

111TH CONGRESS
2D SESSION

S. 3077

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 SENATE OF THE UNITED STATES

MARCH 4, 2010

Mr. CORNYN (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

7 “(b) AUTHORITY OF THE SECRETARY OF HOMELAND
8 SECURITY.—

9 “(1) IN GENERAL.—Notwithstanding section
10 104(a) of the Immigration and Nationality Act (8
11 U.S.C. 1104(a)) or any other provision of law, and
12 except for the authority of the Secretary of State
13 under subparagraphs (A) and (G) of section
14 101(a)(15) of the Immigration and Nationality Act
15 (8 U.S.C. 1101(a)(15)), the Secretary—

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

24 “(B) may refuse or revoke any visa to any
25 alien or class of aliens if the Secretary, or des-
26 ignee, determines that such refusal or revoca-

1 tion is necessary or advisable in the security in-
2 terests of the United States.

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

5 “(A) shall take effect immediately; and

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

8 “(3) JUDICIAL REVIEW.—Notwithstanding any
9 other provision of law, including section 2241 of title
10 28, United States Code, any other habeas corpus
11 provision, and sections 1361 and 1651 of such title,
12 no United States court has jurisdiction to review a
13 decision by the Secretary of Homeland Security to
14 refuse or revoke a visa.

15 “(c) EFFECT OF VISA APPROVAL BY THE SEC-
16 RETARY OF STATE.—

17 “(1) IN GENERAL.—The Secretary of State may
18 direct a consular officer to refuse or revoke a visa
19 to an alien if the Secretary determines that such re-
20 fusal or revocation is necessary or advisable in the
21 foreign policy interests of the United States.

22 “(2) LIMITATION.—No decision by the Sec-
23 retary of State to approve a visa may override a de-
24 cision by the Secretary under subsection (b).”.

1 (b) ISSUANCE OF VISAS AT DESIGNATED CONSULAR
2 POSTS AND EMBASSIES.—

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

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

9 “(1) shall conduct an on-site review of all visa
10 applications and supporting documentation before
11 adjudication at all visa-issuing posts in Algeria; Can-
12 ada; Colombia; Egypt; Germany; Hong Kong, China;
13 India; Indonesia; Iraq; Jerusalem, Israel; Tel Aviv,
14 Israel; Jordan; Kuwait; Lebanon; Kuala Lumpur,
15 Malaysia; Mexico; Morocco; Nigeria; Pakistan; the
16 Philippines; Saudi Arabia; South Africa; Syria; Tur-
17 key; United Arab Emirates; the United Kingdom;
18 Venezuela; and Yemen; and

19 “(2) is authorized to assign employees of the
20 Department to each diplomatic and consular post at
21 which visas are issued unless, in the Secretary’s sole
22 and unreviewable discretion, the Secretary deter-
23 mines that such an assignment at a particular post
24 would not promote national or homeland security.”.

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

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

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

20 (3) APPROPRIATIONS.—There is authorized to
21 be appropriated \$60,000,000 for each of the fiscal
22 years 2010 and 2011, which shall be used to expe-
23 dite the implementation of section 428(i) of the
24 Homeland Security Act, as amended by this sub-
25 section.

1 (c) VISA REVOCATION.—

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

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

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

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

14 (2) EFFECT OF VISA REVOCATION.—Section
15 221(i) of the Immigration and Nationality Act (8
16 U.S.C. 1201(i)) is amended by striking “, except in
17 the context of a removal proceeding if such revoca-
18 tion provides the sole ground for removal under sec-
19 tion 237(a)(1)(B).” and inserting “. A revocation
20 under this subsection shall take effect immediately
21 and shall automatically cancel any other valid visa
22 that is in the alien’s possession.”.

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