

112TH CONGRESS  
1ST SESSION

# S. 1202

To amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

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## IN THE SENATE OF THE UNITED STATES

JUNE 15, 2011

Mr. LEAHY (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Refugee Protection Act of 2011”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Elimination of time limits on asylum applications.

- Sec. 4. Protecting victims of terrorism from being defined as terrorists.
- Sec. 5. Protecting certain vulnerable groups of asylum seekers.
- Sec. 6. Effective adjudication of proceedings.
- Sec. 7. Scope and standard for review.
- Sec. 8. Efficient asylum determination process.
- Sec. 9. Secure Alternatives Program.
- Sec. 10. Conditions of detention.
- Sec. 11. Timely notice of immigration charges.
- Sec. 12. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
- Sec. 13. Study on the effect of expedited removal provisions, practices, and procedures on asylum claims.
- Sec. 14. Refugee opportunity promotion.
- Sec. 15. Protections for minors seeking asylum.
- Sec. 16. Legal assistance for refugees and asylees.
- Sec. 17. Protection of stateless persons in the United States.
- Sec. 18. Authority to designate certain groups of refugees for consideration.
- Sec. 19. Multiple forms of relief.
- Sec. 20. Protection of refugee families.
- Sec. 21. Reform of refugee consultation process.
- Sec. 22. Admission of refugees in the absence of the annual presidential determination.
- Sec. 23. Update of reception and placement grants.
- Sec. 24. Protection for aliens interdicted at sea.
- Sec. 25. Modification of physical presence requirements for aliens serving as translators.
- Sec. 26. Assessment of the Refugee Domestic Resettlement Program.
- Sec. 27. Refugee assistance.
- Sec. 28. Resettlement data.
- Sec. 29. Protections for refugees.
- Sec. 30. Extension of eligibility period for Social Security benefits for certain refugees.
- Sec. 31. Authorization of appropriations.
- Sec. 32. Determination of budgetary effects.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ASYLUM SEEKER.**—The term “asylum seek-  
4 er”—

5 (A) means—

6 (i) any applicant for asylum under  
7 section 208 of the Immigration and Na-  
8 tionality Act (8 U.S.C. 1158);

1 (ii) any alien who indicates an inten-  
2 tion to apply for asylum under that sec-  
3 tion; and

4 (iii) any alien who indicates an inten-  
5 tion to apply for withholding of removal,  
6 pursuant to—

7 (I) section 241 of the Immigra-  
8 tion and Nationality Act (8 U.S.C.  
9 1231); or

10 (II) the Convention Against Tor-  
11 ture and Other Cruel, Inhuman or  
12 Degrading Treatment or Punishment,  
13 done at New York December 10,  
14 1984;

15 (B) includes any individual described in  
16 subparagraph (A) whose application for asylum  
17 or withholding of removal is pending judicial re-  
18 view; and

19 (C) does not include an individual with re-  
20 spect to whom a final order denying asylum and  
21 withholding of removal has been entered if such  
22 order is not pending judicial review.

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of Homeland Security.

1 **SEC. 3. ELIMINATION OF TIME LIMITS ON ASYLUM APPLI-**  
2 **CATIONS.**

3 Section 208(a)(2) of the Immigration and Nationality  
4 Act (8 U.S.C. 1158(a)(2)) is amended—

5 (1) in subparagraph (A), by inserting “or the  
6 Secretary of Homeland Security” after “Attorney  
7 General” each place such term appears;

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

9 (3) by redesignating subparagraph (C) as sub-  
10 paragraph (B);

11 (4) in subparagraph (B), as redesignated, by  
12 striking “subparagraph (D)” and inserting “sub-  
13 paragraphs (C) and (D)”; and

14 (5) by inserting after subparagraph (B), as re-  
15 designated, the following:

16 “(C) CHANGED CIRCUMSTANCES.—Not-  
17 withstanding subparagraph (B), an application  
18 for asylum of an alien may be considered if the  
19 alien demonstrates, to the satisfaction of the  
20 Attorney General, the existence of changed cir-  
21 cumstances that materially affect the appli-  
22 cant’s eligibility for asylum.

23 “(D) MOTION TO REOPEN ASYLUM  
24 CLAIM.—Notwithstanding subparagraph (B) or  
25 section 240(c)(7), an alien may file a motion to  
26 reopen an asylum claim during the 2-year pe-

1           riod beginning on the date of the enactment of  
2           the Refugee Protection Act of 2011 if the  
3           alien—

4                   “(i) was denied asylum based solely  
5                   upon a failure to meet the 1-year applica-  
6                   tion filing deadline in effect on the date on  
7                   which the application was filed;

8                   “(ii) was granted withholding of re-  
9                   moval to the alien’s country of nationality  
10                  (or, if stateless, to the country of last ha-  
11                  bitual residence under section 241(b)(3));

12                  “(iii) has not obtained lawful perma-  
13                  nent residence in the United States pursu-  
14                  ant to any other provision of law;

15                  “(iv) is not subject to the safe third  
16                  country exception in section 208(a)(2)(A)  
17                  or a bar to asylum under section 208(b)(2)  
18                  and should not be denied asylum as a mat-  
19                  ter of discretion; and

20                  “(v) is physically present in the  
21                  United States when the motion is filed.”.

1 **SEC. 4. PROTECTING VICTIMS OF TERRORISM FROM BEING**  
2 **DEFINED AS TERRORISTS.**

3 (a) **TERRORIST ACTIVITIES.**—Section 212(a)(3)(B)  
4 of the Immigration and Nationality Act (8 U.S.C.  
5 1182(a)(3)(B)) is amended to read as follows:

6 “(B) **TERRORIST ACTIVITIES.**—

7 “(i) **IN GENERAL.**—Except as pro-  
8 vided in clause (ii) and subsection  
9 (d)(3)(B)(i), an alien is inadmissible if—

10 “(I) the alien has engaged in a  
11 terrorist activity;

12 “(II) a consular officer, the At-  
13 torney General, or the Secretary of  
14 Homeland Security knows, or has rea-  
15 sonable ground to believe, that the  
16 alien is engaged, or is likely to engage  
17 after entry, in any terrorist activity;

18 “(III) the alien has, under cir-  
19 cumstances indicating an intention to  
20 cause death or serious bodily harm,  
21 incited terrorist activity;

22 “(IV) the alien is a representa-  
23 tive of—

24 “(aa) a terrorist organiza-  
25 tion; or

1                   “(bb) a political, social, or  
2                   other group that endorses or es-  
3                   pouses terrorist activity;

4                   “(V) the alien is a member of a  
5                   terrorist organization;

6                   “(VI) the alien endorses or es-  
7                   pouses terrorist activity or persuades  
8                   others to endorse or espouse terrorist  
9                   activity or support a terrorist organi-  
10                  zation;

11                  “(VII) the alien has received  
12                  military-type training (as defined in  
13                  section 2339D(c)(1) of title 18,  
14                  United States Code) from, or on be-  
15                  half of, any organization that, at the  
16                  time the training was received, was a  
17                  terrorist organization; or

18                  “(VIII) the alien is an officer, of-  
19                  ficial, representative, or spokesman of  
20                  the Palestine Liberation Organization.

21                  “(ii) EXCEPTIONS.—

22                  “(I) LACK OF KNOWLEDGE.—  
23                  Clause (i)(V) shall not apply to an  
24                  alien who is a member of a terrorist  
25                  organization described in clause

1 (iii)(V)(cc) if the alien demonstrates  
2 by clear and convincing evidence that  
3 the alien did not know, and should not  
4 reasonably have known, that the orga-  
5 nization was a terrorist organization.

6 “(II) DURESS.—Clause (i)(VII)  
7 and items (dd) through (ff) of clause  
8 (iii)(I) shall not apply to an alien who  
9 establishes that his or her actions giv-  
10 ing rise to inadmissibility under such  
11 clause were committed under duress  
12 and the alien does not pose a threat  
13 to the security of the United States.  
14 In determining whether the alien was  
15 subject to duress, the Secretary of  
16 Homeland Security may consider,  
17 among relevant factors, the age of the  
18 alien at the time such actions were  
19 committed.

20 “(iii) DEFINITIONS.—In this section:

21 “(I) ENGAGE IN TERRORIST AC-  
22 TIVITY.—The term ‘engage in ter-  
23 rorist activity’ means, in an individual  
24 capacity or as a member of an organi-  
25 zation—



1           “(aa) to commit or to incite  
2 to commit, under circumstances  
3 indicating an intention to cause  
4 death or serious bodily injury, a  
5 terrorist activity;

6           “(bb) to prepare or plan a  
7 terrorist activity;

8           “(cc) to gather information  
9 on potential targets for terrorist  
10 activity;

11           “(dd) to solicit funds or  
12 other things of value for—

13                 “(AA) a terrorist activ-  
14 ity;

15                 “(BB) a terrorist orga-  
16 nization described in item  
17 (aa) or (bb) of clause  
18 (iii)(V); or

19                 “(CC) a terrorist orga-  
20 nization described in clause  
21 (iii)(V)(cc), unless the solici-  
22 tor can demonstrate by  
23 clear and convincing evi-  
24 dence that he or she did not  
25 know, and should not rea-

1 sonably have known, that  
2 the organization was a ter-  
3 rorist organization;

4 “(ee) to solicit any indi-  
5 vidual—

6 “(AA) to engage in con-  
7 duct otherwise described in  
8 this subsection;

9 “(BB) for membership  
10 in a terrorist organization  
11 described in item (aa) or  
12 (bb) of clause (iii)(V); or

13 “(CC) for membership  
14 in a terrorist organization  
15 described in clause  
16 (iii)(V)(cc) unless the solie-  
17 itor can demonstrate by  
18 clear and convincing evi-  
19 dence that he or she did not  
20 know, and should not rea-  
21 sonably have known, that  
22 the organization was a ter-  
23 rorist organization; or

24 “(ff) to commit an act that  
25 the actor knows, or reasonably

1 should know, affords material  
2 support, including a safe house,  
3 transportation, communications,  
4 funds, transfer of funds or other  
5 material financial benefit, false  
6 documentation or identification,  
7 weapons (including chemical, bio-  
8 logical, or radiological weapons),  
9 explosives, or training—

10 “(AA) for the commis-  
11 sion of a terrorist activity;

12 “(BB) to any individual  
13 who the actor knows, or rea-  
14 sonably should know, has  
15 committed or plans to com-  
16 mit a terrorist activity;

17 “(CC) to a terrorist or-  
18 ganization described in item  
19 (aa) or (bb) of clause  
20 (iii)(V) or to any member of  
21 such an organization; or

22 “(DD) to a terrorist or-  
23 ganization described in  
24 clause (iii)(V)(cc), or to any  
25 member of such an organi-

1                    zation, unless the actor can  
2                    demonstrate by clear and  
3                    convincing evidence that he  
4                    or she did not know, and  
5                    should not reasonably have  
6                    known, that the organization  
7                    was a terrorist organization.

