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

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2010

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Refugee Protection Act of 2010”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Elimination of arbitrary 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 and detention of asylum seekers.
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 pro-
cedures on asylum claims.
Sec. 14. Lawful permanent resident status of refugees and asylum seekers
granted asylum.
Sec. 15. Protections for minors seeking asylum.
Sec. 16. Multiple forms of relief.
Sec. 17. Protection of refugee families.
Sec. 18. Reform of refugee consultation process and refugee processing.
Sec. 19. Admission of refugees in the absence of the annual presidential deter-
mination.
Sec. 20. Authority to designate certain groups of refugees for consideration.
Sec. 21. Update of reception and placement grants.
Sec. 22. Legal assistance for refugees and asylees.
Sec. 23. Protection for aliens interdicted at sea.
Sec. 24. Protection of stateless persons in the United States.
Sec. 25. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

In this Act:

(1) ASYLUM SEEKER.—The term “asylum seeker”—

(A) means—

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

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

(iii) any alien who indicates an inten-
tion to apply for withholding of removal,
pursuant to—
(I) section 241 of the Immigration and Nationality Act (8 U.S.C. 1231); or

(II) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

(B) includes any individual described in subparagraph (A) whose application for asylum or withholding of removal is pending judicial review; and

(C) does not include an individual with respect to whom a final order denying asylum and withholding of removal has been entered if such order is not pending judicial review.

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

SEC. 3. ELIMINATION OF ARBITRARY TIME LIMITS ON ASYLUM APPLICATIONS.

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

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;
(3) in subparagraph (B), as redesignated, by striking “(D)” and inserting “(C)”; and

(4) by striking subparagraph (C), as redesignated, and inserting the following:

“(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General, the existence of changed circumstances that materially affect the applicant’s eligibility for asylum.”.

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

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by amending subclause (IX) to read as follows:

“(IX) is an officer, official, representative, or spokesman of the Palestine Liberation Organization,”; and

(B) by striking the matter following subclause (IX) and inserting the following:

“is inadmissible.”;}
(2) in clause (iii), by inserting “which is intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion and” after “means any activity”;

(3) in clause (iv)(VI), by inserting “(other than as the result of coercion)” after “to commit an act”;

(4) in clause (vi)—

(A) in subclause (I), by adding “or” at the end;

(B) in subclause (II), by striking “; or” and inserting a period; and

(C) by striking subclause (III); and

(5) by adding at the end the following:

“(vii) As used in this paragraph, the term, ‘coercion’ means—

“(I) serious harm, including restraint against any person; or

“(II) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to, or restraint against, any person.”.
SEC. 5. PROTECTING CERTAIN VULNERABLE GROUPS OF ASYLUM SEEKERS.

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

"(42)(A) The term ‘refugee’ means any person who—

“(i)(I) is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided; and

“(II) is unable to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion; or

“(ii) in such circumstances as the President may specify, after appropriate consultation (as defined in section 207(e))—

“(I) is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing; and
“(II) is persecuted, or who has a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(B) The term ‘refugee’ does not include any person who ordered, incited, assisted, or otherwise participated, other than as a result of coercion (as defined in section 212(a)(3)(B)(vii)), in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

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

“(i) a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion; and

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

“(D) For purposes of determinations under this Act, any group whose members share a characteristic that is either immutable or fundamental to identity, conscience, or the exercise of the person’s human rights such that the person should not be required to change it, shall be deemed a particular social group, without any additional requirement.”.

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

(1) in clause (i), by striking “at least one central reason for persecuting the applicant” and inserting “a factor in the applicant’s persecution or fear of persecution”;

(2) in clause (ii), by striking the last sentence and inserting the following: “If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.”;

(3) by redesignating clause (iii) as clause (iv);
(4) by inserting after clause (ii) the following:

“(iii) SUPPORTING EVIDENCE ACCEPTED.—Direct or circumstantial evidence, including evidence that the State is unable to protect the applicant or that State legal or social norms tolerate such persecution against persons like the applicant, may establish that persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.”; and

(5) in clause (iv), as redesignated, by striking “, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor.” and inserting “. If the trier of fact determines that there are inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions.”.

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

(1) in subparagraph (B), by striking the last sentence and inserting the following: “If the trier of
fact determines that the applicant should provide
evidence that corroborates otherwise credible testi-
mony, the trier of fact shall provide notice and allow
the applicant a reasonable opportunity to file such
evidence unless the applicant does not have the evi-
dence and cannot reasonably obtain the evidence.”;
and
(2) in subparagraph (C), by striking “, without
regard to whether an inconsistency, inaccuracy, or
falsehood goes to the heart of the applicant’s claim,
or any other relevant factor” and inserting “. If the
trier of fact determines that there are inconsist-
encies or omissions, the alien shall be given an op-
portunity to explain and to provide support or evi-
dence to clarify such inconsistencies or omissions.”.

SEC. 6. EFFECTIVE ADJUDICATION OF PROCEEDINGS.

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

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

(2) in subparagraph (B), by striking “, and” at
the end and inserting a semicolon;
(3) by redesignating subparagraph (C) as sub-
paragraph (D); and

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

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

SEC. 7. SCOPE AND STANDARD FOR REVIEW.

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

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

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

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

SEC. 8. EFFICIENT ASYLUM DETERMINATION PROCESS AND DETENTION OF ASYLUM SEEKERS.

