

112TH CONGRESS
1ST SESSION

H. R. 2199

To prohibit the issuance of certain visas to nationals of a country that denies or unreasonably delays the repatriation of a national ordered removed from the United States to such country, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2011

Mr. POE of Texas (for himself, Mr. MARCHANT, Mr. WESTMORELAND, Mrs. ELLMERS, Mr. PITTS, Mr. FRANKS of Arizona, Mr. PENCE, Mr. FLORES, Mr. KING of Iowa, Mr. ROONEY, and Mr. GINGREY of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the issuance of certain visas to nationals of a country that denies or unreasonably delays the repatriation of a national ordered removed from the United States to such country, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deport Convicted For-
5 eign Criminals Act”.

1 **SEC. 2. DISCONTINUING GRANTING CERTAIN VISAS TO NA-**
2 **TIONALS OF COUNTRY DENYING OR DELAY-**
3 **ING ACCEPTING ALIENS.**

4 (a) AMENDMENT.—Section 243 of the Immigration
5 and Nationality Act (8 U.S.C. 1253) is amended by strik-
6 ing subsection (d).

7 (b) DISCONTINUING GRANTING CERTAIN VISAS TO
8 NATIONALS OF COUNTRY DENYING OR DELAYING AC-
9 CEPTING ALIEN.—Section 241(b) of the Immigration and
10 Nationality Act (8 U.S.C. 1231(b)) is amended by adding
11 at the end the following:

12 “(4) DISCONTINUING GRANTING CERTAIN VISAS
13 AND DENYING ADMISSION TO NATIONALS OF COUN-
14 TRY DENYING OR DELAYING ACCEPTING ALIENS.—

15 “(A) DISCONTINUING GRANTING VISAS.—
16 Except as provided under subparagraph (C), if
17 a country is listed in the most recent quarterly
18 report submitted by the Secretary of Homeland
19 Security to the Congress under subparagraph
20 (E), the Secretary of State may not issue a
21 nonimmigrant visa pursuant to section
22 101(a)(15)(A) to a citizen, subject, national, or
23 resident of such country until—

24 “(i) the Secretary of Homeland Secu-
25 rity notifies the Secretary of State that the
26 country should no longer be so listed; or

1 “(ii) each alien listed in the report
2 with respect to such country has otherwise
3 been removed from the United States.

4 “(B) DENYING ADMISSION TO NATIONALS
5 AND FOREIGN GOVERNMENT OFFICIALS.—Ex-
6 cept as provided under subparagraph (C), if a
7 country is listed in the most recent quarterly
8 report submitted by the Secretary of Homeland
9 Security to the Congress under subparagraph
10 (E), the Secretary of Homeland Security, in
11 consultation with the Secretary of State, shall
12 deny admission to any citizen, subject, national,
13 or resident of that country who has received a
14 nonimmigrant visa pursuant to section
15 101(a)(15)(A).

16 “(C) EXCEPTION.—Subparagraphs (A)
17 and (B) do not apply if the Secretary of State
18 determines that the life or freedom of the visa
19 applicant or individual seeking admission would
20 be threatened in the country listed under sub-
21 paragraph (E).

22 “(D) EFFECT OF UNAUTHORIZED
23 ISSUANCE.—Any visa issued in violation of this
24 paragraph shall be null and void.

1 “(E) QUARTERLY REPORTS.—Not later
2 than 90 days after the date of the enactment of
3 the Deport Convicted Foreign Criminals Act,
4 and every 3 months thereafter, the Secretary of
5 Homeland Security shall submit a report to the
6 Congress that—

7 “(i) lists all the countries that deny or
8 unreasonably delay the acceptance of at
9 least 10 percent of the total number of
10 aliens who—

11 “(I) are physically present in the
12 United States;

13 “(II) are a citizen, subject, na-
14 tional, or resident of such country;
15 and

16 “(III) have received a final order
17 of removal; and

18 “(ii) includes the total number of
19 aliens described under clause (i), organized
20 by—

21 “(I) name;

22 “(II) country;

23 “(III) detention status; and

24 “(IV) criminal status.

1 “(F) COMPLIANCE WITH REPATRIATION.—
2 If the Secretary of Homeland Security deter-
3 mines that a country listed in the quarterly re-
4 port under subparagraph (E) has accepted each
5 alien listed with respect to that country under
6 subparagraph (E)(ii), the country shall be re-
7 moved from the list in the next quarterly report
8 submitted under subparagraph (E) and shall
9 not be subject to the sanctions described in this
10 paragraph, unless subparagraph (E) applies to
11 such country with respect to another alien.

12 “(G) DENIES OR UNREASONABLY
13 DELAYS.—

14 “(i) IN GENERAL.—Except as pro-
15 vided under clause (ii), in this paragraph,
16 a country ‘denies or unreasonably delays’
17 the acceptance of an alien who is a citizen,
18 subject, national, or resident of the country
19 if the country does not accept the alien
20 within the removal period.

21 “(ii) ALIEN THAT MAY NOT BE RE-
22 MOVED.—For purposes of clause (i), a
23 country does not deny or unreasonably
24 delay the acceptance of an alien who is a
25 citizen, subject, national, or resident of the

1 country if such alien may not be removed
2 pursuant to this section.”.

3 **SEC. 3. NOTICE TO STATE AND LOCAL LAW ENFORCEMENT.**

4 (a) NOTICE.—

5 (1) IN GENERAL.—As soon as practicable, the
6 Secretary of Homeland Security shall notify the
7 chief law enforcement officer of the State and of the
8 local jurisdiction in which any alien described in
9 paragraph (2) has been detained by the United
10 States is released.

11 (2) ALIEN DESCRIBED.—An alien is described
12 in this paragraph if the alien—

13 (A) is listed in the most recent quarterly
14 report submitted by the Secretary of Homeland
15 Security to the Congress under section
16 241(b)(4)(E) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1231(b)(4)(E)); or

18 (B) has received a final order of removal
19 under chapter 4 of title II of the Immigration
20 and Nationality Act (8 U.S.C. 1221 et seq.)
21 and has not been removed from the United
22 States.

23 (b) INFORMATION CONTAINED IN NOTICE.—The no-
24 tice under subsection (a) shall include the following infor-
25 mation, if available, about each alien:

- 1 (1) Name.
- 2 (2) Location where the alien is released.
- 3 (3) Date of release.
- 4 (4) Country of nationality.
- 5 (5) Detention status.
- 6 (6) Criminal history, including probation and
- 7 parole information.

