

112TH CONGRESS  
1ST SESSION

# H. R. 3256

To amend the Immigration and Nationality Act to clarify the law prohibiting the Secretary of State from issuing certain visas to nationals of countries that refuse or unreasonably delay repatriation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2011

Mr. POE of Texas (for himself, Mrs. ELLMERS, Mr. PITTS, Mr. WESTMORELAND, Mr. MARCHANT, Mr. KING of Iowa, Mr. ROSS of Florida, and Mr. JONES) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to clarify the law prohibiting the Secretary of State from issuing certain visas to nationals of countries that refuse or unreasonably delay repatriation, 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 of 2011”.

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

4 (a) DISCONTINUING GRANTING CERTAIN VISAS TO  
5 NATIONALS OF COUNTRY DENYING OR DELAYING AC-  
6 CEPTING ALIENS.—Section 241(b) of the Immigration  
7 and Nationality Act (8 U.S.C. 1253(b)) is amended by  
8 adding at the end the following:

9 “(4) DISCONTINUING GRANTING CERTAIN VISAS  
10 TO NATIONALS OF COUNTRY DENYING OR DELAYING  
11 ACCEPTING ALIENS.—

12 “(A) QUARTERLY REPORTS.—

13 “(i) IN GENERAL.—Not later than 90  
14 days after the date of the enactment of the  
15 Deport Convicted Foreign Criminals Act of  
16 2011, and every 90 days thereafter, the  
17 Secretary of Homeland Security shall sub-  
18 mit a report to the Congress that—

19 “(I) lists each country that has,  
20 during the 90-day period immediately  
21 preceding submission of the report,  
22 refused or unreasonably delayed repa-  
23 triation of an alien who is a citizen,  
24 subject, national, or resident of such  
25 country;

1 “(II) includes the total number  
2 of aliens described under subclause (I)  
3 whose removal was refused or unrea-  
4 sonably delayed, disaggregated by—

5 “(aa) country;

6 “(bb) detention status; and

7 “(cc) criminal status; and

8 “(III) lists, in a distinct section  
9 of the report, each country that was  
10 listed—

11 “(aa) under subclause (I) in  
12 this report; and

13 “(bb) in the report sub-  
14 mitted immediately preceding  
15 this report.

16 “(ii) REFUSES OR UNREASONABLY  
17 DELAYS.—A country is deemed to have re-  
18 fused or unreasonably delayed the accept-  
19 ance of an alien who is a citizen, subject,  
20 national, or resident of that country if not  
21 later than 90 days after receiving a request  
22 to repatriate such alien from an official of  
23 the United States who is authorized to  
24 make such a request, the country does not  
25 accept the alien.

1           “(iii) COMPLIANCE BY ISSUANCE OF  
2 TRAVEL DOCUMENTS.—A country that is  
3 listed pursuant to clause (i)(I) may not be  
4 listed pursuant to clause (i)(III) in the re-  
5 port (in this clause referred to as the ‘later  
6 report’) submitted immediately subsequent  
7 to the report in which the country is so  
8 listed if the country issues appropriate  
9 travel documents not later than 60 days  
10 after the submission of the first report re-  
11 ferred to in this clause on behalf of—

12                   “(I) not less than 90 percent of  
13 the number of aliens who were in-  
14 cluded in the later report, pursuant to  
15 subparagraph (A)(i)(II), for that  
16 country; or

17                   “(II) each alien who was included  
18 in the later report, pursuant to sub-  
19 paragraph (A)(i)(II), for that country,  
20 except for not more than 10 such  
21 aliens who are noncriminal aliens.

22           “(B) LIMITATION ON ISSUANCE OF  
23 VISAS.—Beginning on the date that the second  
24 report has been submitted under subparagraph  
25 (A), the Secretary of State may not issue to a

1 citizen, subject, national, or resident of a coun-  
2 try (other than an alien seeking refugee sta-  
3 tus)—

4 “(i) beginning on the date that a  
5 country is listed pursuant to subparagraph  
6 (A)(i)(III), a nonimmigrant visa pursuant  
7 to subparagraph (A) or (G) of section  
8 101(a)(15), except that the ambassador of  
9 such country to the United States may be  
10 issued a visa pursuant to such subpara-  
11 graph (A);

12 “(ii) beginning 90 days after the re-  
13 striction in clause (i) has applied to such  
14 country, a nonimmigrant visa pursuant to  
15 subparagraph (F), (J), (M), or (O) of sec-  
16 tion 101(a)(15);

17 “(iii) beginning 90 days after the re-  
18 striction in clause (ii) has applied to such  
19 country, an immigrant visa as a diversity  
20 immigrant under section 203(c);

21 “(iv) beginning 90 days after the re-  
22 striction in clause (iii) has applied to such  
23 country, a nonimmigrant visa pursuant to  
24 subparagraph (H), (L), or (P) of section  
25 101(a)(15);

1 “(v) beginning 90 days after the re-  
2 striction in clause (iv) has applied to such  
3 country, an immigrant visa as an employ-  
4 ment-based immigrant under section  
5 203(b);

6 “(vi) beginning 90 days after the re-  
7 striction in clause (v) has applied to such  
8 country, any nonimmigrant visa; and

9 “(vii) beginning 90 days after the re-  
10 striction in clause (vi) has applied to such  
11 country, any immigrant visa.