(a) In General.—Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (ii), by striking ‘‘shall be detained for further consideration of the application for asylum’’ and inserting ‘‘may, in the Secretary’s discretion, be detained for further consideration of the application for asylum by an asylum officer designated by the Director of United States Citizenship and Immigration Services. The asylum officer, after conducting a nonadversarial asylum interview, may grant asylum to the alien under section 208 or refer the case to a designee of the Attorney General, for a de novo asylum determination, for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or for withholding of removal under section 241(b)(3).’’;

(2) in clause (iii)(IV)—

(A) by amending the subclause heading to read as follows:
“(IV) DETENTION.—”; and

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

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

“(vi) PAROLE OF CERTAIN ALIENS.—Any alien subject to detention under clause (iii)(IV) who has established identity and been determined to have a credible fear of persecution shall be released from the custody of the Department of Homeland Security not later than 7 days after such determination unless the Department demonstrates by substantial evidence that the alien—

“(I) poses a risk to public safety, which may include a risk to national security; or

“(II) is a flight risk, which cannot be mitigated through other conditions of release, such as bond or secure alternatives, that would reasonably ensure that the alien would appear for immigration proceedings.

“(vii) REVIEW OF DETENTION.—If an alien described in clause (vi) is denied re-
lease from detention, the Attorney General shall—

“(I) not later than 7 days after such denial, review the parole determination through a hearing before an immigration judge, who shall determine whether the alien should be paroled and any conditions of such release; and

“(II) notify the detained alien and the alien’s legal representative of the reason for such denial, orally and in writing, in a language the alien claims to understand.

“(viii) WAIVER.—The alien may waive the 7-day review requirement under clause (vii)(I) and request a review at a later time. Any alien whose parole request has been reviewed and denied under clause (vii)(I) may request another review and determination upon showing that there was a material change in circumstances since the last review.”.

(b) RULEMAKING.—The Secretary and the Attorney General shall promulgate regulations establishing a proce-
ess for reviewing the eligibility of aliens for parole in ac-
cordance with clause (vi) and (vii) of section 235(b)(1)(B)
of the Immigration and Nationality Act, as amended by
subsection (a).

SEC. 9. SECURE ALTERNATIVES PROGRAM.

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

(1) to prevent the alien from absconding;

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

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

(b) PROGRAM REQUIREMENTS.—

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

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

(A) with an individual or organizational
sponsor; or
(B) in a supervised group home.

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

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

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

(4) RESTRICTIVE ELECTRONIC MONITORING.—

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

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

(5) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Asylum seekers shall be eligible to participate in the Program.

(B) PROGRAM DESIGN.—The Program shall be designed to ensure sufficient supervision of the population described in subparagraph (A).
(6) **CONTRACTS.**—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the Program.

(7) **OTHER CONSIDERATIONS.**—In designing the Program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute of Justice.

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

(a) **RULEMAKING.**—The Secretary shall promulgate regulations that—

(1) authorize and promote the utilization of alternatives to detention of asylum seekers;

(2) establish the conditions for detention of asylum seekers that ensure a safe and humane environment; and

(3) include the rights and procedures set forth in subsections (c) through (h).

(b) **DEFINITIONS.**—In this section:

(1) **DETAINEE.**—The term “detainee” means an individual who is detained under the authority of United States Immigration and Customs Enforcement.
(2) DETENTION FACILITY.—The term "detention facility" means any Federal, State, local government facility, or privately owned and operated facility, which is being used to hold detainees longer than 72 hours.

(3) SHORT-TERM DETENTION FACILITY.—The term "short-term detention facility" means any Federal, State, local government, or privately owned and operated facility that is used to hold immigration detainees for not more than 72 hours.

(4) GROUP LEGAL ORIENTATION PRESENTATIONS.—The term "group legal orientation presentations" means live group presentations, supplemented by individual orientations, pro se workshops, and pro bono referrals, that—

(A) are carried out by private nongovernmental organizations;

(B) are presented to detainees;

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

(D) enable detainees to determine their eligibility for relief.

(e) ACCESS TO LEGAL SERVICES.—
(1) Lists of legal service providers.—All detainees arriving at a detention facility shall promptly receive—

(A) access to legal information, including an on-site law library with up-to-date legal materials and law databases;

(B) free access to the necessary equipment and materials for legal research and correspondence, such as computers, printers, copiers, and typewriters;

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

(i) are near such detention facility;

and

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

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

(E) services to send confidential legal documents to legal counsel, government offices, and legal organizations.

(2) Group legal orientation presentations.—
(A) Establishment of a National Legal Orientation Support and Training Center.—The Attorney General, in consultation with the Secretary, shall establish a National Legal Orientation Support and Training Center (referred to in this subsection as the “Center”) to ensure quality and consistent implementation of group legal orientation programs nationwide.

(B) Duties.—The Center shall—

(i) offer training to nonprofit agencies that will offer group legal orientation programs;

(ii) consult with nonprofit agencies offering group legal orientation programs regarding program development and substantive legal issues; and

(iii) develop standards for group legal orientation programs.

(C) Procedures.—The Secretary shall establish procedures for regularly scheduled, group legal orientation presentations.

(3) Grants Authorized.—The Attorney General shall establish a program to award grants to nongovernmental agencies to develop, implement, or
expand legal orientation programs for all detainees at a detention facility that offers such programs.

(4) Notification Requirement.—The Secretary shall establish procedures to promptly notify detainees at a detention facility, orally and in writing in a language that the detainee claims to understand, of—

(A) their available release options; and

(B) the procedures for requesting such options.

(d) Visits.—

(1) Legal Representation.—Detainees in detention facilities have the right to meet privately with current or prospective legal representatives, interpreters, and other legal support staff for at least 8 hours per day on regular business days and 4 hours per day on weekends and holidays, subject to appropriate security procedures. Legal visits may only be restricted for narrowly defined exceptional circumstances, such as a natural disaster or comparable emergency.

(2) Pro Bono Organizations.—Detention facilities shall prominently post, in detainee housing units and other appropriate areas, official lists of pro bono legal organizations and their contact infor-
mation. The Secretary shall update such lists semi-
annually.