8                    “(II) MATERIAL SUPPORT.—The  
9                    term ‘material support’ means sup-  
10                    port that is significant and of a kind  
11                    directly relevant to terrorist activity.

12                    “(III) REPRESENTATIVE.—The  
13                    term ‘representative’ includes—

14                    “(aa) an officer, official, or  
15                    spokesman of an organization;  
16                    and

17                    “(bb) any person who di-  
18                    rects, counsels, commands, or in-  
19                    duces an organization or its  
20                    members to engage in terrorist  
21                    activity.

22                    “(IV) TERRORIST ACTIVITY.—  
23                    The term ‘terrorist activity’ means  
24                    any activity which is unlawful under  
25                    the laws of the place where it is com-

1           mitted (or which, if it had been com-  
2           mitted in the United States, would be  
3           unlawful under the laws of the United  
4           States or any State) and which in-  
5           volves—

6                   “(aa) the hijacking or  
7                   sabotage of any conveyance (in-  
8                   cluding an aircraft, vessel, or ve-  
9                   hicle);

10                   “(bb) the seizing or detain-  
11                   ing, and threatening to kill, in-  
12                   jure, or continue to detain, an-  
13                   other individual in order to com-  
14                   pel a third person (including a  
15                   governmental organization) to do  
16                   or abstain from doing any act as  
17                   an explicit or implicit condition  
18                   for the release of the individual  
19                   seized or detained;

20                   “(cc) a violent attack upon  
21                   an internationally protected per-  
22                   son (as defined in section  
23                   1116(b)(4) of title 18, United  
24                   States Code) or upon the liberty  
25                   of such a person;

1 “(dd) an assassination;

2 “(ee) the use, with the in-  
3 tent to endanger the safety of 1  
4 or more individuals or to cause  
5 substantial damage to property,  
6 of any—

7 “(AA) biological agent,  
8 chemical agent, or nuclear  
9 weapon or device; or

10 “(BB) explosive, fire-  
11 arm, or other weapon or  
12 dangerous device (other than  
13 for mere personal monetary  
14 gain); or

15 “(ff) a threat, attempt, or  
16 conspiracy to carry out any of  
17 the activities described in items  
18 (aa) through (ee).

19 “(V) TERRORIST ORGANIZA-  
20 TION.—The term ‘terrorist organiza-  
21 tion’ means an organization—

22 “(aa) designated under sec-  
23 tion 219;

24 “(bb) otherwise designated,  
25 upon publication in the Federal

1 Register, by the Secretary of  
2 State in consultation with or  
3 upon the request of the Attorney  
4 General or the Secretary of  
5 Homeland Security, as a terrorist  
6 organization, after finding that  
7 the organization engages in the  
8 activities described in items (aa)  
9 through (ff) of subclause (I); or

10 “(cc) that is a group of 2 or  
11 more individuals, whether orga-  
12 nized or not, which engages in, or  
13 has a subgroup which engages in,  
14 the activities described in items  
15 (aa) through (ff) of subclause  
16 (I).”.

17 (b) CHILD SOLDIERS.—

18 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of  
19 the Immigration and Nationality Act (8 U.S.C.  
20 1182(a)(3)(G)) is amended by adding at the end the  
21 following “This subparagraph shall not apply to an  
22 alien who establishes that the actions giving rise to  
23 inadmissibility under this subparagraph were com-  
24 mitted under duress or carried out while the alien  
25 was younger than 18 years of age.”.

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

3           (A) by redesignating subparagraph (F) as  
4 subparagraph (G);

5           (B) by redesignating subparagraph (E) (as  
6 added by section 5502(b)), as subparagraph  
7 (F); and

8           (C) in subparagraph (G), as redesignated,  
9 by adding at the end the following “This sub-  
10 paragraph shall not apply to an alien who es-  
11 tablishes that the actions giving rise to deport-  
12 ability under this subparagraph were committed  
13 under duress or carried out while the alien was  
14 younger than 18 years of age.”.

15       (c) TEMPORARY ADMISSION OF NONIMMIGRANTS.—

16 Section 212(d)(3)(B)(i) of the Immigration and Nation-  
17 ality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read  
18 as follows:

19           “(B)(i) The Secretary of State, after consulta-  
20 tion with the Attorney General and the Secretary of  
21 Homeland Security, or the Secretary of Homeland  
22 Security, after consultation with the Secretary of  
23 State and the Attorney General, may conclude, in  
24 such Secretary’s sole, unreviewable discretion, that  
25 subsection (a)(3)(B) shall not apply to an alien or



1 that subsection (a)(3)(B)(iii)(V)(cc) shall not apply  
2 to a group. The Secretary of State may not exercise  
3 discretion under this clause with respect to an alien  
4 after removal proceedings against the alien have  
5 commenced under section 240.”.

6 **SEC. 5. PROTECTING CERTAIN VULNERABLE GROUPS OF**  
7 **ASYLUM SEEKERS.**

8 (a) DEFINED TERM.—Section 101(a)(42) of the Im-  
9 migration and Nationality Act (8 U.S.C. 1101(a)(42)) is  
10 amended to read as follows:

11 “(42)(A) The term ‘refugee’ means any person  
12 who—

13 “(i)(I) is outside any country of such per-  
14 son’s nationality or, in the case of a person hav-  
15 ing no nationality, is outside any country in  
16 which such person last habitually resided; and

17 “(II) is unable to return to, and is unable  
18 or unwilling to avail himself or herself of the  
19 protection of, that country because of persecu-  
20 tion, or a well-founded fear of persecution, on  
21 account of race, religion, nationality, member-  
22 ship in a particular social group, or political  
23 opinion; or

1           “(ii) in such circumstances as the Presi-  
2           dent may specify, after appropriate consultation  
3           (as defined in section 207(e))—

4           “(I) is within the country of such per-  
5           son’s nationality or, in the case of a person  
6           having no nationality, within the country  
7           in which such person is habitually residing;  
8           and

9           “(II) is persecuted, or who has a well-  
10          founded fear of persecution, on account of  
11          race, religion, nationality, membership in a  
12          particular social group, or political opinion.

13          “(B) The term ‘refugee’ does not include any  
14          person who ordered, incited, assisted, or otherwise  
15          participated in the persecution of any person on ac-  
16          count of race, religion, nationality, membership in a  
17          particular social group, or political opinion.

18          “(C) For purposes of determinations under this  
19          Act—

20          “(i) a person who has been forced to abort  
21          a pregnancy or to undergo involuntary steriliza-  
22          tion, or who has been persecuted for failure or  
23          refusal to undergo such a procedure or for  
24          other resistance to a coercive population control

1 program, shall be deemed to have been per-  
2 secuted on account of political opinion; and

3 “(ii) a person who has a well-founded fear  
4 that he or she will be forced to undergo such  
5 a procedure or subject to persecution for such  
6 failure, refusal, or resistance shall be deemed to  
7 have a well-founded fear of persecution on ac-  
8 count of political opinion.

9 “(D) For purposes of determinations under this  
10 Act, any group whose members share a char-  
11 acteristic that is either immutable or fundamental to  
12 identity, conscience, or the exercise of the person’s  
13 human rights such that the person should not be re-  
14 quired to change it, shall be deemed a particular so-  
15 cial group, without any additional requirement.”.

16 (b) CONDITIONS FOR GRANTING ASYLUM.—Section  
17 208(b)(1)(B) of the Immigration and Nationality Act (8  
18 U.S.C. 1158(b)(1)(B)) is amended—

19 (1) in clause (i), by striking “at least one cen-  
20 tral reason for persecuting the applicant” and in-  
21 serting “a factor in the applicant’s persecution or  
22 fear of persecution”;

23 (2) in clause (ii), by striking the last sentence  
24 and inserting the following: “If the trier of fact de-  
25 termines that the applicant should provide evidence

1 that corroborates otherwise credible testimony, the  
2 trier of fact shall provide notice and allow the appli-  
3 cant a reasonable opportunity to file such evidence  
4 unless the applicant does not have the evidence and  
5 cannot reasonably obtain the evidence.”;

6 (3) by redesignating clause (iii) as clause (iv);

7 (4) by inserting after clause (ii) the following:

8 “(iii) SUPPORTING EVIDENCE ACCEPT-  
9 ED.—Direct or circumstantial evidence, in-  
10 cluding evidence that the State is unable to  
11 protect the applicant or that State legal or  
12 social norms tolerate such persecution  
13 against persons like the applicant, may es-  
14 tablish that persecution is on account of  
15 race, religion, nationality, membership in a  
16 particular social group, or political opin-  
17 ion.”; and

18 (5) in clause (iv), as redesignated, by striking  
19 “, without regard to whether an inconsistency, inac-  
20 curacy, or falsehood goes to the heart of the appli-  
21 cant’s claim, or any other relevant factor.” and in-  
22 serting “. If the trier of fact determines that there  
23 are inconsistencies or omissions, the alien shall be  
24 given an opportunity to explain and to provide sup-

1 port or evidence to clarify such inconsistencies or  
2 omissions.”.

