary agencies contracting with the Department
of State to provide sponsorship and initial resettlement services to refugees entering the United States.

Sec. 1553. Assessment of Refugee Domestic Resettlement Programs.

(a) In General.—As soon as practicable after the
date of the enactment of this Act, the Comptroller General
of the United States shall conduct a study regarding the
effectiveness of the domestic refugee resettlement pro-
grams operated by the Office of Refugee Resettlement.

(b) Matters To Be Studied.—In the study re-
quired under subsection (a), the Comptroller General shall
determine and analyze—

(1) how the Office of Refugee Resettlement de-
defines self-sufficiency and integration and if these
definitions adequately represent refugees’ needs in
the United States;

(2) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-
sufficiency and integration;
(3) technological solutions for consistently tracking secondary migration, including opportunities for interagency data sharing;

(4) the Office of Refugee Resettlement’s budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(5) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(6) how community-based organizations can be better utilized and supported in the Federal domestic resettlement process;

(7) recertification processes for high-skilled refugees, specifically considering how to decrease barriers for refugees and special immigrant visa holders to use their skills; and

(8) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under paragraphs (1) through (7).

(e) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on the Judiciary of the
Senate and the Committee on the Judiciary of the House of Representatives that contains the results of the study conducted under this section.

SEC. 1554. GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.

(a) CONSULTATION.—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(b) BEST PRACTICES.—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

CHAPTER 6—OVERSEAS PROCESSING AND PREPARATION

SEC. 1561. REFUGEE BIOMETRIC DATA AND REPORTING.

(a) The Department of State, in consultation with the Department of Homeland Security, shall permit United States Government staff already in-country to travel to collect the fingerprints and biometric data of refugees, in absence of circuit rides.
(b) The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement methods to enhance virtual citizenship and virtual adjudication of citizenship applications, including remote interviews and ceremonies to expedite the process.

(c) The Secretary of Homeland Security shall robustly implement the plan to permit the use of video and audio teleconferencing to conduct refugee interviews and establish the necessary infrastructure to do so. The Department of Homeland Security is directed to issue a report within 90 days of enactment the details of how many interviews were conducted remotely or by video, what infrastructure was created to do so, and what the Department needs to expand the use of remote interviews. The report shall also include challenges and best practices in conducting remote interviews and factors that informed the Department’s decisions around which applicants were eligible for a remote interview. The report shall further include recommendations for a significant investment in Internet infrastructure solutions, such as WiFi and broadband access, in remote processing locations, as failure to do so will disproportionately impact processing and departures from certain parts of the world.
SEC. 1562. PRIORITIZATION OF FAMILY REUNIFICATION IN REFUGEE RESETTLEMENT PROCESS.

(a) In General.—The Secretary of State shall prioritize the cases of persons referred by the United Nations High Commissioner for Refugees, groups of special humanitarian concern to the United States under section 207(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(a)(1)), and refugees seeking reunification with relatives living in the United States, regardless of the nationality of such refugees.

(b) Regulations.—

(1) In General.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall promulgate regulations to ensure that an individual seeking admission to the United States as a refugee shall not be excluded from being interviewed for refugee status based on—

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

(B) a potential qualification of the individual for an immigrant visa; or

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

(2) Simultaneous Consideration.—The regulations promulgated under paragraph (1) shall en-
sure that an applicant for admission as a refugee is permitted to pursue simultaneously admission to the United States—

(A) as a refugee; and

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

(c) NOTICE OF SEPARATE TRAVEL.—In the case of an applicant for admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) the application of whom is placed on hold for more than three months and one or more members of the family of the applicant have separate pending applications for admission under such section, the Secretary of Homeland Security shall—

(1) notify any individual on that case who is eligible to travel separately of the option to separate the case of the individual from the family unit; and

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

(d) USE OF EMBASSY REFERRALS.—

(1) IN GENERAL.—The Secretary of State shall set forth a plan to ensure that each United States embassy and consulate is equipped and enabled to refer individuals in need of resettlement to the United States refugee admissions program.
(2) **TRAINING.**—The Secretary of State shall undertake training for embassy personnel to ensure that each embassy and consulate has sufficient knowledge and expertise to carry out this paragraph.

**SEC. 1563. PRIORITY 3 FAMILY REUNIFICATION CASES.**

(a) **IN GENERAL.**—Because of the importance of re-uniting immediate refugee families who have been separated while fleeing from persecution, Priority 3 processing shall be made available to individuals of all nationalities, including stateless individuals.

(b) **UNIVERSAL ELIGIBILITY FOR ALL NATIONALITIES.**—


(2) **ELIGIBLE AFFIDAVIT OF RELATIONSHIP FILES.**—Eligible Affidavit of Relationship (referred to in this section as “AOR”) filers include individ-
uals who are lawful permanent residents of the
United States or United States citizens who initially
were admitted to the United States in a status de-
scribed in paragraph (1).

(c) REQUIREMENTS.—The United States-based filer
shall be at least 18 years of age at the time that the AOR
is filed. The filer shall file the AOR not later than 5 years
after the date they were admitted as a refugee or special
immigrant or were granted asylum. The Secretary of State
may reject any AOR for a relationship that does not com-
port with public policy, such as under-age or plural mar-
riages.

(d) FAMILY MEMBERS INCLUDED.—

(1) IN GENERAL.—The following family mem-
ers of the United States-based family members are
qualified for Priority 3 access:

(A) Spouse.