(3) Religious, cultural, and spiritual
visitors.—Detainees have the right to reasonable
access to religious or other qualified individuals to
address religious, cultural, and spiritual consider-
atations.

(4) Children.—Detainees have the right to
regular, private contact visits with their children (as
defined in section 101(b)(1) of the Immigration and
Nationality Act (8 U.S.C. 1101(b)(1)).

(e) Quality of Medical Care.—

(1) Right to medical care.—Each detainee
has the right to—

(A) prompt and adequate medical care, de-
signed to ensure continuity of care, at no cost
to the detainee;

(B) care to address medical needs that ex-
isted prior to detention; and

(C) primary care, emergency care, chronic
care, reproductive health care, prenatal care,
dental care, eye care, mental health care, and
other medically necessary specialized care.

(2) Screenings and examinations.—Each
detainee shall receive—
(A) a comprehensive medical, dental, and mental health intake screening, including screening for sexual abuse or assault, conducted by a licensed health care professional upon arrival at a detention facility or short-term detention facility; and

(B) a comprehensive medical and mental health examination by a licensed health care professional not later than 14 days after the detainee’s arrival at a detention facility.

(3) MEDICATIONS AND TREATMENT.—

(A) PRESCRIPTIONS.—Each detainee taking prescribed medications prior to detention shall be allowed to continue taking such medications, on schedule and without interruption, until a licensed health care professional examines the immigration detainee and decides upon an alternative course of treatment. Detainees who arrive at a detention facility without prescription medications and report being on specific prescription medications shall be evaluated by a qualified health care professional not later than 24 hours after such arrival. All decisions to discontinue or modify a detainee’s reported prescription medication regimen shall be con-
veyed to the detainee in a language that the de-
tainee understands and recorded in writing in
the detainee’s medical records.

(B) Psychotropic Medication.—Medica-
tion may not be forcibly administered to a de-
tainee to facilitate transport, removal, or other-
wise to control the detainee’s behavior. Involun-
tary psychotropic medication may only be used,
to the extent authorized by applicable law, in
emergency situations after a physician has per-
sonally examined the detainee and determined
that—

(i) the detainee is imminently dan-
gerous to self or others due to a mental ill-
ness; and

(ii) involuntary psychotropic medica-
tion is medically appropriate to treat the
mental illness and necessary to prevent
harm.

(C) Treatment.—Each detainee shall be
provided medically necessary treatment, includ-
ing prenatal care, prenatal vitamins, hormonal
therapies, and birth control. Female detainees
shall be provided with adequate access to sanita-
tary products.
(4) MEDICAL CARE DECISIONS.—Any decision regarding requested medical care for a detainee—

(A) shall be made in writing by an on-site licensed health care professional not later than 72 hours after such medical care is requested; and

(B) shall be immediately communicated to the detainee.

(5) ADMINISTRATIVE APPEALS PROCESS.—

(A) IN GENERAL.—The operators of detention facilities, in conjunction with the Department of Homeland Security, shall ensure that detainees, medical providers, and legal representatives are provided the opportunity to appeal a denial of requested health care services by an on-site provider to an independent appeals board.

(B) APPEALS BOARD.—The appeals board shall include health care professionals in the fields relevant to the request for medical or mental health care.

(C) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—
(i) issue a written decision regarding
the appeal; and
(ii) notify the detention facility and
the appellee, orally and in a writing in a
language the appellee claims to under-
stand, of such decision.

(6) REVIEW OF ON-SITE MEDICAL PROVIDER
REQUESTS.—

(A) IN GENERAL.—The Secretary shall re-
spond within 72 hours to any request by an on-
site medical provider for authorization to pro-
vide medical or mental health care to a de-
tainee.

(B) WRITTEN EXPLANATION.—If the Sec-
retary denies or fails to grant a request de-
scribed in subparagraph (A), the Secretary shall
immediately provide a written explanation of
the reasons for such decision to the on-site
medical provider and the detainee.

(C) APPEALS BOARD.—The on-site medical
provider and the detainee (or the detainee’s
legal representative) shall be permitted to ap-
peal the denial of, or failure to grant, a request
described in subparagraph (A) to an inde-
pendent appeals board.
(D) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—

(i) issue a written decision regarding the appeal;

(ii) notify the detainee of such decision, orally and in a writing in a language the detainee claims to understand; and

(iii) notify the on-site medical provider and the detention facility of such decision.

(7) CONDITIONAL RELEASE.—

(A) IN GENERAL.—If a licensed health care professional determines that a detainee has a medical or mental health care condition, is pregnant, or is a nursing mother, the Secretary shall consider releasing the detainee on parole, on bond, or into a secure alternatives program.

(B) REEVALUATION.—If a detainee described in subparagraph (A) is not initially released under this paragraph, the Secretary shall periodically reevaluate the situation of the detainee to determine if such a release would be appropriate.
(C) Discharge Planning.—Upon removal or release, all detainees with serious medical or mental health conditions and women who are pregnant shall receive discharge planning to ensure continuity of care for a reasonable period of time.

(8) Medical Records.—

(A) In General.—The Secretary shall—

(i) maintain complete, confidential medical records for each detainee and make such records available to the detainee, or to individuals authorized by the detainee, not later than 72 hours after receiving a request for such records.

(B) Transfer of Medical Records.—

Immediately upon a detainee’s transfer between detention facilities, the detainee’s complete medical records, including any transfer summary, shall be provided to the receiving detention facility.

(f) Transfer of Detainees.—

(1) Notice.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary shall provide written notice to any detainee, orally and in a writing in a language the de-
tainee claims to understand, not less than 72 hours before transferring such detainee to another detention facility. Not later than 24 hours after such transfer, the Secretary shall notify the detainee’s legal representative, or other person designated by the detainee of the transfer, by telephone and in writing.