3 (c) REMOVAL PROCEEDINGS.—Section 240(c)(4) of  
4 the Immigration and Nationality Act (8 U.S.C.  
5 1229a(c)(4)) is amended—

6 (1) in subparagraph (B), by striking the last  
7 sentence and inserting the following: “If the trier of  
8 fact determines that the applicant should provide  
9 evidence that corroborates otherwise credible testi-  
10 mony, the trier of fact shall provide notice and allow  
11 the applicant a reasonable opportunity to file such  
12 evidence unless the applicant does not have the evi-  
13 dence and cannot reasonably obtain the evidence.”;  
14 and

15 (2) in subparagraph (C), by striking “, without  
16 regard to whether an inconsistency, inaccuracy, or  
17 falsehood goes to the heart of the applicant’s claim,  
18 or any other relevant factor.” and inserting “. If the  
19 trier of fact determines that there are inconsis-  
20 tencies or omissions, the alien shall be given an op-  
21 portunity to explain and to provide support or evi-  
22 dence to clarify such inconsistencies or omissions.”.

23 **SEC. 6. EFFECTIVE ADJUDICATION OF PROCEEDINGS.**

24 Section 240(b)(4) of the Immigration and Nationality  
25 Act (8 U.S.C. 1229a(b)(4)) is amended—

1           (1) in the matter preceding subparagraph (A),  
2           by striking “In proceedings under this section, under  
3           regulations of the Attorney General” and inserting  
4           “‘The Attorney General shall promulgate regulations  
5           for proceedings under this section, under which—”

6           (2) in subparagraph (B), by striking “, and” at  
7           the end and inserting a semicolon;

8           (3) by redesignating subparagraph (C) as sub-  
9           paragraph (D); and

10          (4) by inserting after subparagraph (B) the fol-  
11          lowing:

12                       “(C) the Attorney General, or the designee  
13                       of the Attorney General, may appoint counsel to  
14                       represent an alien if the fair resolution or effec-  
15                       tive adjudication of the proceedings would be  
16                       served by appointment of counsel; and”.

17 **SEC. 7. SCOPE AND STANDARD FOR REVIEW.**

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

20               (1) in paragraph (1), by adding at the end the  
21               following: “The alien shall not be removed during  
22               such 30-day period, unless the alien indicates in  
23               writing that he or she wishes to be removed before  
24               the expiration of such period.”; and

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

3           “(4) SCOPE AND STANDARD FOR REVIEW.—Ex-  
4 cept as provided in paragraph (5)(B), the court of  
5 appeals shall sustain a final decision ordering re-  
6 moval unless it is contrary to law, an abuse of dis-  
7 cretion, or not supported by substantial evidence.  
8 The court of appeals shall decide the petition only  
9 on the administrative record on which the order of  
10 removal is based.”.

11 **SEC. 8. EFFICIENT ASYLUM DETERMINATION PROCESS.**

12           Section 235(b)(1)(B) of the Immigration and Nation-  
13 ality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

14           (1) in clause (ii), by striking “shall be detained  
15 for further consideration of the application for asy-  
16 lum.” and inserting “may, in the Secretary’s discre-  
17 tion, be detained for further consideration of the ap-  
18 plication for asylum by an asylum officer designated  
19 by the Director of United States Citizenship and Im-  
20 migration Services. The asylum officer, after con-  
21 ducting a nonadversarial asylum interview, may  
22 grant asylum to the alien under section 208 or refer  
23 the case to a designee of the Attorney General, for  
24 a de novo asylum determination, for relief under the  
25 Convention Against Torture and Other Cruel, Inhu-

1 man or Degrading Treatment or Punishment, done  
2 at New York December 10, 1984, or for withholding  
3 of removal under section 241(b)(3).”; and

4 (2) in clause (iii)(IV)—

5 (A) by amending the subclause heading to  
6 read as follows:

7 “(IV) DETENTION.—”; and

8 (B) by striking “shall” and inserting  
9 “may, in the Secretary’s discretion,”.

10 **SEC. 9. SECURE ALTERNATIVES PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary shall establish  
12 the Secure Alternatives Program (referred to in this sec-  
13 tion as the “Program”) under which an alien who has  
14 been detained may be released under enhanced super-  
15 vision—

16 (1) to prevent the alien from absconding;

17 (2) to ensure that the alien makes appearances  
18 related to such detention; and

19 (3) to authorize and promote the utilization of  
20 alternatives to detention of asylum seekers.

21 (b) PROGRAM REQUIREMENTS.—

22 (1) NATIONWIDE IMPLEMENTATION.—The Sec-  
23 retary shall facilitate the nationwide implementation  
24 of the Program.



1           (2) UTILIZATION OF ALTERNATIVES.—The Pro-  
2           gram shall utilize a continuum of alternatives based  
3           on the alien’s need for supervision, which may in-  
4           clude placement of the alien—

5                   (A) with an individual or organizational  
6           sponsor; or

7                   (B) in a supervised group home.

8           (3) PROGRAM ELEMENTS.—The Program shall  
9           include—

10                   (A) individualized case management by an  
11           assigned case supervisor; and

12                   (B) referral to community-based providers  
13           of legal and social services.

14           (4) RESTRICTIVE ELECTRONIC MONITORING.—

15                   (A) IN GENERAL.—Restrictive electronic  
16           monitoring devices, such as ankle bracelets,  
17           may not be used unless there is a demonstrated  
18           need for such enhanced monitoring.

19                   (B) PERIODIC REVIEW.—The Secretary  
20           shall periodically review any decision to require  
21           the use of devices described in subparagraph  
22           (A).

23           (5) ALIENS ELIGIBLE FOR SECURE ALTER-  
24           NATIVES PROGRAM.—

1 (A) IN GENERAL.—Asylum seekers denied  
2 parole under section 235(b)(1)(B) of the Immi-  
3 gration and Nationality Act (8 U.S.C.  
4 1225(b)(1)(B)) shall be eligible to participate in  
5 the Program.

6 (B) PROGRAM DESIGN.—The Program  
7 shall be designed to ensure sufficient super-  
8 vision of the population described in subpara-  
9 graph (A).

10 (6) INDIVIDUALIZED DETERMINATIONS.—For  
11 aliens who pose a flight risk, the Secretary shall  
12 make an individualized determination as to whether  
13 this risk can be mitigated through the Program.

14 (7) RULEMAKING.—The Attorney General and  
15 the Secretary shall promulgate regulations estab-  
16 lishing procedures for the review of any determina-  
17 tion under this section by an immigration judge, un-  
18 less the alien waives the right to such review.

19 (8) CONTRACTS.—The Secretary shall enter  
20 into contracts with qualified nongovernmental enti-  
21 ties to implement the Program.

22 (9) OTHER CONSIDERATIONS.—In designing the  
23 Program, the Secretary shall—

24 (A) consult with relevant experts; and

1           (B) consider programs that have proven  
2           successful in the past, including the Appearance  
3           Assistance Program developed by the Vera In-  
4           stitute of Justice.

5           (c) PAROLE OF CERTAIN ALIENS.—Section  
6 235(b)(1)(B) of the Immigration and Nationality Act (8  
7 U.S.C. 1225(b)(1)(B)) is amended—

8           (1) by redesignating clause (v) as clause (vi);

9           and

10          (2) by inserting after clause (iv) the following:

11                           “(v) RELEASE.—

12   “(I) IN GENERAL.—Any alien  
13   subject to detention under this sub-  
14   section who has been determined to  
15   have a credible fear of persecution  
16   shall be released from the custody of  
17   the Department of Homeland Security  
18   not later than 7 days after such deter-  
19   mination unless the Secretary of  
20   Homeland Security demonstrates by  
21   substantial evidence that the alien—

22   “(aa) poses a risk to public  
23   safety, which may include a risk  
24   to national security; or

1                   “(bb) is a flight risk, which  
2                   cannot be mitigated through  
3                   other conditions of release, such  
4                   as bond or secure alternatives,  
5                   that would reasonably ensure  
6                   that the alien would appear for  
7                   immigration proceedings.

8                   “(II) NOTICE.—The Secretary of  
9                   Homeland Security shall provide every  
10                  alien and the alien’s legal representa-  
11                  tive with written notification of the  
12                  parole decision, including a brief ex-  
13                  planation of the reasons for any deci-  
14                  sion to deny parole. The notification  
15                  should be communicated to the alien  
16                  orally or in writing, in a language the  
17                  alien claims to understand.”.

18 **SEC. 10. CONDITIONS OF DETENTION.**

19                  (a) IN GENERAL.—The Secretary shall promulgate  
20 regulations that—

21                   (1) establish the conditions for the detention of  
22                  asylum seekers that ensure a safe and humane envi-  
23                  ronment; and

24                   (2) include the rights and procedures set forth  
25                  in subsections (c) through (e).

1 (b) DEFINITIONS.—In this section:

2 (1) DETAINEE.—The term “detainee” means  
3 an individual who is detained under the authority of  
4 U.S. Immigration and Customs Enforcement.

5 (2) DETENTION FACILITY.—The term “deten-  
6 tion facility” means any Federal, State, or local gov-  
7 ernment facility or privately owned and operated fa-  
8 cility, which is being used to hold detainees longer  
9 than 72 hours.

10 (3) GROUP LEGAL ORIENTATION PRESEN-  
11 TATIONS.—The term “group legal orientation pres-  
12 entations” means live group presentations, supple-  
13 mented by individual orientations, pro se workshops,  
14 and pro bono referrals, that—

15 (A) are carried out by private nongovern-  
16 mental organizations;

17 (B) are presented to detainees;

18 (C) inform detainees about United States  
19 immigration law and procedures; and

20 (D) enable detainees to determine their eli-  
21 gibility for relief.

22 (4) SHORT-TERM DETENTION FACILITY.—The  
23 term “short-term detention facility” means any de-  
24 tention facility that is used to hold immigration de-  
25 tainees for not more than 72 hours.

1 (c) ACCESS TO LEGAL SERVICES.—

2 (1) LISTS OF LEGAL SERVICE PROVIDERS.—All  
3 detainees arriving at a detention facility shall  
4 promptly receive—

5 (A) access to legal information, including  
6 an on-site law library with up-to-date legal ma-  
7 terials and law databases;

8 (B) free access to the necessary equipment  
9 and materials for legal research and cor-  
10 respondence, such as computers, printers, copi-  
11 ers, and typewriters;

12 (C) an accurate, updated list of free or  
13 low-cost immigration legal service providers  
14 that—

15 (i) are near such detention facility;

16 and

17 (ii) can assist those with limited  
18 English proficiency or disabilities;

19 (D) confidential meeting space to confer  
20 with legal counsel; and

21 (E) services to send confidential legal doc-  
22 uments to legal counsel, government offices,  
23 and legal organizations.