(B) Unmarried children who are younger
than 21 years of age.

(C) Parents.

(2) PARTNERS.—The Secretary of State may
allow a qualifying individual to file for Priority 3 ac-
cess for a partner of any gender if the filer can pro-
vide evidence of a relationship with the partner for
at least one year overseas prior to the submission of
the AOR and considered that person to be his or her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social or legal prohibitions.

(c) DERIVATIVE REFUGEE STATUS.—In addition to the qualifying family members of a United States-based individual identified above, the qualifying family member’s spouse and unmarried children younger than 21 years of age may derive refugee status from the principal applicant for refugee status.

(f) ADDITIONAL QUALIFYING FAMILY MEMBERS.—

(1) IN GENERAL.—On a case-by-case basis, an individual may be added to a qualifying family member’s Priority 3 case if that individual—

(A) lived in the same household as the qualifying family member in the country of nationality or, if stateless, last habitual residence;

(B) was part of the same economic unit as the qualifying family member in the country of nationality or, if stateless, last habitual residence; and

(C) demonstrates exceptional and compelling humanitarian circumstances that justify inclusion on the qualifying family member’s case.
225

(2) Refugee status independent from principal applicant.—To be added to a qualifying family member’s case under paragraph (1), an individual described in paragraph (1) shall independently establish that they are refugees.

(g) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in collaboration with the Secretary of State, shall submit a report to Congress that—

(1) describes the steps taken by the administration to re-examine and expedite Priority 3 processing, including—

(A) reducing lengthy delays in the initial paper review by U.S. Citizenship and Immigration Services Refugee Access Verification Unit (referred to in this subsection as “RAVU”) of the relationship between the anchor relative and overseas family member listed on the Affidavit of Relationship;

(B) reducing inefficiencies in DNA testing;

and

(C) making more efficient other processing steps that are required only for Priority 3 cases;
(2) details the resources necessary to improve RAVU so as to improve Priority 3 processing and ensure that the number of U.S. Citizenship and Immigration Services employees dedicated to RAVU is consistently not less than 4 full-time dedicated personnel so as to maintain a capacity to complete RAVU within 30 days of receipt of each case; and

(3) includes the following data as of the first day of each fiscal year and each of the 6 fiscal years preceding the date of the enactment of this Act, for—

(A) Priority 3 refugee applicants who had submitted an AOR and were waiting for an initial interview with the resettlement support center;

(B) Priority 3 refugee applicants who had completed the initial interview at the Refugee Processing Center and whose applications were not yet submitted by the Refugee Processing Center to RAVU;

(C) Priority 3 refugee applicants whose applications were submitted by the Refugee Processing Center to RAVU and were pending a decision by RAVU;
(D) Priority 3 refugee applicants whose applications were decided by RAVU and were pending a pre-screening interview at the Refugee Processing Center;

(E) Priority 3 refugee applicants who completed a pre-screening interview at the Refugee Processing Center and who were pending interviews with U.S. Citizenship and Immigration Services;

(F) Priority 3 refugee applicants who had completed interviews and were pending security clearance;

(G) Priority 3 refugee applicants who were ready for departure; and

(H) Priority 3 refugee applicants who have died or gone missing while in the Priority application process without ever being reunited with their families.

SEC. 1564. CREATING A ROVING RESETTLEMENT SUPPORT CENTER.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a Roving Resettlement Support Center to increase overall operational agility and responsiveness of the United States Refugee Admissions Program.
(b) DUTIES.—The Roving Resettlement Support Center shall—

(1) coordinate and manage refugee processing for the United States Refugee Admissions Program, including—

(A) receive and process cases referred to the United States Refugee Admissions program by the United Nations High Commissioner for Refugees, nongovernmental organizations, and United States embassies;

(B) receive and process resettlement applications under all Priority categories; and

(2) build the operational capacity for the rapid deployment of single-site resettlement processing during unanticipated refugee crises; and

(3) provide support and technical assistance to the United Nations High Commissioner for Refugees to expand and improve referral capacity as needed.

Subtitle F—Authorization of Appropriations

SEC. 1601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including, in addition to annual funds derived from fee accounts of U.S. Citizenship and Immigration Services, such sums as may
be necessary to reduce the humanitarian backlog of refugee, asylum, and other humanitarian applications to the Refugee, Asylum and International Operations Directorate.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN WESTERN HEMISPHERE

SEC. 2101. EXPANSION OF REFUGEE AND ASYLUM SEEKER PROCESSING.

(a) Strengthening Processing and Adjudication Capacity.—

(1) In general.—The Secretary of State, in consultation with the Secretary, shall collaborate with international partners, including the United Nations High Commissioner for Refugees, to support and strengthen the domestic capacity of countries in the Western Hemisphere—

(A) to process and accept refugees for resettlement; and

(B) to adjudicate asylum claims.

