

114TH CONGRESS
1ST SESSION

H. R. 1123

To provide for punishments for immigration-related fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mr. FOSTER (for himself, Mr. DEUTCH, Mr. HASTINGS, Ms. LEE, Ms. MOORE, Mr. MCGOVERN, Mr. TAKANO, Mr. CÁRDENAS, Mr. QUIGLEY, Mr. TONKO, Mr. ELLISON, Mr. LOWENTHAL, Ms. TITUS, Mrs. CAPPS, Mr. CICILLINE, Mr. RANGEL, Mr. VARGAS, Mr. VEASEY, Mr. POLIS, Ms. SCHAKOWSKY, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. COHEN, Ms. MENG, Mr. GUTIÉRREZ, Mr. DESAULNIER, Ms. DUCKWORTH, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for punishments for immigration-related fraud,
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 “Protecting Immigrants
5 From Legal Exploitation Act of 2015”.

1 **SEC. 2. SCHEMES TO PROVIDE FRAUDULENT IMMIGRATION**
2 **SERVICES.**

3 (a) IN GENERAL.—Chapter 47 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 1041. Schemes to provide fraudulent immigration**
7 **services**

8 “(a) IN GENERAL.—Any person who knowingly or
9 recklessly executes a scheme or artifice, in connection with
10 any matter that is authorized by or arises under any Fed-
11 eral immigration law or any matter the offender claims
12 or represents is authorized by or arises under any Federal
13 immigration law, to—

14 “(1) defraud any person; or

15 “(2) obtain or receive money or anything else of
16 value from any person by means of false or fraudu-
17 lent pretenses, representations, or promises,

18 shall be fined under this title, imprisoned not more than
19 10 years, or both.

20 “(b) MISREPRESENTATION.—Any person who know-
21 ingly and falsely represents that such person is an attor-
22 ney or an accredited representative (as that term is de-
23 fined in section 1292.1 of title 8, Code of Federal Regula-
24 tions (or any successor regulation)) in any matter arising
25 under any Federal immigration law shall be fined under
26 this title, imprisoned not more than 15 years, or both.

1 “(c) REIMBURSEMENT.—Any person convicted of of-
2 fenses under this section must fully reimburse the client
3 for any services that person fraudulently provided.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for such chapter is amended by adding at the end the fol-
6 lowing:

“1041. Schemes to provide fraudulent immigration services.”.

7 **SEC. 3. COMBATING SCHEMES TO DEFRAUD ALIENS.**

8 (a) REGULATIONS, FORMS, AND PROCEDURES.—The
9 Secretary of Homeland Security and the Attorney Gen-
10 eral, for matters within their respective jurisdictions aris-
11 ing under the immigration laws, shall promulgate appro-
12 priate regulations, forms, and procedures defining the cir-
13 cumstances in which—

14 (1) persons submitting applications, petitions,
15 motions, or other written materials relating to immi-
16 gration benefits or relief from removal under the im-
17 migration laws will be required to identify who
18 (other than immediate family members) assisted
19 them in preparing or translating the immigration
20 submissions; and

21 (2) any person or persons who received com-
22 pensation (other than a normal fee for copying,
23 mailing, or similar services) in connection with the
24 preparation, completion, or submission of such mate-

1 rials will be required to sign the form as a preparer
2 and provide identifying information.

3 (b) CIVIL INJUNCTIONS AGAINST IMMIGRATION
4 SERVICE PROVIDER.—The Attorney General may com-
5 mence a civil action in the name of the United States to
6 enjoin any immigration service provider from further en-
7 gaging in any fraudulent conduct that substantially inter-
8 feres with the proper administration of the immigration
9 laws or who willfully misrepresents such provider’s legal
10 authority to provide representation before the Department
11 of Justice and the Department of Homeland Security.

12 (c) DEFINITIONS.—In this section:

13 (1) IMMIGRATION LAWS.—The term “immigra-
14 tion laws” has the meaning given that term in sec-
15 tion 101(a)(17) of the Immigration and Nationality
16 Act (8 U.S.C. 1101(a)(17)).

17 (2) IMMIGRATION SERVICE PROVIDER.—The
18 term “immigration service provider” means any indi-
19 vidual or entity (other than an attorney or individual
20 otherwise authorized to provide representation in im-
21 migration proceedings as provided in Federal regula-
22 tion) who, for a fee or other compensation, provides
23 any assistance or representation to aliens in relation
24 to any filing or proceeding relating to the alien
25 which arises, or which the provider claims to arise,

1 under the immigration laws, Executive order, or
2 Presidential proclamation.

3 **SEC. 4. RELIEF FOR VICTIMS OF NOTARIO FRAUD.**

4 (a) IN GENERAL.—An alien may withdraw, without
5 prejudice, an application or other submission for immigra-
6 tion status or other immigration benefit if the alien sub-
7 mits information indicating the application or submission
8 was prepared or submitted by an individual engaged in
9 the unauthorized practice of law or immigration practi-
10 tioner fraud and attests that the alien had no prior knowl-
11 edge the application or submission was prepared or sub-
12 mitted by an individual engaged in the unauthorized prac-
13 tice of law or immigration practitioner fraud.