24 (2) GROUP LEGAL ORIENTATION PRESEN-  
25 TATIONS.—The Secretary shall establish procedures

1 for regularly scheduled, group legal orientation pres-  
2 entations.

3 (3) GRANTS AUTHORIZED.—The Secretary shall  
4 establish a program to award grants to nongovern-  
5 mental agencies for the purpose of developing, imple-  
6 menting, or expanding legal orientation programs  
7 available for all detainees at the detention facilities  
8 in which such programs are offered.

9 (4) VISITS.—Detainees shall be provided ade-  
10 quate access to contact visits from—

11 (A) legal service providers, including attor-  
12 neys, paralegals, law graduates, law students,  
13 and representatives accredited by the Board of  
14 Immigration Appeals;

15 (B) consultants, as authorized under sec-  
16 tion 235(b) of the Immigration and Nationality  
17 Act (8 U.S.C. 1225(b)), before and during  
18 interviews in which determinations of credible  
19 fear of persecution are made; and

20 (C) individuals assisting in the provision of  
21 legal representation and documentation in sup-  
22 port of the asylum seekers' cases, including in-  
23 terpreters, medical personnel, mental health  
24 providers, social welfare workers, expert and  
25 fact witnesses, and others.

1           (5) NOTIFICATION REQUIREMENT.—The Sec-  
2       retary shall establish procedures to provide detainees  
3       with adequate and prompt notice, in the language of  
4       the detainee, of their available release options and  
5       the procedures for requesting such options.

6           (6) LOCATION OF NEW DETENTION FACILI-  
7       TIES.—All detention facilities first used by the De-  
8       partment of Homeland Security after the date of the  
9       enactment of this Act shall be located within 50  
10      miles of a community in which there is a dem-  
11      onstrated capacity to provide free or low-cost legal  
12      representation by—

13                   (A) nonprofit legal aid organizations; or

14                   (B) pro bono attorneys with expertise in  
15      asylum or immigration law.

16           (7) NOTIFICATION OF TRANSFERS.—The Sec-  
17      retary shall establish procedures requiring the  
18      prompt notification of the legal representative of a  
19      detainee before transferring such detainee to another  
20      detention facility.

21           (8) ACCESS TO TELEPHONES.—

22                   (A) IN GENERAL.—Not later than 6 hours  
23      after the commencement of a detention of a de-  
24      tainee, the detainee shall be provided reasonable



1 access to a telephone, with at least 1 working  
2 telephone available for every 25 detainees.

3 (B) CONTACTS.—Each detainee has the  
4 right to contact by telephone, free of charge—

5 (i) legal representatives;

6 (ii) nongovernmental organizations  
7 designated by the Secretary;

8 (iii) consular officials;

9 (iv) the United Nations High Com-  
10 missioner for Refugees;

11 (v) Federal and State courts in which  
12 the detainee is, or may become, involved in  
13 a legal proceeding; and

14 (vi) all Government immigration agen-  
15 cies and adjudicatory bodies, including the  
16 Office of the Inspector General of the De-  
17 partment of Homeland Security and the  
18 Office for Civil Rights and Civil Liberties  
19 of the Department of Homeland Security,  
20 through confidential toll-free numbers.

21 (d) RELIGIOUS AND CULTURAL PROVISIONS.—

22 (1) ACCESS TO RELIGIOUS SERVICES.—Detain-  
23 ees shall be given full and equitable access to reli-  
24 gious services, religious materials, opportunity for

1 religious group study, and religious counseling ap-  
2 propriate to their religious beliefs and practices.

3 (2) CHAPLAINS.—Each detention facility shall  
4 have a chaplain, who shall be responsible for—

5 (A) managing the religious activities at the  
6 detention facility, including providing pastoral  
7 care and counseling to detainees; and

8 (B) facilitating access to pastoral care and  
9 counseling from external clergy or religious  
10 service providers who represent the faiths of the  
11 detainees at the facility.

12 (3) DIETARY NEEDS.—The Secretary shall en-  
13 sure that the religious, medical, and cultural dietary  
14 needs of the detainees are met.

15 (4) QUALIFICATIONS OF STAFF.—The Secretary  
16 shall ensure that detention facility staff members are  
17 trained to recognize and address cultural and gender  
18 issues relevant to male, female, and child detainees.

19 (5) ACCESS TO DETENTION FACILITIES BY  
20 NONGOVERNMENTAL ORGANIZATIONS.—Nongovern-  
21 mental organizations shall be provided reasonable  
22 access to a detention facility to—

23 (A) observe the conditions of detention  
24 outlined in this section;

1           (B) engage in teaching and training pro-  
2           grams for the detainees detained at the facility;  
3           and

4           (C) provide legal or religious services to  
5           the detainees.

6           (e) LIMITATIONS ON SOLITARY CONFINEMENT,  
7 SHACKLING, AND STRIP SEARCHES.—

8           (1) EXTRAORDINARY CIRCUMSTANCES.—Solitary  
9           confinement, shackling, and strip searches of  
10          detainees—

11           (A) may not be used unless such tech-  
12          niques are necessitated by extraordinary cir-  
13          cumstances in which the safety of other persons  
14          is at imminent risk; and

15           (B) may not be used for the purpose of  
16          humiliating detainees within or outside the de-  
17          tention facility.

18           (2) PROTECTED CLASSES.—Solitary confine-  
19          ment, shackling, and strip searches may not be used  
20          on pregnant women, nursing mothers, women in  
21          labor or delivery, or children who are younger than  
22          18 years of age. Strip searches may not be con-  
23          ducted in the presence of children who are younger  
24          than 21 years of age.

1           (3) WRITTEN POLICIES.—Detention facilities  
2 shall—

3           (A) adopt written policies pertaining to the  
4 use of force and restraints; and

5           (B) train all staff on the proper use of  
6 such techniques and devices.

7 **SEC. 11. TIMELY NOTICE OF IMMIGRATION CHARGES.**

8           Section 236 of the Immigration and Nationality Act  
9 (8 U.S.C. 1226) is amended by adding at the end the fol-  
10 lowing:

11           “(f) NOTICE AND CHARGES.—Not later than 48  
12 hours after the commencement of a detention of an indi-  
13 vidual under this section, the Secretary of Homeland Se-  
14 curity shall—

15           “(1) file a Notice to Appear or other relevant  
16 charging document with the immigration court clos-  
17 est to the location at which the individual was appre-  
18 hended; and

19           “(2) serve such notice or charging document on  
20 the individual.”.

1 **SEC. 12. PROCEDURES FOR ENSURING ACCURACY AND**  
2 **VERIFIABILITY OF SWORN STATEMENTS**  
3 **TAKEN PURSUANT TO EXPEDITED REMOVAL**  
4 **AUTHORITY.**

5 (a) IN GENERAL.—The Secretary shall establish  
6 quality assurance procedures to ensure the accuracy and  
7 verifiability of signed or sworn statements taken by em-  
8 ployees of the Department of Homeland Security exer-  
9 cising expedited removal authority under section 235(b)  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1225(b)).

12 (b) RECORDING OF INTERVIEWS.—

13 (1) IN GENERAL.—Any sworn or signed written  
14 statement taken from an alien as part of the record  
15 of a proceeding under section 235(b)(1)(A) of the  
16 Immigration and Nationality Act shall be accom-  
17 panied by a recording of the interview which served  
18 as the basis for such sworn statement.

19 (2) CONTENT.—The recording shall include—

20 (A) a reading of the entire written state-  
21 ment to the alien in a language that the alien  
22 claims to understand; and

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

25 (i) the written statement; or

1 (ii) a corrected version of the written  
2 statement.

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

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

8 (c) EXEMPTION AUTHORITY.—

9 (1) EXEMPTED FACILITIES.—Subsection (b)  
10 shall not apply to interviews that occur at detention  
11 facilities exempted by the Secretary under this sub-  
12 section.

13 (2) CRITERIA.—The Secretary, or the Sec-  
14 retary's designee, may exempt any detention facility  
15 if compliance with subsection (b) at that facility  
16 would impair operations or impose undue burdens or  
17 costs.

18 (3) REPORT.—The Secretary shall annually  
19 submit a report to Congress that identifies the facili-  
20 ties that have been exempted under this subsection.

21 (4) NO PRIVATE CAUSE OF ACTION.—Nothing  
22 in this subsection may be construed to create a pri-  
23 vate cause of action for damages or injunctive relief.

24 (d) INTERPRETERS.—The Secretary shall ensure that  
25 a professional fluent interpreter is used if—

1           (1) the interviewing officer does not speak a  
2 language understood by the alien; and

3           (2) there is no other Federal Government em-  
4 ployee available who is able to interpret effectively,  
5 accurately, and impartially.

6 **SEC. 13. STUDY ON THE EFFECT OF EXPEDITED REMOVAL**  
7                   **PROVISIONS, PRACTICES, AND PROCEDURES**  
8                   **ON ASYLUM CLAIMS.**

9           (a) STUDY.—

10           (1) IN GENERAL.—The United States Commis-  
11 sion on International Religious Freedom (referred to  
12 in this section as the “Commission”) is authorized  
13 to conduct a study to determine whether immigra-  
14 tion officers described in paragraph (2) are engaging  
15 in conduct described in paragraph (3).

16           (2) IMMIGRATION OFFICERS DESCRIBED.—An  
17 immigration officer described in this paragraph is an  
18 immigration officer performing duties under section  
19 235(b) of the Immigration and Nationality Act (8  
20 U.S.C. 1225(b)) with respect to aliens who—

21                   (A) are apprehended after entering the  
22 United States; and

23                   (B) may be eligible to apply for asylum  
24 under section 208 or 235 of such Act.