(2) Support and Technical Assistance.—

The Secretary of State, in consultation with the Secretary, shall provide support and technical assistance to countries in the Western Hemisphere to help such countries—
(A) expand and improve their capacity to identify, process, and adjudicate refugee claims, adjudicate applications for asylum, or otherwise accept refugees referred for resettlement by the United Nations High Commissioner for Refugees or host nations, including by increasing the number of refugee and asylum officers (as defined in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E))) who are trained in the relevant legal standards for adjudicating claims for protection;

(B) establish and expand safe and secure refugee reception centers to facilitate the safe and orderly movement of individuals and families seeking international protection;

(C) improve national refugee and asylum registration systems to ensure that any person seeking refugee status, asylum, or other humanitarian protections—

(i) receives due process and meaningful access to existing humanitarian protections;
(ii) is provided with adequate information about his or her rights, including the right to seek protection;

(iii) is properly screened for security, including biographic and biometric capture;

and

(iv) receives appropriate documents to prevent fraud and ensure freedom of movement and access to basic social services;

and

(D) develop the capacity to conduct best interest determinations for unaccompanied children with international protection needs to ensure that—

(i) such children are properly registered; and

(ii) their claims are appropriately considered.

(b) DIPLOMATIC ENGAGEMENT AND COORDINATION.—The Secretary of State, in coordination with the Secretary, as appropriate, shall—

(1) carry out diplomatic engagement to secure commitments from governments to resettle refugees from Central America; and
(2) take all necessary steps to ensure effective cooperation among governments resettling refugees from Central America.

(c) **STRENGTHENING OF REFERRAL PATHWAYS.**—
The Secretary of State, in consultation with the Secretary, shall—

(1) certify and partner with local and national nongovernmental organizations that operate overseas to make Priority 1 referrals to the United States Refugee Admissions Program—

(A) to increase referral pathways for the United States Refugee Admissions Program;

(B) to diversify referral pathways and prevent program impacts due to operational delays and capacity limitations in the referral processes of the United Nations High Commissioner for Refugees; and

(C) to expand access to the United States Refugee Admissions Program to particularly vulnerable refugees, including—

(i) individuals with urgent protection needs who might otherwise be overlooked;

(ii) individuals who are at risk in camps, such as LGBTQI individuals; and
(iii) individuals living in noncamp settings; and

(2) work with national nongovernmental organizations to identify referrals from smaller nongovernmental organizations to the United States Refugee Admissions Program;

(3) direct resettlement support centers to facilitate and accept such referrals;

(4) provide training for new referral partners to encourage new nongovernmental organizations to participate in resettlement;

(5) ensure coordination with partners already working with refugees in the region; and

(6) continue to implement robust fraud-prevention measures as part of the establishment of referral structures under this subsection—

(A) to continue to safeguard the integrity of the United States Refugee Admissions Program; and

(B) to prevent corruption through manipulation of the resettlement system.

SEC. 2102. STRENGTHENING REGIONAL HUMANITARIAN RESPONSES.

The Secretary of State, in consultation with the Secretary, and in coordination with international partners, in-
including the United Nations High Commissioner for Refugees, shall support and coordinate with the government of each country hosting a significant population of refugees and asylum seekers from El Salvador, Guatemala, and Honduras—

(1) to establish and expand temporary shelter and shelter network capacity to meet the immediate protection and humanitarian needs of refugees and asylum seekers, including shelters for families, women, unaccompanied children, and other vulnerable populations;

(2) to deliver to refugees and asylum seekers humanitarian assistance that—

(A) is sensitive to gender identity and sexual orientation, trauma, and age; and

(B) includes access to accurate information, legal representation, education, livelihood opportunities, cash assistance, mental and physical health care, and other services;

(3) to establish and expand sexual, gender-based, intimate partner, and intra-family violence prevention, recovery, and humanitarian programming;

(4) to fund national and community humanitarian organizations in humanitarian response; and
(5) to support local integration initiatives to help refugees and asylum seekers rebuild their lives and contribute in a meaningful way to the local economy in their host country.

SEC. 2103. INFORMATION CAMPAIGN ON DANGERS OF IRREGULAR MIGRATION.

(a) In General.—The Secretary of State, in consultation with the Secretary, shall design and implement public information campaigns in El Salvador, Guatemala, and Honduras—

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

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

(3) to provide accurate information about the availability of asylum and other humanitarian protections in countries in the Western Hemisphere.

(b) Elements.—To the greatest extent possible, the information campaigns implemented pursuant to subsection (a)—

(1) shall be targeted at regions with high rates of violence, high levels of out-bound migration, or significant populations of internally displaced persons;

(2) shall use local languages;
(3) shall employ a variety of communications media; and

(4) shall be developed in consultation with program officials at the Department of Homeland Security, the Department of State, and other government, nonprofit, or academic entities in close contact with migrant populations from El Salvador, Guatemala, and Honduras, including repatriated migrants.

SEC. 2104. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary, shall submit a report describing the plans of the Secretary of State to assist in developing the refugee and asylum processing capabilities described in this title to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Foreign Affairs of the House of Representatives; and
the Committee on Appropriations of the
House of Representatives.

SEC. 2105. IDENTIFICATION, SCREENING, AND PROCESSING
OF REFUGEES AND OTHER INDIVIDUALS ELIGIBLE FOR LAWFUL ADMISSION TO THE
UNITED STATES.

(a) Designated Processing Centers.—

(1) In general.—Not later than 90 days after
the date of the enactment of this Act, the Secretary
of State, in consultation with the Secretary, shall
enter into agreements for the Secretary to establish
designated processing centers for—

(A) registering, screening, and processing
refugees and other eligible individuals in North
America and Central America; and

(B) resettling or relocating such individ-
uals to the United States or to other countries.

