

112TH CONGRESS
2^D SESSION

H. R. 3120

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Student Visa Reform
3 Act”.

4 **SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES
5 AND UNIVERSITIES.**

6 Section 101(a) of the Immigration and Nationality
7 Act (8 U.S.C. 1101(a)) is amended—

8 (1) in paragraph (15)(F)(i)—

9 (A) by striking “section 214(l) at an estab-
10 lished college, university, seminary, conserv-
11 atory, academic high school, elementary school,
12 or other academic institution or in an accred-
13 ited language training program in the United
14 States” and inserting “section 214(m) at an ac-
15 credited college, university, or language training
16 program, or at an established seminary, con-
17 servatory, academic high school, elementary
18 school, or other academic institution in the
19 United States”; and

20 (B) by striking “Attorney General” each
21 place such term appears and inserting “Sec-
22 retary of Homeland Security”; and

23 (2) by amending paragraph (52) to read as fol-
24 lows:

25 “(52) Except as provided in section 214(m)(4), the
26 term ‘accredited college, university, or language training

1 program’ means a college, university, or language training
2 program that is accredited by an accrediting agency recog-
3 nized by the Secretary of Education.”.

4 **SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITU-**
5 **TIONS.**

6 Section 214(m) of the Immigration and Nationality
7 Act (8 U.S.C. 1184(m)) is amended by adding at the end
8 the following:

9 “(3) The Secretary of Homeland Security, in the Sec-
10 retary’s discretion, may require accreditation of an aca-
11 demic institution (except for seminaries or other religious
12 institutions) for purposes of section 101(a)(15)(F) if—

13 “(A) that institution is not already required to
14 be accredited under section 101(a)(15)(F)(i);

15 “(B) an appropriate accrediting agency recog-
16 nized by the Secretary of Education is able to pro-
17 vide such accreditation; and

18 “(C) the institution has or will have 25 or more
19 alien students accorded status as nonimmigrants
20 under clause (i) or (iii) of section 101(a)(15)(F)
21 pursuing a course of study at that institution.

22 “(4) The Secretary of Homeland Security, in the Sec-
23 retary’s discretion, may waive the accreditation require-
24 ment in section 101(a)(15)(F)(i) with respect to an estab-

1 lished college, university, or language training program if
2 the academic institution—

3 “(A) is otherwise in compliance with the re-
4 quirements of such section; and

5 “(B) is making a good faith effort to satisfy the
6 accreditation requirement.

7 “(5)(A) No person convicted of an offense referred
8 to in subparagraph (B) shall be permitted by any aca-
9 demic institution having authorization for attendance by
10 nonimmigrant students under section 101(a)(15)(F)(i) to
11 be involved with the institution as its principal, owner, of-
12 ficer, board member, general partner, or other similar po-
13 sition of substantive authority for the operations or man-
14 agement of the institution, including serving as an indi-
15 vidual designated by the institution to maintain records
16 required by the Student and Exchange Visitor Information
17 System established under section 641 of the Illegal Immi-
18 gration Reform and Immigrant Responsibility Act of 1996
19 (8 U.S.C. 1372).

20 “(B) An offense referred to in this subparagraph in-
21 cludes a violation, punishable by a term of imprisonment
22 of more than 1 year, of any of the following:

23 “(i) Chapter 77 of title 18, United States Code
24 (relating to peonage, slavery and trafficking in per-
25 sons).

1 “(ii) Chapter 117 of title 18, United States
2 Code (relating to transportation for illegal sexual ac-
3 tivity and related crimes).

4 “(iii) Section 274 of the Immigration and Na-
5 tionality Act (8 U.S.C. 1324) (relating to unlawful
6 bringing of aliens into the United States).

7 “(iv) Section 1546 of title 18, United States
8 Code (relating to fraud and misuse of visas, permits,
9 and other documents) relating to an academic insti-
10 tution’s participation in the Student and Exchange
11 Visitor Program.”.

12 **SEC. 4. CONFORMING AMENDMENT.**

13 Section 212(a)(6)(G) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking
15 “section 214(l)” and inserting “section 214(m)”.

16 **SEC. 5. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), the amendments made by sections 2 and 3—

19 (1) shall take effect on the date that is 180
20 days after the date of the enactment of this Act; and

21 (2) shall apply with respect to applications for
22 a nonimmigrant visa under section 101(a)(15)(F)(i)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(15)(F)(i)) that are filed on or after the ef-
25 fective date described in paragraph (1).

1 (b) TEMPORARY EXCEPTION.—

2 (1) IN GENERAL.—During the 3-year period be-
3 ginning on the date of enactment of this Act, an
4 alien seeking to enter the United States to pursue
5 a course of study at a college or university that has
6 been certified by the Secretary of Homeland Secu-
7 rity may be granted a nonimmigrant visa under
8 clause (i) or clause (iii) of section 101(a)(15)(F) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1101(a)(15)(F)) without regard to whether or not
11 that college or university has been accredited or been
12 denied accreditation by an entity described in section
13 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as
14 amended by section 2(2) of this Act.

15 (2) ADDITIONAL REQUIREMENT.—An alien may
16 not be granted a nonimmigrant visa under para-
17 graph (1) if the college or university to which the
18 alien seeks to enroll does not—

19 (A) submit an application for the accredi-
20 tation of such institution to a regional or na-
21 tional accrediting agency recognized by the Sec-
22 retary of Education on or before the date that
23 is 1 year after the effective date described in
24 subsection (a)(1); and

1 (B) comply with the applicable accrediting
2 requirements of such agency.

Passed the House of Representatives August 1,
2012.

Attest:

KAREN L. HAAS,

Clerk.