1           (3) CONDUCT DESCRIBED.—An immigration of-  
2           ficer engages in conduct described in this paragraph  
3           if the immigration officer—

4                   (A) improperly encourages an alien re-  
5                   ferred to in paragraph (2) to withdraw or re-  
6                   tract claims for asylum;

7                   (B) incorrectly fails to refer such an alien  
8                   for an interview by an asylum officer to deter-  
9                   mine whether the alien has a credible fear of  
10                  persecution (as defined in section  
11                  235(b)(1)(B)(v) of such Act (8 U.S.C.  
12                  1225(b)(1)(B)(v)));

13                  (C) incorrectly removes such an alien to a  
14                  country in which the alien may be persecuted;  
15                  or

16                  (D) detains such an alien improperly or  
17                  under inappropriate conditions.

18           (b) REPORT.—Not later than 2 years after the date  
19           on which the Commission initiates the study under sub-  
20           section (a), the Commission shall submit a report con-  
21           taining the results of the study to—

22                   (1) the Committee on Homeland Security and  
23                   Governmental Affairs of the Senate;

24                   (2) the Committee on the Judiciary of the Sen-  
25                   ate;



1           (3) the Committee on Foreign Relations of the  
2     Senate;

3           (4) the Committee on Homeland Security of the  
4     House of Representatives;

5           (5) the Committee on the Judiciary of the  
6     House of Representatives; and

7           (6) the Committee on Foreign Affairs of the  
8     House of Representatives.

9     (c) STAFF.—

10           (1) FROM OTHER AGENCIES.—

11           (A) IDENTIFICATION.—The Commission  
12     may identify employees of the Department of  
13     Homeland Security, the Department of Justice,  
14     and the Government Accountability Office that  
15     have significant expertise and knowledge of ref-  
16     ugee and asylum issues.

17           (B) DESIGNATION.—At the request of the  
18     Commission, the Secretary, the Attorney Gen-  
19     eral, and the Comptroller General of the United  
20     States shall authorize staff identified under  
21     subparagraph (A) to assist the Commission in  
22     conducting the study under subsection (a).

23           (2) ADDITIONAL STAFF.—The Commission may  
24     hire additional staff and consultants to conduct the  
25     study under subsection (a).

1 (3) ACCESS TO PROCEEDINGS.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraph (B), the Secretary and the Attor-  
4 ney General shall provide staff designated  
5 under paragraph (1) or hired under paragraph  
6 (2) with unrestricted access to all stages of all  
7 proceedings conducted under section 235(b) of  
8 the Immigration and Nationality Act (8 U.S.C.  
9 1225(b)).

10 (B) EXCEPTIONS.—The Secretary and the  
11 Attorney General may not permit unrestricted  
12 access under subparagraph (A) if—

13 (i) the alien subject to a proceeding  
14 under such section 235(b) objects to such  
15 access; or

16 (ii) the Secretary or Attorney General  
17 determines that the security of a particular  
18 proceeding would be threatened by such  
19 access.

20 **SEC. 14. REFUGEE OPPORTUNITY PROMOTION.**

21 Section 209 of the Immigration and Nationality Act  
22 (8 U.S.C. 1159) is amended—

23 (1) in subsection (a)(1)(B), by striking “one  
24 year,” and inserting “1 year (except as provided  
25 under subsection (d));”;

1           (2) in subsection (b)(2), by striking “asylum,”  
2           and inserting “asylum (except as provided under  
3           subsection (d));”; and

4           (3) by adding at the end the following:

5           “(d) EXCEPTION TO PHYSICAL PRESENCE REQUIRE-  
6           MENT.—An alien who does not meet the 1-year physical  
7           presence requirement under subsection (a)(1)(B) or  
8           (b)(2), but who otherwise meets the requirements under  
9           subsection (a) or (b) for adjustment of status to that of  
10          an alien lawfully admitted for permanent residence, may  
11          be eligible for such adjustment of status if the alien—

12           “(1) is or was employed by—

13           “(A) the United States Government or a  
14           contractor of the United States Government  
15           overseas and performing work on behalf of the  
16           United States Government for the entire period  
17           of absence, which may not exceed 1 year; or

18           “(B) the United States Government or a  
19           contractor of the United States Government in  
20           the alien’s country of nationality or last habit-  
21           ual residence for the entire period of absence,  
22           which may not exceed 1 year, and the alien was  
23           under the protection of the United States Gov-  
24           ernment or a contractor while performing work

1 on behalf of the United States Government dur-  
2 ing the entire period of employment; and

3 “(2) returned immediately to the United States  
4 upon the conclusion of the employment.”.

5 **SEC. 15. PROTECTIONS FOR MINORS SEEKING ASYLUM.**

6 (a) IN GENERAL.—Section 208 of the Immigration  
7 and Nationality Act (8 U.S.C. 1158) is amended—

8 (1) in subsection (a)(2), as amended by section  
9 3, by amending subparagraph (E) to read as follows:

10 “(E) APPLICABILITY TO MINORS.—Sub-  
11 paragraphs (A), (B), and (C) shall not apply to  
12 an applicant who is younger than 18 years of  
13 age on the earlier of—

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

16 “(ii) the date on which any Notice to  
17 Appear is issued.”; and

18 (2) in subsection (b)(3), by amending subpara-  
19 graph (C) to read as follows:

20 “(C) INITIAL JURISDICTION.—An asylum  
21 officer (as defined in section 235(b)(1)(E))  
22 shall have initial jurisdiction over any asylum  
23 application filed by an applicant who is younger  
24 than 18 years of age on the earlier of—

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

3 “(ii) the date on which any Notice to  
4 Appear is issued.”.

5 (b) REINSTATEMENT OF REMOVAL.—Section 241(a)  
6 of the Immigration and Nationality Act (8 U.S.C.  
7 1231(a)) is amended—

8 (1) in paragraph (5), by striking “If the Attor-  
9 ney General” and inserting “Except as provided in  
10 paragraph (8), if the Secretary of Homeland Secu-  
11 rity”; and

12 (2) by adding at the end of the following:

13 “(8) APPLICABILITY OF REINSTATEMENT OF  
14 REMOVAL.—Paragraph (5) shall not apply to an  
15 alien who has reentered the United States illegally  
16 after having been removed or having departed volun-  
17 tarily, under an order of removal, if the alien was  
18 younger than 18 years of age on the date on which  
19 the alien was removed or departed voluntarily under  
20 an order of removal.”.

21 **SEC. 16. LEGAL ASSISTANCE FOR REFUGEES AND ASYLEES.**

22 Section 412(c)(1)(A) of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

24 (1) in clause (ii), by striking “and” at an end;

1 (2) by redesignating clause (iii) as clause (iv);

2 and

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

4 “(iii) to provide legal services for refugees to  
5 assist them in obtaining immigration benefits for  
6 which they are eligible; and”.

7 **SEC. 17. PROTECTION OF STATELESS PERSONS IN THE**  
8 **UNITED STATES.**

9 (a) IN GENERAL.—Chapter 1 of title II of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1151 et seq.) is  
11 amended by adding at the end the following:

12 **“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE**  
13 **UNITED STATES.**

14 “(a) DEFINED TERM.—

15 “(1) IN GENERAL.—In this section, the term  
16 ‘de jure stateless person’ means an individual who is  
17 not considered a national under the laws of any  
18 country. Individuals who have lost their nationality  
19 as a result of their voluntary action or knowing inac-  
20 tion after arrival in the United States shall not be  
21 considered de jure stateless persons.

22 “(2) DESIGNATION OF SPECIFIC DE JURE  
23 GROUPS.—The Secretary of Homeland Security, in  
24 consultation with the Secretary of State, may, in the  
25 discretion of the Secretary, designate specific groups

1 of individuals who are considered de jure stateless  
2 persons, for purposes of this section.

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

5 “(1) RELIEF FOR INDIVIDUALS DETERMINED  
6 TO BE DE JURE STATELESS PERSONS.—The Sec-  
7 retary of Homeland Security or the Attorney Gen-  
8 eral may, in his or her discretion, provide conditional  
9 lawful status to an alien who is otherwise inadmis-  
10 sible or deportable from the United States if the  
11 alien—

12 “(A) is a de jure stateless person;

13 “(B) applies for such relief;

14 “(C) is not inadmissible under paragraph  
15 (2) or (3) of section 212(a); and

16 “(D) is not described in section  
17 241(b)(3)(B)(i).

18 “(2) WAIVERS.—The provisions under para-  
19 graphs (4), (5), (6)(A), (7)(A), and (9) of section  
20 212(a) shall not be applicable to any alien seeking  
21 relief under paragraph (1). The Secretary of Home-  
22 land Security or the Attorney General may waive  
23 any other provision of such section (other than para-  
24 graph (2)(C) or subparagraph (A), (B), (C), or (E)  
25 of paragraph (3)) with respect to such an alien for

1 humanitarian purposes, to assure family unity, or if  
2 it is otherwise in the public interest.

3 “(3) SUBMISSION OF PASSPORT OR TRAVEL  
4 DOCUMENT.—Any alien who seeks relief under this  
5 section shall submit to the Secretary of Homeland  
6 Security or the Attorney General—

7 “(A) any passport or travel document  
8 issued at any time to the alien (whether or not  
9 the passport or document has expired or been  
10 cancelled, rescinded, or revoked); or

11 “(B) an affidavit, sworn under penalty of  
12 perjury—

13 “(i) stating that the alien has never  
14 been issued a passport or travel document;  
15 or

16 “(ii) identifying with particularity any  
17 such passport or travel document and ex-  
18 plaining why the alien cannot submit it.

19 “(4) WORK AUTHORIZATION.—The Secretary of  
20 Homeland Security may—

21 “(A) authorize an alien who has applied  
22 for relief under paragraph (1) to engage in em-  
23 ployment in the United States while such appli-  
24 cation is being considered; and



1           “(B) provide such applicant with an em-  
2           ployment authorized endorsement or other ap-  
3           propriate document signifying authorization of  
4           employment.

5           “(5) TREATMENT OF SPOUSE AND CHIL-  
6           DREN.—The spouse or child of an alien who has  
7           been granted conditional lawful status under para-  
8           graph (1) shall, if not otherwise eligible for admis-  
9           sion under paragraph (1), be granted conditional  
10          lawful status under this section if accompanying, or  
11          following to join, such alien if—

12                 “(A) the spouse or child is admissible (ex-  
13                 cept as otherwise provided in paragraph (2));  
14                 and

15                 “(B) the qualifying relationship to the  
16                 principal beneficiary existed on the date on  
17                 which such alien was granted conditional lawful  
18                 status.