(2) Locations.—Not fewer than 1 designated
processing center shall be established in a safe and
secure location identified by the United States and
the host government in—

(A) El Salvador;

(B) Guatemala;

(C) Honduras;

(D) Mexico;
(E) Costa Rica; and

(F) any other country that the Secretary of State determines can accept and process requests and applications under this title, including any country in North America or Central America that is hosting significant numbers of refugees or other displaced individuals.

(b) Assistant Director of Regional Processing.—

(1) In General.—The Director of U.S. Citizenship and Immigration Services shall appoint an Assistant Director of Regional Processing, who shall oversee the establishment and operation of all designated processing centers.

(2) Duties.—The Assistant Director of Regional Processing, in coordination with the Secretary and the Director of U.S. Citizenship and Immigration Services, shall—

(A) coordinate with the Secretary of State and the host country to ensure that each designated processing center is safe, secure, and reasonably accessible to the public to facilitate the registration, screening, and processing of individuals under this title;
(B) establish standard operating procedures for the registration, screening, and processing of individuals under this title;

(C) oversee the administration of the procedures established pursuant to subparagraph (B); and

(D) carry out other duties and powers prescribed by the Director of U.S. Citizenship and Immigration Services.

(c) PERSONNEL.—

(1) REFUGEE OFFICERS AND RELATED PERSONNEL.—The Secretary, in consultation with the Director of U.S. Citizenship and Immigration Services and the Assistant Director of Regional Processing, shall ensure that sufficient numbers of refugee officers and other personnel are assigned to each designated processing center to fulfill the requirements under this title.

(2) SUPPORT PERSONNEL.—The Secretary and the Attorney General shall hire and assign sufficient personnel to ensure that all security and law enforcement background checks required under this title are completed not later than 180 days after a relevant application is submitted, absent exceptional circumstances.
(d) OPERATIONS.—

(1) IN GENERAL.—Each designated processing center established pursuant to subsection (a)(2) shall commence operations not later than 270 days after the date of the enactment of this Act, absent extraordinary circumstances.

(2) PRODUCTIVITY.—The Secretary, in coordination with the Secretary of State, shall—

(A) monitor the activities of each designated processing center; and

(B) establish metrics and criteria for evaluating the productivity of each designated processing center.

(3) CONTINUING OPERATIONS.—Each designated processing center—

(A) shall remain in operation for not less than 5 fiscal years; and

(B) shall continue operating until the Secretary determines, in consultation with the Secretary of State, and using the metrics and criteria established pursuant to paragraph (2)(B), that the designated processing center has failed to maintain sufficient productivity for at least 4 consecutive calendar quarters.
(4) Registration.—Each designated processing center shall receive and register individuals seeking to apply for benefits under this title.

(5) Intake.—Consistent with this title, registered individuals shall be assessed to determine the benefits for which they may be eligible, including—

(A) refugee resettlement pursuant to the Central American Refugee Program described in section 2106;

(B) the Central American Minors Program described in section 2107; and

(C) the Central American Family Reunification Parole Program described in section 2108.

(6) Expedited Processing.—The Secretary may grant expedited processing of applications and requests under this title in emergency situations, for humanitarian reasons, or if other circumstances warrant expedited treatment.

(e) Congressional Reports.—Not later than January 31 of the first fiscal year immediately following the conclusion of the fiscal year during which the first designated processing center commences operations, and every January 31 thereafter, the Secretary, in consultation with the Secretary of State, shall submit a report to
the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that identifies, with respect to each designated processing center during the previous fiscal year—

1. the number of individuals who were registered, screened, and processed for benefits under this title;
2. the number of benefits requests that were approved; and
3. the number of benefits requests that were denied.

SEC. 2106. CENTRAL AMERICAN REFUGEE PROGRAM.

(a) IN GENERAL.—

1. MINIMUM ANNUAL NUMBER OF CENTRAL AMERICAN REFUGEES.—In addition to any refugees designated for admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), in each of the fiscal years 2023, 2024, 2025, 2026, and 2027, not fewer than 100,000 nationals of El Salvador, Guatemala, or Honduras shall be admitted into the United States under this section.
2. ELIGIBILITY.—Any alien described in paragraph (1) shall be admitted under this section if—
(A) the alien registers at a designated processing center on or before September 30, 2027; and

(B) the Secretary of State, in consultation with the Secretary, determines that the alien is admissible as a refugee of special humanitarian concern to the United States in accordance with this section.

(b) INITIAL PROCESSING.—

(1) IN GENERAL.—Any alien who, while registering at a designated processing center, expresses a fear of persecution or an intention to apply for refugee status may apply for refugee resettlement under this section. Each applicant who files a completed application shall be referred to a refugee officer for further processing in accordance with this section.

(2) SUBMISSION OF BIOGRAPHIC AND BIOMETRIC DATA.—An applicant described in paragraph (1) shall submit biographic and biometric data in accordance with procedures established by the Assistant Director of Regional Processing appointed pursuant to section 2105(b), who shall provide an alternative procedure for applicants who are unable to
provide all required biographic and biometric data
due to a physical or mental impairment.

(3) BACKGROUND CHECKS.—The Assistant Di-
rector of Regional Processing shall utilize biometric,
biographic, and other appropriate data to conduct
security and law enforcement background checks of
applicants to determine whether there is any crimi-
nal, national security, or other ground that would
render the applicant ineligible for admission as a
refugee under section 207 of the Immigration and

(4) ORIENTATION.—The Assistant Director of
Regional Processing shall provide prospective appli-
cants for refugee resettlement with information on
applicable requirements and legal standards. All ori-
entation materials, including application forms and
instructions, shall be made available in English and
Spanish.

