

109TH CONGRESS
2D SESSION

S. 3946

To make an alien who is a member of a criminal gang removable from the United States and inadmissible to the United States, to permit the Secretary of Homeland Security to deny a visa to an alien who is a national of a country that has denied or delayed accepting an alien removed from the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2006

Mr. FRIST introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make an alien who is a member of a criminal gang removable from the United States and inadmissible to the United States, to permit the Secretary of Homeland Security to deny a visa to an alien who is a national of a country that has denied or delayed accepting an alien removed from the United States, 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 “Community Protection
5 Against International Gangs Act”.

1 **SEC. 2. INADMISSIBILITY AND REMOVAL OF ALIEN GANG**
 2 **MEMBERS.**

3 (a) INADMISSIBILITY.—Section 212(a)(2) of the Im-
 4 migration and Nationality Act (8 U.S.C. 1182(a)(2)) is
 5 amended by adding at the end the following:

6 “(J) ALIENS ASSOCIATED WITH CRIMINAL
 7 GANGS.—Unless the Secretary of Homeland Se-
 8 curity or the Attorney General waives the appli-
 9 cation of this subparagraph, any alien who a
 10 consular officer, the Attorney General, or the
 11 Secretary of Homeland Security knows or has
 12 reason to believe—

13 “(i) is, or has been, a member of a
 14 criminal street gang (as defined in section
 15 521(a) of title 18, United States Code); or

16 “(ii) has participated in the activities
 17 of such a criminal street gang, knowing or
 18 having reason to know that such activities
 19 promoted, furthered, aided, or supported
 20 the illegal activity of the criminal street
 21 gang,
 22 is inadmissible.”.

23 (b) REMOVAL.—Section 237(a)(2) (8 U.S.C.
 24 1227(a)(2)) is amended by adding at the end the fol-
 25 lowing:

“(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

“(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

“(ii) has participated in the activities of such a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal street gang,
is deportable.”.

SEC. 3. PENALTY FOR FAILURE TO ACCEPT AN ALIEN REMOVED FROM THE UNITED STATES.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

“(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied

1 or unreasonably delayed accepting an alien who is a cit-
2 izen, subject, national, or resident of that country after
3 the alien has been ordered removed, and after consultation
4 with the Secretary of State, may instruct the Secretary
5 of State to deny a visa to any citizen, subject, national,
6 or resident of that country until the country accepts the
7 alien that was ordered removed.”.

○