(2) PROCEDURES.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary may not transfer a detainee to another detention facility if such transfer would—

(A) impair an existing attorney-client relationship;

(B) prejudice the rights of the detainee in any legal proceeding, including any Federal, State, or administrative proceeding; or

(C) negatively affect the detainee’s health, including by interrupting the continuity of medical care or provision of prescription medication.

(g) ACCESS TO TELEPHONES.—

(1) IN GENERAL.—Not later than 6 hours after the commencement of a detention of a detainee, the detainee shall be provided reasonable access to a
telephone, with at least 1 working telephone available for every 25 detainees.

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

(A) legal representatives;

(B) nongovernmental organizations designated by the Secretary;

(C) consular officials;

(D) the United Nations High Commissioner for Refugees;

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


(3) EMERGENCIES.—Each detainee subject to expedited removal or who is experiencing a personal or family emergency, including the need to arrange care for dependents, shall be allowed to make confidential calls at no charge.
(4) PRIVACY.—Each detainee has the right to hold private telephone conversations for the purpose of obtaining legal representation or related to legal matters.

(5) RATES.—The Secretary shall ensure that rates charged in detention facilities for telephone calls are reasonable and do not significantly impair the detainee’s right to make telephone calls.

(h) PHYSICAL AND SEXUAL ABUSE.—

(1) IN GENERAL.—No detainee, whether in a detention facility or short-term detention facility, shall be subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) PREVENTION.—The operators of detention facilities shall take all necessary measures—

(A) to prevent sexual abuse and sexual assaults of detainees;

(B) to provide medical and mental health treatment to victims of sexual abuse and sexual assaults; and

(C) to comply fully with the national standards for the detection, prevention, reduction, and punishment of prison rape adopted
pursuant to section 8(a) of the Prison Rape
Elimination Act of 2003 (42 U.S.C. 15607(a)).

(i) LIMITATIONS ON SOLITARY CONFINEMENT,
SHACKLING, AND STRIP SEARCHES.—

(1) EXTRAORDINARY CIRCUMSTANCES.—Solit-
tary confinement, shackling, and strip searches of
detainees—

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

(B) may not be used for the purpose of
humiliating detainees either within or outside
the detention facility.

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

(3) WRITTEN POLICIES.—Detention facilities
shall—

(A) adopt written policies pertaining to the
use of force and restraints; and
(B) train all staff on the proper use of such techniques and devices.

(j) LOCATION OF DETENTION FACILITIES.—

(1) NEW FACILITIES.—All detention facilities first used by the Department of Homeland Security after the date of the enactment of this Act shall be located within 50 miles of a community in which there is a demonstrated capacity to provide free or low-cost legal representation by—

(A) nonprofit legal aid organizations; or

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

(2) EXISTING FACILITIES.—Not later than January 1, 2014, all detention facilities used by the Department of Homeland Security shall meet the location requirement described in paragraph (1).

(3) REPORT.—If the Secretary fails to comply with the requirement under paragraph (2) by January 1, 2014, the Secretary shall submit a report to Congress on such date, and annually thereafter, that—

(A) explains the reasons for such failure;

and

(B) describes the specific plans of the Secretary to meet such requirement.
(k) **TRANSLATION CAPABILITIES.**—The operators of detention facilities and short-term detention facilities shall—

(1) employ staff who are professionally qualified in any language spoken by more than 10 percent of its detainee population;

(2) arrange for alternative translation services, as needed, in the exceptional circumstances when trained bilingual staff members are unavailable to translate; and

(3) provide notices and written materials to detainees in the native language of such detainees if such language is spoken by more than 5 percent of the detainees in the facility.

(l) **RECREATIONAL PROGRAMS AND ACTIVITIES.**—Detainees shall be provided with access to at least 1 hour of indoor and outdoor recreational programs and activities each day.

(m) **TRAINING OF PERSONNEL.**—All personnel at detention facilities and short-term detention facilities shall be given comprehensive, specialized training and regular, periodic updates, including—

(1) an overview of immigration detention and all detention standards;
(2) the characteristics of the noncitizen detainee population, including the special needs of vulnerable populations among detainees and cultural, gender, gender identity, and sexual orientation issues; and

(3) the due process and grievance procedures to protect the rights of detainees.

(n) TRANSPORTATION.—The Secretary shall ensure that—

(1) each detainee is safely transported, which shall include the appropriate use of safety harnesses and occupancy limitations of vehicles; and

(2) female officers are responsible and at all times present during the transfer and transport of female detainees who are in the custody of the Department of Homeland Security.

(o) VULNERABLE POPULATIONS.—Detention facility conditions and minimum requirements for detention facilities shall recognize and accommodate the unique needs of vulnerable detainees, including—

(1) families with children;

(2) asylum seekers;

(3) victims of abuse, torture, or trafficking;

(4) individuals who are older than 65 years of age;
(5) pregnant women; and

(6) nursing mothers.

(p) CHILDREN.—The Secretary shall ensure that unaccompanied alien children are—

(1) physically separated from any adult who is not an immediate family member; and

(2) separated by sight and sound from—

(A) immigration detainees and inmates with criminal convictions;

(B) pretrial inmates facing criminal prosecution;

(C) children who have been adjudicated delinquents or convicted of adult offenses or are pending delinquency or criminal proceedings; and

(D) inmates exhibiting violent behavior while in detention.

(q) SHORT-TERM FACILITY REQUIREMENTS.—

(1) Access to basic needs, people, and property.—

(A) Basic needs.—All detainees in short-term detention facilities shall receive—

(i) potable water;

(ii) food, if detained for more than 5 hours;
(iii) basic toiletries, diapers, sanitary products, and blankets; and

(iv) access to bathroom facilities.