(5) INTERNATIONAL ORGANIZATIONS.—The
Secretary of State, in consultation with the Sec-
retary, shall enter into agreements with international
organizations, including the United Nations High
Commissioner for Refugees, to facilitate the proc-
essing and preparation of case files for applicants
under this section.
(c) ADJUDICATION OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date on which an applicant is referred for further processing pursuant to subsection (b)(1), the applicant shall be interviewed by a refugee officer, who shall determine whether the applicant is a refugee of special humanitarian concern to the United States (as defined in paragraph (5)).

(2) DECISION.—Not later than 14 days after the date on which an applicant is interviewed under paragraph (1), the refugee officer shall issue a written decision regarding the application.

(3) APPROVAL OF APPLICATION.—If a refugee officer approves an application under this section, the applicant shall be processed for resettlement to the United States as a refugee in accordance with section 207 of the Immigration and Nationality Act (8 U.S.C. 1157). The security and law enforcement background checks required under subsection (b)(3) shall be completed, to the satisfaction of the Assistant Director of Regional Processing, before the date on which an approved applicant may be admitted to the United States.

(4) DENIAL OF APPLICATION.—If the refugee officer denies an application under this section, the
officer shall include a reasoned, written explanation for the denial and refer the applicant for a determination of eligibility for other benefits under this title in accordance with section 2105(d)(5). An applicant who has been denied status as a refugee of special humanitarian concern under this section may request review of such decision by a supervisory refugee officer not later than 30 days after the date of such denial. The supervisory refugee officer shall issue a final written decision not later than 30 days after such request for review.

(5) **Refugee of special humanitarian concern.**—In this section, the term “refugee of special humanitarian concern to the United States” means any individual who, in his or her country of nationality has suffered (or in the case of an individual who remains in his or her country of nationality, has a well-founded fear of suffering)—

(A) domestic, sexual, or other forms of gender-based violence, including forced marriage and persecution based on sexual orientation or gender identity;

(B) violence, extortion, or other forms of persecution (including forced recruitment) com-
mitted by gangs or other organized criminal organiza-
(C) a severe form of trafficking in persons;
(D) a threat to life, physical or psychological integrity, including from adverse impacts on livelihoods and exceptional situations, such as environmental disasters, (including from the effects of climate change) for which there is no adequate remedy in the country of origin; or
(E) other serious human rights abuses.

(6) Spouses and Minor Children.—The spouse or child of any applicant who qualifies for admission under section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)) shall be granted the same status as the applicant if accompanying or following to join such applicant, in accordance with such section.

(7) Refugee Status.—An individual who is admitted to the United States as a refugee of special humanitarian concern to the United States under this section shall enjoy the same rights and privileges, and shall be subject to the same grounds for termination of refugee status, as provided in sections 207 and 209 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1159).
(8) FEES.—No fee shall be imposed for the filing, processing, or adjudication of an application under this section.

(d) OPTIONAL REFERRAL TO OTHER COUNTRIES.—

(1) IN GENERAL.—Notwithstanding subsection (b), an applicant for refugee resettlement under this section may be referred to another country for the processing of the applicant’s refugee claim if—

(A) another country agrees to immediately process the applicant’s refugee claim in accordance with the terms and procedures of a bilateral agreement under paragraph (2); and

(B) the applicant lacks substantial ties to the United States as defined in paragraph (3) or requests resettlement to a country other than the United States.

(2) BILATERAL AGREEMENTS FOR REFERRAL OF REFUGEES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of State, in consultation with the Secretary, shall enter into bilateral agreements with other countries for the referral, processing, and resettlement of individuals who—
(i) register at a designated processing center; and

(ii) seek to apply for refugee resettlement under this section.

(B) LIMITATION.—Agreements required under subparagraph (A) may only be entered into with countries that have the demonstrated capacity—

(i) to accept and adjudicate applications for refugee status and other forms of international protection; and


(C) INTERNATIONAL ORGANIZATIONS.—

The Secretary of State, in consultation with the Secretary, shall enter into agreements with international organizations, including the United Nations High Commissioner for Refugees, to facilitate the referral, processing, and
resettlement of individuals covered under this paragraph.

(3) DEFINED TERM.—In this subsection, an individual has “substantial ties to the United States” if the individual—

(A) has a spouse, parent, son, daughter, sibling, grandparent, aunt, or uncle who resides in the United States;

(B) can demonstrate previous residence in the United States for not less than 2 years; or

(C) can otherwise demonstrate substantial ties to the United States, as defined by the Secretary.

(e) EMERGENCY RELOCATION COORDINATION.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary, shall enter into bilateral or multilateral agreements with other countries in the Western Hemisphere to establish safe and secure emergency transit centers for individuals who—

(A) register at a designated processing center;

(B) face an imminent risk of harm; and
(C) require temporary placement in a safe location, pending a final decision on an application under this section.

(2) Consultation Requirement.—Agreements required under paragraph (1)—

(A) shall be developed in consultation with the United Nations High Commissioner for Refugees; and

(B) shall conform to international humanitarian standards.