14 (b) CORRECTED FILINGS.—The Secretary of Home-
15 land Security, the Secretary of State, and the Attorney
16 General shall develop a procedure for submitting corrected
17 applications or other submissions withdrawn under para-
18 graph (1). The Secretary of Homeland Security, the Sec-
19 retary of State, and the Attorney General shall permit cor-
20 rected applications or other submissions to be resubmitted
21 notwithstanding the numerical and time limitations on the
22 filing of the applications or other submissions covered by
23 this Act.

24 (c) WAIVER OF BAR TO REENTRY.—Section
25 212(a)(9)(B)(iii) of the Immigration and Nationality Act

1 (8 U.S.C. 1182(a)(9)(B)(ii)), as amended by section
2 2315(a), is further amended by adding at the end the fol-
3 lowing:

4 “(VII) IMMIGRATION PRACTI-
5 TIONER FRAUD.—Clause (i) shall not
6 apply to an alien if he can prove by a
7 preponderance of the evidence that he
8 departed the United States based on
9 the erroneous advice of an individual
10 engaged in the unauthorized practice
11 of law or immigration practitioner
12 fraud.”.

13 (d) REGULATIONS IMPLEMENTING CONTEMPT AU-
14 THORITY OF IMMIGRATION JUDGES.—Not later than 180
15 days after the date of enactment of this Act, the Attorney
16 General shall promulgate regulations implementing the
17 contempt authority for immigration judges provided by
18 section 240(b)(1) of the Immigration and Nationality Act
19 (8 U.S.C. 1229a(b)(1)). Such regulations shall provide
20 that any civil contempt sanctions including any monetary
21 penalty may be applicable to all parties appearing before
22 the immigration judge.

23 **SEC. 5. OUTREACH TO IMMIGRANT COMMUNITIES.**

24 (a) AUTHORITY TO CONDUCT.—The Secretary of
25 Homeland Security and the Attorney General, acting

1 through the Director of the Office for Immigration Re-
2 view, shall carry out a program to educate aliens regarding
3 who may provide legal services and representation to
4 aliens in immigration proceedings through cost-effective
5 outreach to immigrant communities.

6 (b) PURPOSE.—The purpose of the program author-
7 ized under subsection (a) is to prevent aliens from being
8 subjected to fraud by individuals who are not authorized
9 to provide legal services or representation to aliens.

10 (c) AVAILABILITY.—The Attorney General shall, to
11 the extent practicable, make publicly available information
12 regarding fraud by immigration consultants, visa consult-
13 ants, and other individuals who are not authorized to pro-
14 vide legal services or representation to aliens available—

15 (1) at appropriate offices that provide services
16 or information to aliens; and

17 (2) through Web sites that are—

18 (A) maintained by the Attorney General;

19 and

20 (B) intended to provide information re-
21 garding immigration matters to aliens.

22 (d) FOREIGN LANGUAGE MATERIALS.—Any edu-
23 cational materials used to carry out the program author-
24 ized under subsection (a) shall, to the extent practicable,

1 be made available to immigrant communities in appro-
2 priate languages, including English and Spanish.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) AMOUNTS AUTHORIZED.—There are author-
5 ized to be appropriated such sums as may be nec-
6 essary to carry out this section.

7 (2) AVAILABILITY.—Any amounts appropriated
8 pursuant to paragraph (1) shall remain available
9 until expended.

10 **SEC. 6. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
11 **CANTS.**

12 (a) ESTABLISHMENT.—The Secretary and the Attor-
13 ney General shall establish, within the U.S. Citizenship
14 and Immigration Services and the Executive Office for Im-
15 migration Review respectively, programs to award grants,
16 on a competitive basis, to eligible nonprofit organizations
17 to provide direct legal services to aliens as described in
18 subsection (c).

19 (b) ELIGIBLE NONPROFIT ORGANIZATION.—The
20 term “eligible nonprofit organization” means a nonprofit,
21 tax-exempt organization whose staff has demonstrated
22 qualifications, experience, and expertise in providing qual-
23 ity services to immigrants, refugees, persons granted asy-
24 lum, or persons applying for such statuses.

1 (c) USE OF FUNDS.—Grant funds awarded under
2 this section shall be used for the design and implementa-
3 tion of programs to provide direct assistance, within the
4 scope of authorized practice of law, to aliens in removal
5 proceedings and to aliens completing applications and pe-
6 titions, including providing assistance in obtaining nec-
7 essary documents and supporting evidence.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) AMOUNTS AUTHORIZED.—There are author-
10 ized to be appropriated such sums as may be nec-
11 essary to carry out this section.

12 (2) AVAILABILITY.—Any amounts appropriated
13 pursuant to paragraph (1) shall remain available
14 until expended.

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