(B) PEOPLE.—The Secretary shall provide consular officials with access to detainees held at any short-term detention facility. Detainees shall be afforded reasonable access to a licensed health care professional. The Secretary shall ensure that nursing mothers in such facilities have access to their children.

(C) PROPERTY.—Any property belonging to a detainee that was confiscated by an official of the Department of Homeland Security shall be returned to the detainee upon repatriation or transfer.

(2) PROTECTIONS FOR CHILDREN.—

(A) QUALIFIED STAFF.—The Secretary shall ensure that adequately trained and qualified staff are stationed at each major port of entry at which, during the 2 most recent fiscal years, an average of at least 50 unaccompanied alien children have been held per year by United States Customs and Border Protection. Such staff shall include—
(i) independent licensed social workers
dedicated to ensuring the proper tem-
porary care for the children while in the
custody of United States Customs and
Border Protection; and

(ii) agents charged primarily with the
safe, swift, and humane transportation of
such children to the custody of the Office
of Refugee Resettlement.

(B) SPECIFIC RIGHTS.—The social workers
described in subparagraph (A)(i) shall ensure
that each unaccompanied alien child—

(i) receives emergency medical care;

(ii) receives mental health care in case
of trauma;

(iii) has access to psychosocial health
services;

(iv) is provided with—

(I) a pillow, linens, and sufficient
blankets to rest at a comfortable tem-
perature; and

(II) a bed and mattress placed in
an area specifically designated for res-
dential use;

(v) receives adequate nutrition;
(vi) enjoys a safe and sanitary living environment;

(vii) receives educational materials;

and

(viii) has access to at least 3 hours of indoor and outdoor recreational programs and activities per day.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of providing care, custody, placement, and follow-up services to unaccompanied alien children, consistent with the best interest of such children, by not disclosing such information to other government agencies or nonparental third parties, except as provided under paragraph (2).

(B) LIMITED DISCLOSURE OF INFORMATION.—The Secretary may disclose information regarding an unaccompanied alien child only if—

(i) the child authorizes such disclosure and it is consistent with the child’s best interest; or
(ii) the disclosure is to a duly recog-
nized law enforcement entity and is nec-
essary to prevent imminent and serious 
harm to another individual.

(C) Written record.—All disclosures 
under paragraph (2) shall be duly recorded in 
writing and placed in the child’s file.

SEC. 11. TIMELY NOTICE OF IMMIGRATION CHARGES.

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

“(f) Notice and Charges.—Not later than 48 
hours after the commencement of a detention of an indi-
vidual under this section, the Secretary of Homeland Se-
curity shall—

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

“(2) serve such notice or charging document on 
the individual.”.
SEC. 12. PROCEDURES FOR ENSURING ACCURACY AND
VERIFIABILITY OF SWORN STATEMENTS
TAKEN PURSUANT TO EXPEDITED REMOVAL
AUTHORITY.
(a) In General.—The Secretary shall establish
quality assurance procedures to ensure the accuracy and
verifiability of signed or sworn statements taken by em-
ployees of the Department of Homeland Security exer-
cising expedited removal authority under section 235(b)
of the Immigration and Nationality Act (8 U.S.C.
1225(b)).
(b) Recording of Interviews.—
(1) In General.—Any sworn or signed written
statement taken from an alien as part of the record
of a proceeding under section 235(b)(1)(A) of the
Immigration and Nationality Act shall be accom-
panied by a recording of the interview which served
as the basis for such sworn statement.
(2) Content.—The recording shall include—
(A) a reading of the entire written state-
ment to the alien in a language that the alien
claims to understand; and
(B) the verbal affirmation by the alien of
the accuracy of—
(i) the written statement; or
(ii) a corrected version of the written statement.

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

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

(c) EXEMPTION AUTHORITY.—

(1) EXEMPTED FACILITIES.—Subsection (b) shall not apply to interviews that occur at detention facilities exempted by the Secretary under this subsection.

(2) CRITERIA.—The Secretary, or the Secretary’s designee, may exempt any detention facility if compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary shall annually submit a report to Congress that identifies the facilities that have been exempted under this subsection.

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

(d) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used if—
(1) the interviewing officer does not speak a language understood by the alien; and
(2) there is no other Federal Government employee available who is able to interpret effectively, accurately, and impartially.

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

(a) Study.—

(1) In general.—The United States Commission on International Religious Freedom (referred to in this section as the “Commission”) is authorized to conduct a study to determine whether immigration officers described in paragraph (2) are engaging in conduct described in paragraph (3).

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

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

(B) may be eligible to apply for asylum under section 208 or 235 of such Act.
(3) Conduct described.—An immigration officer engages in conduct described in this paragraph if the immigration officer—

(A) improperly encourages an alien referred to in paragraph (2) to withdraw or retract claims for asylum;

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

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

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

(b) Report.—Not later than 2 years after the date on which the Commission initiates the study under subsection (a), the Commission shall submit a report containing the results of the study to—

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

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

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

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

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

(e) STAFF.—

(1) FROM OTHER AGENCIES.—

(A) IDENTIFICATION.—The Commission may identify employees of the Department of Homeland Security, the Department of Justice, and the Government Accountability Office that have significant expertise and knowledge of refugee and asylum issues.

(B) DESIGNATION.—At the request of the Commission, the Secretary, the Attorney General, and the Comptroller General of the United States shall authorize staff identified under subparagraph (A) to assist the Commission in conducting the study under subsection (a).