(f) Expansion of Refugee Corps.—Not later than 60 days after the date of the enactment of this Act, and subject to the availability of amounts provided in advance in appropriation Acts, the Secretary shall appoint such additional refugee officers as may be necessary to carry out this section.

SEC. 2107. CENTRAL AMERICAN MINORS PROGRAM.

(a) Special Immigrants.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L)(iii), by inserting a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:
“(N) an immigrant (and any of his or her
children who are accompanying or following to
join such immigrant) who is—

“(i) a national of El Salvador, Hon-
duras, or Guatemala;

“(ii) an unmarried child of an indi-
vidual who is lawfully present in the
United States;

“(iii) otherwise eligible to receive an
immigrant visa; and

“(iv) otherwise admissible to the
United States (excluding the grounds of
inadmissibility specified in section
212(a)(4)).”.

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of aliens
described in section 101(a)(27)(N) of the Immig-
ration and Nationality Act, as added by subsection
(a)(3), who may be granted special immigrant status
under this section may not exceed 10,000 during
any of the 5 consecutive fiscal years beginning with
the fiscal year during which the first designated
processing center commences operations.

(2) EXCLUSION FROM NUMERICAL LIMITA-
tions.—Aliens granted special immigrant status
under this section shall not be counted against any numerical limitation under section 201, 202, or 203 of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during any fiscal year, the numerical limitation under such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(A) the total number of aliens who may be granted special immigrant status under this section during the first fiscal year; and

(B) the number of aliens who were granted such special immigrant status during the first fiscal year.

(c) PETITIONS.—If an alien is determined to be eligible for special immigrant status pursuant to an assessment under section 205(d)(5), the alien, or a parent or legal guardian of the alien, may submit a petition for special immigrant status under this section at a designated processing center.

(d) ADJUDICATION.—

(1) IN GENERAL.—If an alien who submits a completed petition under subsection (c) is deter-
mined to be eligible for special immigrant status under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a)(3), the Secretary, shall grant such status to such alien.

(2) DEADLINE.—Absent exceptional circumstances, petitions submitted under this section shall be adjudicated not later than 180 days after the date on which they are submitted at a designated processing center.

(3) APPLICANTS UNDER PRIOR PROGRAM.—

(A) IN GENERAL.—The Secretary of Homeland Security shall deem an application filed under the Central American Minors Refugee Program, established on December 1, 2014, and terminated on August 16, 2017, and which was not the subject of a final disposition before January 31, 2018, to be a petition filed under this section.

(B) NOTIFICATION.—The Secretary shall—

(i) promptly notify all relevant parties of the conversion of applications described in subparagraph (A) into special immigrant petitions under this section; and
(ii) provide instructions for withdrawing such petitions to such parties if the alien no longer desires the requested relief.

(C) DEADLINE.—Absent exceptional circumstances, the Secretary shall make a final determination on each petition described in subparagraph (A) that is not withdrawn pursuant to subparagraph (B)(ii) not later than 180 days after the date of the enactment of this Act.

(4) BIOMETRICS AND BACKGROUND CHECKS.—

(A) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—Petitioners for special immigrant status under this section shall submit biometric and biographic data in accordance with procedures established by the Assistant Director of Regional Processing. The Assistant Director shall provide an alternative procedure for applicants who are unable to provide all of the required biometric data due to a physical or mental impairment.

(B) BACKGROUND CHECKS.—The Assistant Director shall utilize biometric, biographic, and other appropriate data to conduct security and law enforcement background checks of peti-
tioners to determine whether there is any criminal, national security, or other ground that would render the applicant ineligible for special immigrant status under this section.

(C) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required under subparagraph (B) shall be completed, to the satisfaction of the Assistant Director, before the date on which a petition for special immigrant status under this section may be approved.

SEC. 2108. CENTRAL AMERICAN FAMILY REUNIFICATION PAROLE PROGRAM.

(a) IN GENERAL.—If an alien is determined to be eligible for parole under subsection (b) pursuant to an assessment under section 2105(d)(5)—

(1) the designated processing center shall accept a completed application for parole filed by the alien, or on behalf of the alien by a parent or legal guardian of the alien; and

(2) the Secretary shall grant parole to the alien, in accordance with section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

(b) ELIGIBILITY.—An alien shall be eligible for parole under this subsection if the alien—
(1) is a national of El Salvador, Guatemala, or Honduras;

(2) is the beneficiary of an approved immigrant visa petition under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a));

(3) does not have an immigrant visa; and

(4) expects to obtain an immigrant visa not later than 5 years after the date on which the alien registers with a designated processing center.

(c) APPLICATION AND ADJUDICATION.—

(1) IN GENERAL.—An alien described in subsection (b) may submit an application for parole under this section during the 90-day period beginning on the date on which the alien is determined to be eligible for parole pursuant to an assessment under section 205(d)(5).

(2) ADJUDICATION DEADLINES.—Absent exceptional circumstances, applications submitted under this section shall be adjudicated not later than 180 days after the date of submission.

(3) BIOMETRICS AND BACKGROUND CHECKS.—

(A) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—Applicants for parole under this section shall submit biometric and biographic data in accordance with procedures es-
established by the Assistant Director of Regional Processing. The Assistant Director shall provide an alternative procedure for applicants who are unable to provide all required biometric data due to a physical or mental impairment.

(B) BACKGROUND CHECKS.—The Assistant Director of Regional Processing shall utilize biometric, biographic, and other appropriate data to conduct security and law enforcement background checks of applicants to determine whether there is any criminal, national security, or other ground that would render the applicant ineligible for parole under this section.