19          “(c) ADJUSTMENT OF STATUS.—

20                 “(1) INSPECTION AND EXAMINATION.—At the  
21                 end of the 5-year period beginning on the date on  
22                 which an alien has been granted conditional lawful  
23                 status under subsection (b), the alien may apply for  
24                 lawful permanent residence in the United States if—

1           “(A) the alien has been physically present  
2 in the United States for at least 5 years;

3           “(B) the alien’s conditional lawful status  
4 has not been terminated by the Secretary of  
5 Homeland Security or the Attorney General,  
6 pursuant to such regulations as the Secretary  
7 or the Attorney General may prescribe; and

8           “(C) the alien has not otherwise acquired  
9 permanent resident status.

10           “(2) REQUIREMENTS FOR ADJUSTMENT OF  
11 STATUS.—The Secretary of Homeland Security or  
12 the Attorney General, under such regulations as the  
13 Secretary or the Attorney General may prescribe,  
14 may adjust the status of an alien granted condi-  
15 tional lawful status under subsection (b) to that of  
16 an alien lawfully admitted for permanent residence  
17 if such alien—

18           “(A) is a de jure stateless person;

19           “(B) properly applies for such adjustment  
20 of status;

21           “(C) has been physically present in the  
22 United States for at least 5 years after being  
23 granted conditional lawful status under sub-  
24 section (b);

1           “(D) is not firmly resettled in any foreign  
2           country; and

3           “(E) is admissible (except as otherwise  
4           provided under subsection (b)(2)) as an immi-  
5           grant under this chapter at the time of exam-  
6           ination of such alien for adjustment of status.

7           “(3) RECORD.—Upon approval of an applica-  
8           tion under this subsection, the Secretary of Home-  
9           land Security or the Attorney General shall establish  
10          a record of the alien’s admission for lawful perma-  
11          nent residence as of the date that is 5 years before  
12          the date of such approval.

13          “(d) PROVING THE CLAIM.—In determining an  
14          alien’s eligibility for lawful conditional status or adjust-  
15          ment of status under this subsection, the Secretary of  
16          Homeland Security or the Attorney General shall consider  
17          any credible evidence relevant to the application. The de-  
18          termination of what evidence is credible and the weight  
19          to be given that evidence shall be within the sole discretion  
20          of the Secretary or the Attorney General.

21          “(e) REVIEW.—

22                 “(1) ADMINISTRATIVE REVIEW.—No appeal  
23                 shall lie from the denial of an application by the  
24                 Secretary, but such denial will be without prejudice

1 to the alien’s right to renew the application in pro-  
2 ceedings under section 240.

3 “(2) MOTIONS TO REOPEN.—Notwithstanding  
4 any limitation imposed by law on motions to reopen  
5 removal, deportation, or exclusion proceedings, any  
6 individual who is eligible for relief under this section  
7 may file a motion to reopen removal or deportation  
8 proceedings in order to apply for relief under this  
9 section. Any such motion shall be filed not later than  
10 the later of—

11 “(A) 2 years after the date of the enact-  
12 ment of the Refugee Protection Act of 2011; or

13 “(B) 90 days after the date of entry of a  
14 final administrative order of removal, deporta-  
15 tion, or exclusion.

16 “(f) LIMITATION.—

17 “(1) APPLICABILITY.—The provisions of this  
18 section shall only apply to aliens present in the  
19 United States.

20 “(2) SAVINGS PROVISION.—Nothing in this sec-  
21 tion may be construed to authorize or require—

22 “(A) the admission of any alien to the  
23 United States;

24 “(B) the parole of any alien into the  
25 United States; or

1           “(C) the grant of any motion to reopen or  
2           reconsider filed by an alien after departure or  
3           removal from the United States.”.

4           (b) JUDICIAL REVIEW.—Section 242(a)(2)(B)(ii) of  
5 the Immigration and Nationality Act (8 U.S.C.  
6 1252(a)(2)(B)(ii)) is amended by inserting “or 210A”  
7 after “208(a)”.

8           (c) CLERICAL AMENDMENT.—The table of contents  
9 for the Immigration and Nationality Act is amended by  
10 inserting after the item relating to section 210 the fol-  
11 lowing:

“Sec. 210A. Protection of stateless persons in the United States.”.

12 **SEC. 18. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF**  
13 **REFUGEES FOR CONSIDERATION.**

14           (a) IN GENERAL.—Section 207(c)(1) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1157(c)(1)) is amend-  
16 ed—

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

19           (2) by adding at the end the following:

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

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

4           “(II) who—

5                   “(aa) share common characteristics that  
6                   identify them as targets of persecution on ac-  
7                   count of race, religion, nationality, membership  
8                   in a particular social group, or political opinion  
9                   or of other serious harm; or

10                   “(bb) having been identified as targets as  
11                   described in item (aa), share a common need  
12                   for resettlement due to a specific vulnerability.

13           “(ii) An alien who establishes membership in a group  
14           designated under clause (i) to the satisfaction of the Sec-  
15           retary of Homeland Security shall be considered a refugee  
16           for purposes of admission as a refugee under this section  
17           unless the Secretary determines that such alien ordered,  
18           incited, assisted, or otherwise participated in the persecu-  
19           tion of any person on account of race, religion, nationality,  
20           membership in a particular social group, or political opin-  
21           ion.

22           “(iii) A designation under clause (i)—

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

1           “(II) if not revoked under subclause (I), shall  
2           expire at the end of the fiscal year; and

3           “(III) may be renewed by the President after  
4           appropriate consultation.

5           “(iv) Categories of aliens established under section  
6 599D of Public Law 101–167 (8 U.S.C. 1157 note)—

7           “(I) shall be designated under clause (i) until  
8           the end of the first fiscal year commencing after the  
9           date of the enactment of the Refugee Protection Act  
10          of 2011; and

11          “(II) shall be eligible for designation thereafter  
12          at the discretion of the President.

13          “(v) An alien’s admission under this subparagraph  
14          shall count against the refugee admissions goal under sub-  
15          section (a).

16          “(vi) A designation under clause (i) shall not influ-  
17          ence decisions to grant, to any alien, asylum under section  
18          208, protection under section 241(b)(3), or protection  
19          under the Convention Against Torture and Other Cruel,  
20          Inhuman or Degrading Treatment or Punishment, done  
21          at New York December 10, 1984.”.

22          (b) WRITTEN REASONS FOR DENIALS OF REFUGEE  
23          STATUS.—Each decision to deny an application for ref-  
24          ugee status of an alien who is within a category estab-  
25          lished under section 207(c)(1)(B) of the Immigration and

1 Nationality Act, as added by subsection (a) shall be in  
2 writing and shall state, to the maximum extent feasible,  
3 the reason for the denial.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 subsection (a) shall take effect on the first day of the first  
6 fiscal year that begins after the date of the enactment of  
7 this Act.

8 **SEC. 19. MULTIPLE FORMS OF RELIEF.**

9 (a) IN GENERAL.—Applicants for admission as refu-  
10 gees may simultaneously pursue admission under any visa  
11 category for which such applicants may be eligible.

12 (b) ASYLUM APPLICANTS WHO BECOME ELIGIBLE  
13 FOR DIVERSITY VISAS.—Section 204(a)(1)(I) of the Im-  
14 migration and Nationality Act (8 U.S.C. 1154(a)(1)(I))  
15 is amended by adding at the end the following:

16 “(iv)(I) An asylum seeker in the United States who  
17 is notified that he or she is eligible for an immigrant visa  
18 pursuant to section 203(c) may file a petition with the  
19 district director that has jurisdiction over the district in  
20 which the asylum seeker resides (or, in the case of an asy-  
21 lum seeker who is or was in removal proceedings, the im-  
22 migration court in which the removal proceeding is pend-  
23 ing or was adjudicated) to adjust status to that of a per-  
24 manent resident.



1           “(II) A petition under subclause (I) shall be filed not  
2 later than 30 days before the end of the fiscal year for  
3 which the petitioner received notice of eligibility for the  
4 visa and shall contain such information and be supported  
5 by such documentary evidence as the Secretary of State  
6 may require.

7           “(III) The district director or immigration court shall  
8 attempt to adjudicate each petition under this clause be-  
9 fore the last day of the fiscal year for which the petitioner  
10 was selected. Notwithstanding clause (ii)(II), if the district  
11 director or immigration court is unable to complete such  
12 adjudication during such fiscal year, the adjudication and  
13 adjustment of the petitioner’s status may take place after  
14 the end of such fiscal year.”.

15 **SEC. 20. PROTECTION OF REFUGEE FAMILIES.**

16           (a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES  
17 AND CHILDREN.—A child of an alien who qualifies for ad-  
18 mission as a spouse or child under section 207(c)(2)(A)  
19 or 208(b)(3) of the Immigration and Nationality Act (8  
20 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to  
21 the same admission status as such alien if the child—

22                   (1) is accompanying or following to join such  
23 alien; and

24                   (2) is otherwise admissible under such section  
25 207(c)(2)(A) or 208(b)(3).

1 (b) SEPARATED CHILDREN.—A child younger than  
2 18 years of age who has been separated from the birth  
3 or adoptive parents of such child and is living under the  
4 care of an alien who has been approved for admission to  
5 the United States as a refugee shall be admitted as a ref-  
6 ugee if—

7 (1) it is in the best interest of such child to be  
8 placed with such alien in the United States; and

9 (2) such child is otherwise admissible under sec-  
10 tion 207(c)(3) of the Immigration and Nationality  
11 Act (8 U.S.C. 1157(c)(3)).

12 (c) ELIMINATION OF TIME LIMITS ON REUNIFICA-  
13 TION OF REFUGEE AND ASYLEE FAMILIES.—

14 (1) EMERGENCY SITUATION REFUGEES.—Sec-  
15 tion 207(c)(2)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1157(c)(2)(A)) is amended by  
17 striking “A spouse or child (as defined in section  
18 101(b)(1) (A), (B), (C), (D), or (E))” and inserting,  
19 “Regardless of when such refugee was admitted to  
20 the United States, a spouse or child (other than a  
21 child described in section 101(b)(1)(F))”.

