

112TH CONGRESS
1ST SESSION

H. R. 2952

To provide for expedited removal of certain aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2011

Mr. HUNTER (for himself, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. CRAVAACK, Mr. BROOKS, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. LATTA, Mr. MCKINLEY, Mr. GINGREY of Georgia, Mr. JOHNSON of Ohio, Mr. ROYCE, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. POSEY, Mr. GOHMERT, Mr. FLORES, Mr. DUNCAN of South Carolina, Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. SCALISE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for expedited removal of certain aliens, 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 “Immigration Backlog
5 Reduction Act of 2011”.

1 **SEC. 2. EXPEDITED REMOVAL OF INADMISSIBLE ARRIVING**
2 **ALIENS.**

3 Section 235(b)(1)(A) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking
5 clauses (i) through (iii) and inserting the following:

6 “(i) IN GENERAL.—If an immigration
7 officer determines that an alien (other
8 than an alien described in subparagraph
9 (F)) who is arriving in the United States,
10 or who has not been admitted or paroled
11 into the United States and has not been
12 physically present in the United States
13 continuously for the 4-year period imme-
14 diately prior to the date of the determina-
15 tion of inadmissibility under this para-
16 graph, is inadmissible under section
17 212(a)(6)(C) or 212(a)(7), the officer shall
18 order the alien removed from the United
19 States without further hearing or review,
20 unless—

21 “(I) the alien has been charged
22 with a crime;

23 “(II) the Secretary determines
24 that the alien presents a significant
25 risk to national security; or

1 “(III) the alien indicates an in-
2 tention to apply for asylum under sec-
3 tion 208 or a credible fear of persecu-
4 tion and the officer determines that
5 the alien has been physically present
6 in the United States for less than 1
7 year.

8 “(ii) CLAIMS FOR ASYLUM.—If an im-
9 migration officer determines that an alien
10 (other than an alien described in subpara-
11 graph (F)) who is arriving in the United
12 States, or who has not been admitted or
13 paroled into the United States and has not
14 been physically present in the United
15 States continuously for the 4-year period
16 immediately prior to the date of the deter-
17 mination of inadmissibility under this
18 paragraph, is inadmissible under section
19 212(a)(6)(C) or 212(a)(7), and the alien
20 indicates either an intention to apply for
21 asylum under section 208 or a credible
22 fear of persecution, the officer shall refer
23 the alien for an interview by an asylum of-
24 ficer under subparagraph (B) if the officer
25 determines that the alien has been phys-

1 ically present in the United States for less
2 than 1 year.”.

3 **SEC. 3. EXPEDITED REMOVAL OF CRIMINAL ALIENS.**

4 (a) IN GENERAL.—Section 238 of the Immigration
5 and Nationality Act (8 U.S.C. 1228) is amended—

6 (1) by amending the section heading to read as
7 follows: “expedited removal of criminal aliens”;

8 (2) in subsection (a), by amending the sub-
9 section heading to read as follows: “Expedited Re-
10 moval From Correctional Facilities”;

11 (3) in subsection (b), by amending the sub-
12 section heading to read as follows: “Removal of
13 Criminal Aliens”;

14 (4) in subsection (b), by striking paragraphs
15 (1) and (2) and inserting the following:

16 “(1) The Secretary of Homeland Security may,
17 in the case of an alien described in paragraph (2),
18 determine the deportability of such alien and issue
19 an order of removal pursuant to the procedures set
20 forth in this subsection or section 240.

21 “(2) An alien is described in this paragraph if
22 the alien, whether or not admitted into the United
23 States—

1 “(A) was convicted of any criminal offense
2 described in subparagraph (A)(iii), (C), or (D)
3 of section 237(a)(2); and

4 “(B) at the time of the commission of the
5 offense of which that alien was convicted, that
6 alien was—

7 “(i) not lawfully admitted for perma-
8 nent residence; or

9 “(ii) had permanent resident status
10 on a conditional basis (as described in sec-
11 tion 216).”;

12 (5) in the first subsection (c) (relating to pre-
13 sumption of deportability), by striking “convicted of
14 an aggravated felony” and inserting “described in
15 paragraph (b)(2)”; and

16 (6) by redesignating the second subsection (c)
17 (relating to judicial removal) as subsection (d).

18 (b) LIMIT ON INJUNCTIVE RELIEF.—Section
19 242(f)(2) of such Act (8 U.S.C. 1252(f)(2)) is amended
20 by inserting “or stay, whether temporarily or otherwise,”
21 after “enjoin”.

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