(C) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required under subparagraph (B) shall be completed to the satisfaction of the Assistant Director before the date on which an application for parole may be approved.

(4) APPROVAL.—Each designated processing center shall issue appropriate travel documentation to aliens granted parole under this section. Such aliens shall present such documentation to U.S. Customs and Border Protection personnel at a port of
entry for parole into the United States not later than 120 days after such documentation is issued.

SEC. 2109. INFORMATIONAL CAMPAIGN; CASE STATUS HOTLINE.

(a) INFORMATIONAL CAMPAIGN.—The Secretary shall implement an informational campaign, in English and Spanish, in the United States, El Salvador, Guatemala, and Honduras to increase awareness of the provisions set forth in this title.

(b) CASE STATUS HOTLINE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish a case status hotline providing confidential processing information on pending cases.

TITLE III—SPECIAL IMMIGRANT VISA PROGRAMS

SEC. 3101. SPECIAL IMMIGRANT VISA PROGRAM REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State, in consultation with the Inspector General of the Department of Defense, shall submit a report, with a classified annex if necessary, to—

(1) the Committee on the Judiciary of the Senate;
(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Foreign Affairs of the House of Representatives; and

(6) the Committee on Armed Services of the House of Representatives.

(b) PUBLICATION.—The Department of State shall publish the report submitted under subsection (a) on the website of the Department of State.

(e) CONTENTS.—The report submitted under subsection (a) shall evaluate—

(1) the obstacles to effective protection of Afghan and Iraqi allies through the special immigrant visa program between 2009 and the present;

(2) measures to improve efficient processing in the special immigrant visa programs; and

(3) suggestions for improvements in future programs, including information relating to—

(A) the hiring of locally employed staff and contractors;
(B) documenting the identity and employment of locally employed staff and contractors of the United States Government, including the possibility of establishing a central database of employees of the United States Government and its contractors;

(C) the protection in and safety of employees of locally employed staff and contractors;

(D) means of expediting processing at all stages of the process for applicants, including consideration of reducing required forms;

(E) appropriate staffing levels for expedited processing domestically and abroad;

(F) the effect of uncertainty of visa availability on visa processing;

(G) the cost and availability of medical examinations; and

(H) means to reduce delays in interagency processing and security checks.

(d) Consultation.—In preparing the report under subsection (a), the Inspector General shall consult with—

(1) the Visa Office of the Bureau of Consular Affairs Visa Office of the Department of State;
(2) the Executive Office of the Bureau of Near Eastern Affairs and South and Central Asian Affairs of the Department of State,

(3) the Consular Section of the United States Embassy in Kabul, Afghanistan;

(4) the Consular Section of the United States Embassy in Baghdad, Iraq;

(5) U.S. Citizenship and Immigration Services of the Department of Homeland Security;

(6) the Department of Defense;

(7) nongovernmental organizations providing legal aid in the special immigrant visa application process; and

(8) wherever possible, current and former employees of the offices referred to in paragraphs (1) through (6).

SEC. 3102. INCLUSION OF CERTAIN SPECIAL IMMIGRANTS IN THE ANNUAL REFUGEE SURVEY.

Section 413(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1523(b)(1)) is amended by inserting “and individuals who have opted to receive refugee benefits and who were admitted pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law...
Title IV—Non Discrimination

Sec. 4101. Expansion of nondiscrimination provision.

Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

(1) by striking “Except as specifically provided in paragraph (2) and in sections 101(a)(27), 201(b)(2)(A)(i), and 203, no” and inserting “No”;

(2) by inserting “or a nonimmigrant visa, admission or other entry into the United States, or the approval or revocation of any immigration benefit” after “immigrant visa”;

(3) by inserting “religion,” after “sex,”; and

(4) by inserting before the period at the end the following: “, except as specifically provided in paragraph (2), in sections 101(a)(27), 201(b)(2)(A)(i), and 203, if otherwise expressly required by statute, or if a statutorily authorized benefit takes into consideration such factors”.
Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) is amended to read as follows:

“(f) Authority to suspend or restrict the entry of a class of aliens.—

“(1) In general.—Subject to paragraph (2), if the Secretary of State, in consultation with the Secretary of Homeland Security, determines, based on specific and credible facts, that the entry of any aliens or any class of aliens into the United States would undermine the security or public safety of the United States or the preservation of human rights, democratic processes or institutions, or international stability, the President may temporarily—

“(A) suspend the entry of such aliens or class of aliens as immigrants or nonimmigrants; or

“(B) impose any restrictions on the entry of such aliens that the President deems appropriate.

“(2) Limitations.—In carrying out paragraph (1), the President, the Secretary of State, and the Secretary of Homeland Security shall—
“(A) only issue a suspension or restriction when required to address specific acts implicating a compelling government interest in a factor identified in paragraph (1);

“(B) narrowly tailor the suspension or restriction, using the least restrictive means, to achieve such compelling government interest;

“(C) specify the duration of the suspension or restriction;

“(D) consider waivers to any class-based restriction or suspension and apply a rebuttable presumption in favor of granting family-based and humanitarian waivers; and

“(E) comply with all provisions of this Act.

“(3) CONGRESSIONAL NOTIFICATION.—

“(A) IN GENERAL.—Prior to the President exercising the authority under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult Congress and provide Congress with specific evidence supporting the need for the suspension or restriction and its proposed duration.