22 (2) ASYLUM.—Section 208(b)(3)(A) of such Act  
23 (8 U.S.C. 1158(b)(3)(A)) is amended to read as fol-  
24 lows:

1           “(A) IN GENERAL.—A spouse or child  
2           (other than a child described in section  
3           101(b)(1)(F)) of an alien who was granted asy-  
4           lum under this subsection at any time may, if  
5           not otherwise eligible for asylum under this sec-  
6           tion, be granted the same status as the alien if  
7           accompanying or following to join such alien.”.

8           (d) TIMELY ADJUDICATION OF REFUGEE AND  
9 ASYLEE FAMILY REUNIFICATION PETITIONS.—Title II of  
10 the Immigration and Nationality Act (8 U.S.C. 1151 et  
11 seq.) is amended—

12           (1) in section 207(c)(2), as amended by sub-  
13           section (c), by adding at the end the following:

14           “(D) The Secretary shall ensure that the application  
15 of an alien who is following to join a refugee who qualifies  
16 for admission under paragraph (1) is adjudicated not later  
17 than 90 days after the submission of such application.”;  
18 and

19           (2) in section 208(b)(3), as amended by section  
20           15(a)(2), by adding at the end the following:

21           “(D) TIMELY ADJUDICATION.—The Sec-  
22           retary shall ensure that the application of each  
23           alien described in subparagraph (A) who applies  
24           to follow an alien granted asylum under this

1 subsection is adjudicated not later than 90 days  
2 after the submission of such application.”.

3 **SEC. 21. REFORM OF REFUGEE CONSULTATION PROCESS.**

4 Section 207 of the Immigration and Nationality Act  
5 (8 U.S.C. 1157) is amended—

6 (1) in subsection (a), by adding at the end the  
7 following:

8 “(5) All officers of the Federal Government respon-  
9 sible for refugee admissions or refugee resettlement shall  
10 treat the determinations made under this subsection and  
11 subsection (b) as the refugee admissions goal for the fiscal  
12 year.”;

13 (2) in subsection (d), by adding at the end the  
14 following:

15 “(4) Not later than 15 days after the last day of each  
16 calendar quarter, the President shall submit a report to  
17 the Committee on the Judiciary of the Senate and the  
18 Committee on the Judiciary of the House of Representa-  
19 tives that contains—

20 “(A) the number of refugees who were admitted  
21 during the previous quarter;

22 “(B) the percentage of those arrivals against  
23 the refugee admissions goal for such quarter;

1           “(C) the cumulative number of refugees who  
2 were admitted during the fiscal year as of the end  
3 of such quarter;

4           “(D) the number of refugees to be admitted  
5 during the remainder of the fiscal year in order to  
6 meet the refugee admissions goal for the fiscal year;  
7 and

8           “(E) a plan that describes the procedural or  
9 personnel changes necessary to achieve the refugee  
10 admissions goal for the fiscal year.”; and

11           (3) in subsection (e)—

12           (A) by redesignating paragraphs (1)  
13 through (7) as subparagraphs (A) through (G),  
14 respectively;

15           (B) in the matter preceding subparagraph  
16 (A), as redesignated—

17           (i) by inserting “(1)” after “(e)”;

18           (ii) by inserting “, which shall be com-  
19 menced not later than May 1 of each year  
20 and continue periodically throughout the  
21 remainder of the year, if necessary,” after  
22 “discussions in person”;

23           (C) by striking “To the extent possible,”  
24 and inserting the following:

25           “(2) To the extent possible”; and

1 (D) by adding at the end the following:

2 “(3)(A) The plans referred to in paragraph (1)(C)  
3 shall include estimates of—

4 “(i) the number of refugees the President ex-  
5 pects to have ready to travel to the United States  
6 at the beginning of the fiscal year;

7 “(ii) the number of refugees and the stipulated  
8 populations the President expects to admit to the  
9 United States in each quarter of the fiscal year; and

10 “(iii) the number of refugees the President ex-  
11 pects to have ready to travel to the United States  
12 at the end of the fiscal year.

13 “(B) The Secretary of Homeland Security shall en-  
14 sure that an adequate number of refugees are processed  
15 during the fiscal year to fulfill the refugee admissions  
16 goals under subsections (a) and (b).”.

17 **SEC. 22. ADMISSION OF REFUGEES IN THE ABSENCE OF**  
18 **THE ANNUAL PRESIDENTIAL DETERMINA-**  
19 **TION.**

20 Section 207(a) of the Immigration and Nationality  
21 Act (8 U.S.C. 1157(a)) is amended—

22 (1) by striking paragraph (1);

23 (2) by redesignating paragraphs (2), (3), (4),  
24 and (5) as paragraphs (1), (2), (3), and (4), respec-  
25 tively;

1 (3) in paragraph (1), as redesignated—

2 (A) by striking “after fiscal year 1982”;

3 and

4 (B) by adding at the end the following: “If  
5 the President does not issue a determination  
6 under this paragraph before the beginning of a  
7 fiscal year, the number of refugees that may be  
8 admitted under this section in each quarter be-  
9 fore the issuance of such determination shall be  
10 25 percent of the number of refugees admissible  
11 under this section during the previous fiscal  
12 year.”; and

13 (4) in paragraph (3), as redesignated, by strik-  
14 ing “(beginning with fiscal year 1992)”.

15 **SEC. 23. UPDATE OF RECEPTION AND PLACEMENT GRANTS.**

16 Beginning with fiscal year 2012, not later than 30  
17 days before the beginning of each fiscal year, the Secretary  
18 shall notify Congress of the amount of funds that the Sec-  
19 retary will provide in its Reception and Placement Grants  
20 in the coming fiscal year. In setting the amount of such  
21 grants each year, the Secretary shall ensure that—

22 (1) the grant amount is adjusted so that it is  
23 adequate to provide for the anticipated initial reset-  
24 tlement needs of refugees, including adjusting the  
25 amount for inflation and the cost of living;

1           (2) an amount is provided at the beginning of  
2 the fiscal year to each national resettlement agency  
3 that is sufficient to ensure adequate local and na-  
4 tional capacity to serve the initial resettlement needs  
5 of refugees the Secretary anticipates the agency will  
6 resettle throughout the fiscal year; and

7           (3) additional amounts are provided to each na-  
8 tional resettlement agency promptly upon the arrival  
9 of refugees that, exclusive of the amounts provided  
10 pursuant to paragraph (2), are sufficient to meet the  
11 anticipated initial resettlement needs of such refu-  
12 gees and support local and national operational costs  
13 in excess of the estimates described in paragraph  
14 (1).

15 **SEC. 24. PROTECTION FOR ALIENS INTERDICTED AT SEA.**

16           Section 241(b)(3) of the Immigration and Nationality  
17 Act (8 U.S.C. 1231(b)(3)) is amended—

18           (1) in the paragraph heading, by striking “TO  
19 A COUNTRY WHERE ALIEN’S LIFE OR FREEDOM  
20 WOULD BE THREATENED” and inserting “OR RE-  
21 TURN IF REFUGEE’S LIFE OR FREEDOM WOULD BE  
22 THREATENED OR ALIEN WOULD BE SUBJECTED TO  
23 TORTURE”;

24           (2) in subparagraph (A)—



1 (A) by striking “Notwithstanding” and in-  
2 serting the following:

3 “(i) LIFE OR FREEDOM THREAT-  
4 ENED.—Notwithstanding”; and

5 (B) by adding at the end the following:

6 “(ii) ASYLUM INTERVIEW.—Notwith-  
7 standing paragraphs (1) and (2), a United  
8 States officer may not return any alien  
9 interdicted or otherwise encountered in  
10 international waters or United States  
11 waters who has expressed a fear of return  
12 to his or her country of departure, origin,  
13 or last habitual residence—

14 “(I) until such alien has had the  
15 opportunity to be interviewed by an  
16 asylum officer to determine whether  
17 that alien has a well-founded fear of  
18 persecution because of the alien’s  
19 race, religion, nationality, membership  
20 in a particular social group, or polit-  
21 ical opinion, or because the alien  
22 would be subject to torture in that  
23 country; or

24 “(II) if an asylum officer has de-  
25 termined that the alien has such a

1 well-founded fear of persecution or  
2 would be subject to torture in his or  
3 her country of departure, origin, or  
4 last habitual residence.”;

5 (3) by redesignating subparagraphs (B) and  
6 (C) as subparagraphs (C) and (D), respectively; and

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

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

15 “(i) provides each alien—

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

22 “(II) in a confidential setting and  
23 in a language the alien claims to un-  
24 derstand, information concerning the  
25 alien’s interdiction, including the abil-

1           ity to inform United States officers  
2           about any fears relating to the alien’s  
3           return or repatriation;

4           “(ii) provides each alien expressing  
5           such a fear of return or repatriation a con-  
6           fidential interview conducted by an asylum  
7           officer, in a language the alien claims to  
8           understand, to determine whether the  
9           alien’s return to his or her country of ori-  
10          gin or country of last habitual residence is  
11          prohibited because the alien has a well-  
12          founded fear of persecution—

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

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

19           “(iii) ensures that each alien can ef-  
20           fectively communicate with United States  
21           officers through the use of a translator flu-  
22           ent in a language the alien claims to un-  
23           derstand; and

24           “(iv) provides each alien who, accord-  
25           ing to the determination of an asylum offi-

1 cer, has a well-founded fear of persecution  
2 for the reasons specified in clause (ii) or  
3 would be subject to torture, an opportunity  
4 to seek protection in—

5 “(I) a country other than the  
6 alien’s country of origin or country of  
7 last habitual residence in which the  
8 alien has family or other ties that will  
9 facilitate resettlement; or

10 “(II) if the alien has no such  
11 ties, a country that will best facilitate  
12 the alien’s resettlement, which may in-  
13 clude the United States.”.

14 **SEC. 25. MODIFICATION OF PHYSICAL PRESENCE REQUIRE-**  
15 **MENTS FOR ALIENS SERVING AS TRANS-**  
16 **LATORS.**

17 (a) IN GENERAL.—Section 1059(e)(1) of the Na-  
18 tional Defense Authorization Act for Fiscal Year 2006  
19 (Public Law 109–163; 8 U.S.C. 1101 note) is amended  
20 to read as follows:

21 “(1) IN GENERAL.—

22 “(A) CONTINUOUS RESIDENCE.—An ab-  
23 sence from the United States described in para-  
24 graph (2) shall not be considered to break any  
25 period for which continuous residence in the

1 United States is required for naturalization  
2 under title III of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1401 et seq.).