(2) ADDITIONAL STAFF.—The Commission may hire additional staff and consultants to conduct the study under subsection (a).
(3) Access to proceedings.—

(A) In general.—Except as provided in subparagraph (B), the Secretary and the Attorney General shall provide staff designated under paragraph (1) or hired under paragraph (2) with unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

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

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

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

SEC. 14. LAWFUL PERMANENT RESIDENT STATUS OF REFUGEES AND ASYLUM SEEKERS GRANTED ASYLUM.

(a) Admission of Emergency Situation Refugees.—Section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)) is amended—
(1) in paragraph (1)—

(A) by striking “Attorney General” the first time it appears and inserting “Secretary of Homeland Security”;

(B) by striking “Attorney General” each additional place it appears and inserting “Secretary”; and

(C) by striking “(except as otherwise provided under paragraph (3)) as an immigrant under this Act.” and inserting “(except as provided under subsection (b) and (c) of section 209) as an immigrant under this Act. Notwithstanding any numerical limitations specified in this Act, any alien admitted under this paragraph shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien’s admission to the United States.”;

(2) in paragraph (2)(A)—

(A) by striking “(except as otherwise provided under paragraph (3))” and inserting “(except as provided under subsection (b) and (c) of section 209)” ; and

(B) by striking the last sentence and inserting the following: “An alien admitted to the
United States as a refugee may petition for his or her spouse or child to follow to join him or her in the United States at any time after such alien’s admission, notwithstanding his or her treatment as a lawful permanent resident as of the date of his or her admission to the United States.”;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

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

(A) by striking “Attorney General” the first time it appears and inserting “Secretary of Homeland Security”; and

(B) by striking “Attorney General” each additional place it appears and inserting “Secretary”.

(b) TREATMENT OF SPOUSE AND CHILDREN.—Section 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:
“(B) Petition.—An alien granted asylum under this subsection may petition for the same status to be conferred on his or her spouse or child at any time after such alien is granted asylum whether or not such alien has applied for, or been granted, adjustment to permanent resident status under section 209.

“(C) Permanent resident status.—Notwithstanding any numerical limitations specified in this Act, a spouse or child admitted to the United States as an asylee following to join a spouse or parent previously granted asylum shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such spouse’s or child’s admission to the United States.

“(D) Application for adjustment of status.—A spouse or child who was not admitted to the United States pursuant to a grant of asylum, but who was granted asylum under this subparagraph after his or her arrival as the spouse or child of an alien granted asylum under section 208, may apply for adjustment of status to that of lawful permanent resident
under section 209 at any time after being
granted asylum.”.

(c) Refugees.—

(1) In General.—Section 209 of such Act (8
U.S.C. 1159) is amended to read as follows:

“SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFUGEES AND OF ALIENS GRANTED ASYLUM.

“(a) In General.—

“(1) Treatment of Refugees.—Notwithstanding any numerical limitations specified in this Act, any alien who has been admitted to the United States under section 207 shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such admission.

“(2) Treatment of Spouse and Children.—Notwithstanding any numerical limitations specified in this Act, any alien admitted to the United States under section 208(b)(3) as the spouse or child of an alien granted asylum under section 208(b)(1) shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such admission.

“(3) Adjustment of Status.—The Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney Gen
eral, and under such regulations as the Secretary or
the Attorney General may prescribe, may adjust, to
the status of an alien lawfully admitted to the
United States for permanent residence, the status of
any alien who, while in the United States—

“(A) is granted—

“(i) asylum under section 208(b) (as
a principal alien or as the spouse or child
of an alien granted asylum); or

“(ii) refugee status under section 207
as the spouse or child of a refugee;

“(B) applies for such adjustment of status
at any time after being granted asylum or ref-
ugee status;

“(C) is not firmly resettled in any foreign
country; and

“(D) is admissible (except as otherwise
provided under subsections (b) and (c)) as an
immigrant under this Act at the time of exam-
ination for adjustment of such alien.

“(4) RECORD.—Upon approval of an applica-
tion under this subsection, the Secretary of Hom-
eland Security or the Attorney General shall establish
a record of the alien’s admission for lawful perma-
nent residence as of the date such alien was granted asylum or refugee status.

“(5) DOCUMENT ISSUANCE.—An alien who has been admitted to the United States under section 207 or 208 or who adjusts to the status of a lawful permanent resident as a refugee or asylee under this section shall be issued documentation indicating that such alien is a lawful permanent resident pursuant to a grant of refugee or asylum status.

“(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5), and (7)(A) of section 212(a) shall not apply to—

“(1) any refugee under section 207;

“(2) any alien granted asylum under section 208; or

“(3) any alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status.

“(c) WAIVER OF INADMISSIBILITY OR DEPORTABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—
“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security or the Attorney General may waive any ground of inadmissibility under section 212 or any ground of deportability under section 237 for a refugee admitted under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status if the Secretary or the Attorney General determines that such waiver is justified by humanitarian purposes, to ensure family unity, or is otherwise in the public interest.

“(2) INELIGIBILITY.—A refugee under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status shall be ineligible for a waiver under paragraph (1) if it has been established that the alien is—

“(A) inadmissible under section 212(a)(2)(C) or subparagraph (A), (B), (C), or (E) of section 212(a)(3);

“(B) deportable under section 237(a)(2)(A)(iii) for an offense described in section 101(a)(43)(B); or
“(C) deportable under subparagraph (A), (B), (C), or (D) of section 237(a)(4).”.

(d) TECHNICAL AMENDMENTS.—

(1) Aliens not subject to direct numerical limitations.—Section 201(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(B)) is amended to read as follows:

“(B) Aliens who are admitted to the United States as permanent residents under section 207 or 208 or whose status is adjusted under section 209.”.

(2) Training.—Section 207(f)(1) of such Act (8 U.S.C. 1157(f)(1)) is amended by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(3) Table of contents.—The table of contents for such Act is amended by striking the item relating to section 209 and inserting the following:

“Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asylum.”.