12 “(C) PERIOD OF SANCTION.—Except as  
13 provided under subparagraph (D), if a country  
14 is listed pursuant to subparagraph (A)(i)(III),  
15 subparagraph (B) shall apply with regard to the  
16 issuance of a visa by the Secretary of State to  
17 a citizen, subject, national, or resident of such  
18 country until the earlier of—

19 “(i) a report is submitted under sub-  
20 paragraph (A) and the country is not listed  
21 pursuant to clause (i)(III) of such sub-  
22 paragraph;

23 “(ii) the country issues appropriate  
24 travel documents on behalf of and accepts  
25 each alien who is a citizen, subject, na-

1 tional, or resident of such country and  
2 whose repatriation the country has refused  
3 or unreasonably delayed; or

4 “(iii) the enactment into law of a joint  
5 resolution in accordance with subpara-  
6 graph (E) providing for the waiver of this  
7 paragraph with respect to such country.

8 “(D) PERIODIC ADJUSTMENT.—In the case  
9 of any country that is subject to a restriction  
10 on visa issuance under subparagraph (B) fol-  
11 lowing submission of a report (in this subpara-  
12 graph referred to as the ‘original report’) under  
13 subparagraph (A), the Secretary of State may  
14 reverse the restriction under subparagraph (B)  
15 that was most recently applied to that coun-  
16 try—

17 “(i) only if, in the report submitted  
18 immediately subsequent to the original re-  
19 port, the country has accepted 50 percent  
20 of the aliens who were included in the  
21 original report, pursuant to subparagraph  
22 (A)(ii), for that country; and

23 “(ii) the Secretary may not reverse a  
24 restriction under subparagraph (B)(i).

25 “(E) WAIVER.—

1           “(i) REQUEST.—The President or a  
2           designee of the President may submit a  
3           written request to Congress that this sub-  
4           section be waived, wholly or in part, with  
5           respect to any country.

6           “(ii) CONGRESSIONAL ACTION.—Each  
7           House of Congress shall take action on a  
8           joint resolution approving the waiver re-  
9           quest not later than 20 days after receiv-  
10          ing that request.

11          “(F) EFFECT OF UNAUTHORIZED  
12          ISSUANCE.—Any visa issued in violation of this  
13          paragraph shall be null and void.”.

14          (b) CONFORMING AMENDMENT.—Section 243 of the  
15          Immigration and Nationality Act (8 U.S.C. 1253) is  
16          amended by striking subsection (d).

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

18          (a) NOTICE.—

19                 (1) IN GENERAL.—In the case of an alien de-  
20                 scribed in paragraph (2), if that alien is released,  
21                 the Secretary of Homeland Security shall provide  
22                 notice as soon as practicable to the chief law en-  
23                 forcement officer of the State and of the local juris-  
24                 diction in which that alien is released.



1           (2) ALIEN DESCRIBED.—An alien is described  
2           in this paragraph if the alien has been detained by  
3           the United States and has received a final order of  
4           removal under chapter 4 of the Immigration and  
5           Nationality Act (8 U.S.C. 1221 et seq.) and has not  
6           been removed.

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

10           (1) If the alien was released by reason of the  
11           refusal of a country of which the alien is a citizen,  
12           subject, national, or resident to accept that alien, an  
13           explanation by the Secretary of Homeland Security  
14           detailing—

15                   (A) how the sanctions under section  
16                   241(b)(4) of the Immigration and Nationality  
17                   Act (8 U.S.C. 1253(b)(4)) were applied to that  
18                   country; and

19                   (B) how such sanctions may be enhanced  
20                   in order to secure the cooperation of that coun-  
21                   try in accepting that alien.

22           (2) Name.

23           (3) Location where the alien is released.

24           (4) Date of release.

25           (5) Country of nationality.

1 (6) Detention status.

2 (7) Criminal history, including probation and  
3 parole information.

4 **SEC. 4. INSPECTOR GENERAL REPORT.**

5 On date that is 1 day after the date that the Presi-  
6 dent submits a budget under section 1105(a) of title 31,  
7 United States Code, for fiscal year 2014, the Inspector  
8 General of the Department of Homeland Security shall  
9 submit a report to Congress regarding whether or not the  
10 Secretary of Homeland Security is faithfully executing this  
11 Act and the amendments made by this Act, and is making  
12 requests to repatriate aliens as appropriate.

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