“(B) BRIEFING AND REPORT.—Not later than 48 hours after the President exercises the authority under paragraph (1), the Secretary of
State and the Secretary of Homeland Security shall provide a briefing and submit a written report to Congress that describes—

“(i) the action taken pursuant to paragraph (1) and the specified objective of such action;

“(ii) the estimated number of individuals who will be impacted by such action;

“(iii) the constitutional and legislative authority under which such action took place; and

“(iv) the circumstances necessitating such action, including how such action complies with paragraph (2), as well as any intelligence informing such actions.

“(C) TERMINATION.—If the briefing and report described in subparagraph (B) are not provided to Congress during the 48 hours that begin when the President exercises the authority under paragraph (1), the suspension or restriction shall immediately terminate absent intervening congressional action.

“(D) CONGRESS.—In this paragraph, the term ‘Congress’ refers to the Select Committee on Intelligence of the Senate, the Committee on
Foreign Relations of the Senate, the Committee
on the Judiciary of the Senate, the Committee
on Homeland Security and Governmental Af-
fairs of the Senate, the Permanent Select Com-
mittee on Intelligence of the House of Rep-
resentatives, the Committee on Foreign Affairs
of the House of Representatives, the Committee
on the Judiciary of the House of Representa-
tives, and the Committee on Homeland Security
of the House of Representatives.

“(4) PUBLICATION.—The Secretary of State
and the Secretary of Homeland Security shall pub-
licly announce and publish an unclassified version of
the report described in paragraph (3)(B) in the Fed-
eral Register.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Notwithstanding any
other provision of law, an individual or entity
who is present in the United States and has
been harmed by a violation of this subsection
may file an action in an appropriate district
court of the United States to seek declaratory
or injunctive relief.

“(B) CLASS ACTION.—Nothing in this Act
may be construed to preclude an action filed
pursuant to subparagraph (A) from proceeding as a class action.

“(6) TREATMENT OF COMMERCIAL AIRLINES.— Whenever the Secretary of Homeland Security finds that a commercial airline has failed to comply with regulations of the Secretary of Homeland Security relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Secretary of Homeland Security may suspend the entry of some or all aliens transported to the United States by such airline.

“(7) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the President, the Secretary of State, or the Secretary of Homeland Security to act in a manner inconsistent with the policy decisions expressed in the immigration laws.”.

SEC. 4103. VISA APPLICANTS REPORT.

(a) INITIAL REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant
Federal agencies, shall submit a report to the congressional committees referred to in section 212(f)(3)(D) of the Immigration and Nationality Act, as amended by section 4102 of this Act, that describes the implementation of Presidential Proclamations 9645, 9822, and 9983 and Executive Order Nos. 13769, 13780, and 13815, during the effective period of each such proclamation and order.

(2) **Presidential Proclamation 9645 and 9983.**—In addition to the content described in paragraph (1), the report submitted with respect to Presidential Proclamation 9645, issued on September 24, 2017, and Presidential Proclamation 9983, issued on January 31, 2020, shall include, for each country listed in such proclamation—

(A) the total number of individuals who applied for a visa during the time period the proclamation was in effect, disaggregated by country and visa category;

(B) the total number of visa applicants described in subparagraph (A) who were approved, disaggregated by country and visa category;

(C) the total number of visa applicants described in subparagraph (A) who were refused,
disaggregated by country and visa category,
and the reasons they were refused;

(D) the total number of visa applicants de-
scribed in subparagraph (A) whose applications
remain pending, disaggregated by country and
visa category;

(E) the total number of visa applicants de-
scribed in subparagraph (A) who were granted
a waiver, disaggregated by country and visa
category;

(F) the total number of visa applicants de-
scribed in subparagraph (A) who were denied a
waiver, disaggregated by country and visa cat-
egory, and the reasons such waiver requests
were denied;

(G) the total number of refugees admitted,
disaggregated by country; and

(H) the complete reports that were sub-
mitted to the President every 180 days in ac-
cordance with section 4 of Presidential Procla-
mation 9645 in its original form, and as
amended by Presidential Proclamation 9983.

(b) ADDITIONAL REPORTS.—Not later than 30 days
after the date on which the President exercises the author-
ity under section 212(f) of the Immigration and Nation-
ality Act (8 U.S.C. 1182(f)), as amended by section 4102 of this Act, and every 30 days thereafter, the Secretary of State, in coordination with the Secretary of Homeland Security and heads of other relevant Federal agencies, shall submit a report to the congressional committees referred to in paragraph (3)(D) of such section 212(f) that identifies, with respect to countries affected by a suspension or restriction, the information described in subparagraphs (A) through (G) of subsection (a)(2) and the specific evidence supporting the need for the continued exercise of presidential authority under such section 212(f), including the information described in paragraph (3)(B) of such section 212(f). If the report described in this subsection is not provided to such congressional committees in the time specified, the suspension or restriction shall immediately terminate absent intervening congressional action. A final report with such information shall be prepared and submitted to such congressional committees not later than 30 days after the suspension or restriction is lifted.

(c) Form; Availability.—The reports required under subsections (a) and (b) shall be made publicly available online in unclassified form.
TITLE V—GENERAL PROVISIONS

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and the amendments made by this Act.

SEC. 5102. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139), shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.