(e) SAVINGS PROVISIONS.—

(1) In general.—Nothing in the amendments made by this section may be construed to limit access to the benefits described at chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.).
(2) CLARIFICATION.—Aliens admitted for lawful permanent residence under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) or who adjust status to lawful permanent resident under section 209 of such Act (8 U.S.C. 1159) shall be considered to be refugees and aliens granted asylum in accordance with sections 402, 403, 412, and 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612, 1613, 1622, and 1641).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall become effective on the earlier of—

(1) the date that is 180 days after the date of the enactment of this Act; or

(2) the date on which a final rule is promulgated to implement this section.

SEC. 15. PROTECTIONS FOR MINORS SEEKING ASYLUM.

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

(1) in subsection (a)(2), as amended by section 3, by adding at the end the following:

“(D) APPLICABILITY TO MINORS.—Subparagraphs (A), (B), and (C) do not apply to
an applicant who is younger than 18 years of age on the earlier of—

“(i) the date on which the asylum application is filed; or

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

(2) in subsection (b)(3), as amended by section 14(b), by adding at the end the following:

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

“(i) the date on which the asylum application is filed; or

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

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

(1) in paragraph (5), by striking “If the Attorney General” and inserting “Except as provided in paragraph (8), if the Secretary of Homeland Security”; and

(2) by adding at the end of the following:
“(8) Applicability of reinstatement of removal.—Paragraph (5) shall not apply to an alien who has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, if the alien was younger than 18 years of age on the date on which the alien was removed or departed voluntarily under an order of removal.”.

SEC. 16. MULTIPLE FORMS OF RELIEF.

(a) In General.—Applicants for admission as refugees may simultaneously pursue admission under any visa category for which such applicants may be eligible.

(b) Asylum Applicants Who Become Eligible for Diversity Visas.—Section 204(a)(1)(I) (8 U.S.C. 1154(a)(1)(I)) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

“(iv)(I) An asylum seeker in the United States who is notified that he or she is eligible for an immigrant visa pursuant to section 203(c) may file a petition with the district director that has jurisdiction over the district in which the asylum seeker resides (or, in the case of an asylum seeker who is or was in removal proceedings, the immigration court in which the removal proceeding is pend-
(II) A petition under subclause (I) shall be filed not later than 30 days before the end of the fiscal year for which the petitioner received notice of eligibility for the visa and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

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

SEC. 17. PROTECTION OF REFUGEE FAMILIES.

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

(1) is accompanying or following to join such alien; and
(2) is otherwise admissible under such section 207(e)(2)(A) or 208(b)(3).

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

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

(2) such child is otherwise admissible under section 207(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(e)(3)).

(c) ELIMINATION OF TIME LIMITS ON REUNIFICATION OF REFUGEE AND ASYLEE FAMILIES.—

(1) EMERGENCY SITUATION REFUGEES.—Section 207(e)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(e)(2)(A)) is amended by striking “A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E))” and inserting, “Regardless of when such refugee was admitted to the United States, a spouse or child (other than a child described in section 101(b)(1)(F))”.

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(2) Asylum.—Section 208(b)(3)(A) of such Act (8 U.S.C. 1158(b)(3)(A)) is amended to read as follows:

“(A) In general.—A spouse or child (other than a child described in section 101(b)(1)(F)) of an alien who was granted asylum under this subsection at any time may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying or following to join such alien.”.

(d) Timely Adjudication of Refugee and Asylee Family Reunification Petitions.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 207(c)(2), as amended by subsection (c), by adding at the end the following:

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

and

(2) in section 208(b)(3), by adding at the end the following:

“(G) Timely Adjudication.—The Secretary shall ensure that the application of each
alien described in subparagraph (A) who applies to follow an alien granted asylum under this subsection is adjudicated not later than 90 days after the submission of such application.”

SEC. 18. REFORM OF REFUGEE CONSULTATION PROCESS AND REFUGEE PROCESSING.

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

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

“(5) All officers of the Federal Government responsible for refugee admissions or refugee resettlement shall treat the determinations made under this subsection and subsection (b) as the refugee admissions goal for the fiscal year.”;

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

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

“(A) the number of refugees who were admitted during the previous quarter;
“(B) the percentage of those arrivals against the refugee admissions goal for such quarter;

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

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

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

(3) in subsection (c)—

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

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

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

(ii) by inserting “, which shall be commenced not later than May 1 of each year and continue periodically throughout the remainder of the year, if necessary,” after “discussions in person”;
(C) by striking “To the extent possible,”
and inserting the following:
“(2) To the extent possible”; and
(D) by adding at the end the following:
“(3)(A) The plans referred to in paragraph (1)(C)
shall include estimates of—
“(i) the number of refugees the President ex-
pects to have ready to travel to the United States
at the beginning of the fiscal year;
“(ii) the number of refugees and the stipulated
populations the President expects to admit to the
United States in each quarter of the fiscal year; and
“(iii) the number of refugees the President ex-
pects to have ready to travel to the United States
at the end of the fiscal year.
“(B) The Secretary of Homeland Security shall en-
sure that an adequate number of refugees are processed
during the fiscal year to fulfill the refugee admissions
goals under subsections (a) and (b).”.

SEC. 19. ADMISSION OF REFUGEES IN THE ABSENCE OF
THE ANNUAL PRESIDENTIAL DETERMINA-
TION.

Section 207(a) of the Immigration and Nationality
Act (8 U.S.C. 1157(a)) is amended—
(1) by striking paragraph (1);
(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

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

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

and

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

(4) in paragraph (3), as redesignated, by striking “(beginning with fiscal year 1992)”.

SEC. 20. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF REFUGEES FOR CONSIDERATION.