4 “(B) PHYSICAL PRESENCE.—In the case of  
5 a lawful permanent resident, for an absence  
6 from the United States described in paragraph  
7 (2), the time spent outside of the United States  
8 in the capacity described in paragraph (2) shall  
9 be counted towards the accumulation of the re-  
10 quired physical presence in the United States.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect as if included in the  
13 amendment made by section 1(c)(2) of the Act entitled  
14 “An Act to increase the number of Iraqi and Afghani  
15 translators and interpreters who may be admitted to the  
16 United States as special immigrants, and for other pur-  
17 poses”, approved June 15, 2007 (Public Law 110–36; 121  
18 Stat. 227).

19 **SEC. 26. ASSESSMENT OF THE REFUGEE DOMESTIC RESET-**  
20 **TLEMENT PROGRAM.**

21 (a) IN GENERAL.—As soon as practicable after the  
22 date of the enactment of this Act, the Comptroller General  
23 of the United States shall conduct a study regarding the  
24 effectiveness of the domestic refugee resettlement pro-  
25 grams operated by the Office of Refugee Resettlement.

1 (b) MATTERS TO BE STUDIED.—In the study re-  
2 quired under subsection (a), the Comptroller General shall  
3 determine and analyze—

4 (1) how the Office of Refugee Resettlement de-  
5 fines self-sufficiency;

6 (2) if this definition is adequate in addressing  
7 refugee needs in the United States;

8 (3) the effectiveness of the Office of Refugee  
9 Resettlement programs in helping refugees to meet  
10 self-sufficiency;

11 (4) an analysis of the unmet needs of the pro-  
12 grams;

13 (5) an evaluation of the Office of Refugee Re-  
14 settlement's budgetary resources and projection of  
15 the amount of additional resources needed to fully  
16 address the unmet needs of refugees with regard to  
17 self-sufficiency;

18 (6) the role of community-based organizations  
19 in serving refugees in areas experiencing a high  
20 number of new refugee arrivals;

21 (7) an analysis of how community-based organi-  
22 zations can be better utilized and supported in the  
23 Federal domestic resettlement process; and

24 (8) recommendations on statutory changes to  
25 improve the Office of Refugee Resettlement and the

1 domestic refugee program in relation to the matters  
2 analyzed under paragraphs (1) through (7).

3 (c) REPORT.—Not later than 2 years after the date  
4 of the enactment of this Act, the Comptroller General shall  
5 submit a report to Congress that contains the results of  
6 the study required under subsection (a).

7 **SEC. 27. REFUGEE ASSISTANCE.**

8 (a) AMENDMENTS TO THE SOCIAL SERVICES FUND-  
9 ING.—Section 412(c)(1)(B) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1522(c)(1)(B)) is amended to read  
11 as follows:

12 “(B) The funds available for a fiscal year for  
13 grants and contracts under subparagraph (A) shall  
14 be allocated among the States based on a combina-  
15 tion of—

16 “(i) the total number or refugees (includ-  
17 ing children and adults) who arrived in the  
18 United States not more than 36 months before  
19 the beginning of such fiscal year and are actu-  
20 ally residing in each State (taking into account  
21 secondary migration) as of the beginning of the  
22 fiscal year;

23 “(ii) the total number of all other eligible  
24 populations served by the Office during the pe-

1           riod described who are residing in the State as  
2           of the beginning of the fiscal year; and

3           “(iii) projections on the number and na-  
4           ture of incoming refugees and other populations  
5           served by the Office during the subsequent fis-  
6           cal year.”.

7           (b) REPORT ON SECONDARY MIGRATION.—Section  
8   412(a)(3) of such Act (814 U.S.C. 1522(a)(3)) is amend-  
9   ed—

10           (1) by striking “a periodic” and inserting “an  
11           annual”; and

12           (2) by adding at the end the following: “At the  
13           end of each fiscal year, the Assistant Secretary shall  
14           submit a report to Congress that describes the find-  
15           ings of the assessment, including States experiencing  
16           departures and arrivals due to secondary migration,  
17           likely reasons for migration, the impact of secondary  
18           migration on States hosting secondary migrants,  
19           availability of social services for secondary migrants  
20           in those States, and unmet needs of those secondary  
21           migrants.”.

22           (c) ASSISTANCE MADE AVAILABLE TO SECONDARY  
23   MIGRANTS.—Section 412(a)(1) of such Act (8 U.S.C.  
24   1522(a)(1)) is amended by adding at the end the fol-  
25   lowing:



1           “(C) When providing assistance under this sec-  
2           tion, the Assistant Secretary shall ensure that such  
3           assistance is provided to refugees who are secondary  
4           migrants and meet all other eligibility requirements  
5           for such services.”.

6           (d) NOTICE AND RULEMAKING.—Not later than 90  
7           days after the date of enactment of this Act, but in no  
8           event later than 30 days before the effective date of the  
9           amendments made by this section, the Assistant Secretary  
10          shall—

11           (1) issue a proposed rule of the new formula by  
12          which grants and contracts are to be allocated pur-  
13          suant to the amendments made by subsection (c);  
14          and

15           (2) solicit public comment.

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

20          **SEC. 28. RESETTLEMENT DATA.**

21           (a) IN GENERAL.—The Assistant Secretary of Health  
22          and Human Services for Refugee and Asylee Resettlement  
23          (referred to in this section as the “Assistant Secretary”)  
24          shall expand the Office of Refugee Resettlement’s data

1 analysis, collection, and sharing activities in accordance  
2 with this section.

3 (b) DATA ON MENTAL AND PHYSICAL MEDICAL  
4 CASES.—The Assistant Secretary shall coordinate with  
5 the Centers for Disease Control, national resettlement  
6 agencies, community-based organizations, and State ref-  
7 ugee health programs to track national and State trends  
8 on refugees arriving with Class A medical conditions and  
9 other urgent medical needs. In collecting information  
10 under this subsection, the Assistant Secretary shall utilize  
11 initial refugee health screening data, including history of  
12 severe trauma, torture, mental health symptoms, depres-  
13 sion, anxiety and post traumatic stress disorder, recorded  
14 during domestic and international health screenings, and  
15 Refugee Medical Assistance utilization rate data.

16 (c) DATA ON HOUSING NEEDS.—The Assistant Sec-  
17 retary shall partner with State refugee programs, commu-  
18 nity-based organizations, and national resettlement agen-  
19 cies to collect data relating to the housing needs of refu-  
20 gees, including—

21 (1) the number of refugees who have become  
22 homeless; and

23 (2) the number of refugees at severe risk of be-  
24 coming homeless.

1 (d) DATA ON REFUGEE EMPLOYMENT AND SELF-  
2 SUFFICIENCY.—The Assistant Secretary shall gather lon-  
3 gitudinal information relating to refugee self-sufficiency  
4 and employment status for 2-year period beginning 1 year  
5 after the refugee’s arrival.

6 (e) AVAILABILITY OF DATA.—The Assistant Sec-  
7 retary shall annually—

8 (1) update the data collected under this section;  
9 and

10 (2) submit a report to Congress that contains  
11 the updated data.

12 **SEC. 29. PROTECTIONS FOR REFUGEES.**

13 Section 209 (8 U.S.C. 1159) is amended—

14 (1) in subsection (a)(1), by striking “return or  
15 be returned to the custody of the Department of  
16 Homeland Security for inspection and examination  
17 for admission to the United States as an immigrant  
18 in accordance with the provisions of sections 235,  
19 240, and 241” and inserting “be eligible for adjust-  
20 ment of status as an immigrant to the United  
21 States”;

22 (2) in subsection (a)(2), by striking “upon in-  
23 spection and examination”; and

24 (3) in subsection (c), by adding at the end the  
25 following: “An application for adjustment under this

1 section may be filed up to 3 months before the date  
2 the applicant would first otherwise be eligible for ad-  
3 justment under this section.”.

4 **SEC. 30. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL**  
5 **SECURITY BENEFITS FOR CERTAIN REFU-**  
6 **GEES.**

7 (a) EXTENSION OF ELIGIBILITY PERIOD.—

8 (1) IN GENERAL.—Section 402(a)(2)(M)(i) of  
9 the Personal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996 (8 U.S.C.  
11 1612(a)(2)(M)(i)) is amended—

12 (A) in subclause (I), by striking “9-year”  
13 and inserting “10-year”; and

14 (B) in subclause (II), by striking “2-year”  
15 and inserting “3-year”.

16 (2) CONFORMING AMENDMENT.—The heading  
17 for section 402(a)(2)(M)(i) of such Act is amended  
18 by striking “TWO-YEAR EXTENSION” and inserting  
19 “EXTENSION”.

20 (3) EFFECTIVE DATE.—The amendments made  
21 by this subsection take effect on October 1, 2011.

22 (b) EXTENSION OF PERIOD FOR COLLECTION OF  
23 UNEMPLOYMENT COMPENSATION DEBTS RESULTING  
24 FROM FRAUD.—Paragraph (8) of section 6402(f) of the  
25 Internal Revenue Code of 1986 (relating to collection of

1 unemployment compensation debts resulting from fraud)  
2 is amended by striking “10 years” and inserting “10 years  
3 and 2 months”.

4 **SEC. 31. AUTHORIZATION OF APPROPRIATIONS.**

5       There are authorized to be appropriated such sums  
6 as may be necessary to carry out this Act, and the amend-  
7 ments made by this Act.

8 **SEC. 32. DETERMINATION OF BUDGETARY EFFECTS.**

9       The budgetary effects of this Act, for the purpose of  
10 complying with the Statutory Pay-As-You-Go Act of 2010,  
11 shall be determined by reference to the latest statement  
12 titled “Budgetary Effects of PAYGO Legislation” for this  
13 Act, jointly submitted for printing in the Congressional  
14 Record by the Chairmen of the Senate Budget Committee,  
15 provided that such statement has been submitted prior to  
16 the vote on passage.

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