

111TH CONGRESS
2D SESSION

H. R. 4758

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2010

Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, and Mr. HARPER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Visas Act”.

3 **SEC. 2. VISA REFUSAL AND REVOCATION.**

4 (a) **AUTHORITY OF THE SECRETARY OF HOMELAND**
5 **SECURITY AND THE SECRETARY OF STATE.**—Section 428
6 of the Homeland Security Act (6 U.S.C. 236) is amended
7 by striking subsections (b) and (c) and inserting the fol-
8 lowing:

9 “(b) **AUTHORITY OF THE SECRETARY OF HOMELAND**
10 **SECURITY.**—

11 “(1) **IN GENERAL.**—Notwithstanding section
12 104(a) of the Immigration and Nationality Act (8
13 U.S.C. 1104(a)) or any other provision of law, and
14 except for the authority of the Secretary of State
15 under subparagraphs (A) and (G) of section
16 101(a)(15) of the Immigration and Nationality Act
17 (8 U.S.C. 1101(a)(15)), the Secretary—

18 “(A) shall have exclusive authority to issue
19 regulations, establish policy, and administer and
20 enforce the provisions of the Immigration and
21 Nationality Act (8 U.S.C. 1101 et seq.) and all
22 other immigration or nationality laws relating
23 to the functions of consular officers of the
24 United States in connection with the granting
25 and refusal of a visa; and

1 “(B) may refuse or revoke any visa to any
2 alien or class of aliens if the Secretary, or des-
3 ignee, determines that such refusal or revoca-
4 tion is necessary or advisable in the security in-
5 terests of the United States.

6 “(2) EFFECT OF REVOCATION.—The revocation
7 of any visa under paragraph (1)(B)—

8 “(A) shall take effect immediately; and

9 “(B) shall automatically cancel any other
10 valid visa that is in the alien’s possession.

11 “(3) JUDICIAL REVIEW.—Notwithstanding any
12 other provision of law, including section 2241 of title
13 28, United States Code, any other habeas corpus
14 provision, and sections 1361 and 1651 of such title,
15 no United States court has jurisdiction to review a
16 decision by the Secretary of Homeland Security to
17 refuse or revoke a visa.

18 “(c) AUTHORITY OF THE SECRETARY OF STATE.—

19 “(1) IN GENERAL.—The Secretary of State may
20 direct a consular officer to refuse a visa requested
21 by, or revoke a visa issued to, an alien if the Sec-
22 retary of State determines such refusal or revocation
23 to be necessary or advisable in the foreign policy in-
24 terests of the United States.

1 “(2) LIMITATION.—No decision by the Sec-
2 retary of State to approve a visa may override a de-
3 cision by the Secretary of Homeland Security under
4 subsection (b).”.

5 (b) ISSUANCE OF VISAS AT DESIGNATED CONSULAR
6 POSTS AND EMBASSIES.—

7 (1) IN GENERAL.—Section 428(i) of the Home-
8 land Security Act (6 U.S.C. 236(i)) is amended to
9 read as follows:

10 “(i) VISA ISSUANCE AT DESIGNATED CONSULAR
11 POSTS AND EMBASSIES.—Notwithstanding any other pro-
12 vision of law, the Secretary of Homeland Security—

13 “(1) shall conduct an on-site review of all visa
14 applications and supporting documentation before
15 adjudication at all visa-issuing posts in Algeria; Can-
16 ada; Colombia; Egypt; Germany; Hong Kong; India;
17 Indonesia; Iraq; Jerusalem, Israel; Jordan; Kuala
18 Lumpur, Malaysia; Kuwait; Lebanon; Mexico; Mo-
19 rocco; Nigeria; Pakistan; the Philippines; Saudi Ara-
20 bia; South Africa; Syria; Tel Aviv, Israel; Turkey;
21 United Arab Emirates; the United Kingdom; Ven-
22 ezuela; and Yemen; and

23 “(2) is authorized to assign employees of the
24 Department to each diplomatic and consular post at
25 which visas are issued unless, in the Secretary’s sole

1 and unreviewable discretion, the Secretary deter-
2 mines that such an assignment at a particular post
3 would not promote national or homeland security.”.

4 (2) EXPEDITED CLEARANCE AND PLACEMENT
5 OF DEPARTMENT OF HOMELAND SECURITY PER-
6 SONNEL AT OVERSEAS EMBASSIES AND CONSULAR
7 POSTS.—The Secretary of State shall accommodate
8 and ensure—

9 (A) not later than 180 days after the date
10 of the enactment of this Act, that Department
11 of Homeland Security personnel assigned by the
12 Secretary of Homeland Security under section
13 428(i)(1) of the Homeland Security Act have
14 been stationed at post; and

15 (B) not later than 180 days after the date
16 on which the Secretary of Homeland Security
17 designates an additional consular post or em-
18 bassy for personnel under section 428(i)(2) of
19 the Homeland Security Act that the Depart-
20 ment of Homeland Security personnel assigned
21 to such post or embassy have been stationed at
22 post.

23 (3) APPROPRIATIONS.—There is authorized to
24 be appropriated \$60,000,000 for each of the fiscal
25 years 2010 and 2011, which shall be used to expe-

1 dite the implementation of section 428(i) of the
2 Homeland Security Act, as amended by this sub-
3 section.

4 (c) VISA REVOCATION.—

5 (1) INFORMATION.—Section 428 of the Home-
6 land Security Act (6 U.S.C. 236) is amended by
7 adding at the end the following:

8 “(j) VISA REVOCATION INFORMATION.—If the Sec-
9 retary of Homeland Security or the Secretary of State re-
10 vokes a visa—

11 “(1) the relevant consular, law enforcement,
12 and terrorist screening databases shall be imme-
13 diately updated on the date of the revocation; and

14 “(2) look-out notices shall be posted to all De-
15 partment of Homeland Security port inspectors and
16 Department of State consular officers.”.

17 (2) EFFECT OF VISA REVOCATION.—Section
18 221(i) of the Immigration and Nationality Act (8
19 U.S.C. 1201(i)) is amended by striking “, except in
20 the context of a removal proceeding if such revoca-
21 tion provides the sole ground for removal under sec-
22 tion 237(a)(1)(B).” and inserting “. A revocation
23 under this subsection shall take effect immediately

1 and shall automatically cancel any other valid visa
2 that is in the alien's possession.”.

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