(a) In General.—Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

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

(2) by adding at the end the following:
“(B)(i) The Secretary of State, after notification to Congress, may designate specifically defined groups of aliens whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest and who share common characteristics that identify them as targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion or who otherwise have a shared need for resettlement due to vulnerabilities or a lack of local integration prospects in their country of first asylum.

“(ii) An alien who establishes membership in a group designated under clause (i) to the satisfaction of the designee of the Secretary of Homeland Security shall establish, for purposes of admission as a refugee under this section, that such alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

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

“(I) shall expire at the end of each fiscal year; and

“(II) may be extended by the Secretary of State after notification to Congress.

“(iv) An alien’s admission under this subparagraph shall count against the refugee admissions goal under subsection (a).
“(v) A designation under clause (i) shall not influence decisions to grant, to any alien, asylum under section 208, protection under section 241(b)(3), or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.”.

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

SEC. 21. UPDATE OF RECEPTION AND PLACEMENT GRANTS.

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

(1) the grant amount is adjusted so that it is adequate to provide for the anticipated initial resettlement needs of refugees, including adjusting the amount for inflation and the cost of living;

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

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

SEC. 22. LEGAL ASSISTANCE FOR REFUGEES AND ASYLEES.

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

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

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

and

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

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

SEC. 23. PROTECTION FOR ALIENS INTERDICTED AT SEA.

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

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

(2) in subparagraph (A)—

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

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

(B) by adding at the end the following:

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

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

“(II) if an asylum officer has de-
determined that the alien has such a
well-founded fear of persecution or
would be subject to torture in his or
her country of departure, origin, or
last habitual residence.”;

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

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

“(B) Protections for aliens inter-
dicted in international or United States
waters.—The Secretary of Homeland Security
shall issue regulations establishing a uniform
procedure applicable to all aliens interdicted in
international or United States waters that—

“(i) provides each alien—

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

“(II) in a confidential setting and in a language the alien claims to understand, information concerning the alien’s interdiction, including the ability to inform United States officers about any fears relating to the alien’s return or repatriation;

“(ii) provides each alien expressing such a fear of return or repatriation a confidential interview conducted by an asylum officer, in a language the alien claims to understand, to determine whether the alien’s return to his or her country of origin or country of last habitual residence is prohibited because the alien has a well-founded fear of persecution—

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

“(II) because the alien would be subject to torture in that country;
“(iii) ensures that each alien can effectively communicate with United States officers through the use of a translator fluent in a language the alien claims to understand; and

“(iv) provides each alien who, according to the determination of an asylum officer, has a well-founded fear of persecution for the reasons specified in clause (ii) or would be subject to torture, an opportunity to seek protection in—

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

“(II) if the alien has no such ties, a country that will best facilitate the alien’s resettlement, which may include the United States.”.

SEC. 24. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

(a) In General.—Chapter 1 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:
“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

“(a) Defined Term.—

“(1) In general.—In this section, the term ‘de jure stateless person’ means an individual who is not considered a national under the laws of any country.

“(2) Designation of specific de jure groups.—The Secretary of Homeland Security may designate specific groups of individuals who are considered de jure stateless persons, for purposes of this section.

“(b) Mechanisms for Regularizing the Status of Stateless Persons.—

“(1) Relief for individuals determined to be de jure stateless persons.—The Secretary of Homeland Security or the Attorney General may cancel removal or provide conditional lawful status to an alien who is otherwise inadmissible or deportable from the United States if the alien—

“(A) is a de jure stateless person;

“(B) applies for such relief;

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

“(D) is not deportable under paragraph (2), (3), or (4) of section 237(a); and
“(E) is not described in section 241(b)(3)(C)(i).

“(2) Waivers.—

“(A) Automatic waivers.—In determining an alien’s eligibility for relief under paragraph (1), paragraphs (4), (5), (6)(A), (7)(A), and (9) of section 212(a) shall not apply.

“(B) Application.—An alien seeking relief under paragraph (1) may apply to the Secretary or the Attorney General for a waiver of any of the grounds set forth in subparagraph (C) and (D) of paragraph (1).

“(C) Other waivers.—The Secretary or the Attorney General may waive any other ground of inadmissibility or deportability (except for section 241(b)(3)(C)(i)) with respect to such an applicant, including felony convictions and health conditions, if such waiver—

“(i) is justified by humanitarian purposes;

“(ii) would ensure family unity; or

“(iii) is otherwise in the public interest.
“(3) Work authorization.—The Secretary may—

“(A) authorize an alien who has applied for relief under paragraph (1) to engage in employment in the United States while such application is being considered; and

“(B) provide such applicant with an employment authorized endorsement or other appropriate document signifying authorization of employment.

“(4) Dependent spouses and children.—

The spouse, child, or unmarried son or daughter of an alien who has been granted conditional lawful status under paragraph (1) may apply for conditional lawful status under this section as a dependent if—

“(A) the dependent properly files an application for such status;

“(B) the dependent is physically present in the United States on the date on which such application is filed;

“(C) the dependent meets the eligibility criteria set forth in paragraph (1); and

“(D) the qualifying relationship to the principal beneficiary existed on the date on
which such alien was granted conditional lawful status.

“(c) Adjustment of Status.—

“(1) Inspection and Examination.—At the end of the 1-year period beginning on the date on which an alien has been granted conditional lawful status under subsection (b), the alien may apply for lawful permanent residence in the United States if—

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

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

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

“(2) Requirements for Adjustment.—The Secretary or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, may adjust the status of an alien granted conditional lawful status under subsection (b) to that of an alien lawfully admitted for permanent residence if such alien—

“(A) is a de jure stateless person;
“(B) properly applies for such adjustment of status;

“(C) has been physically present in the United States for at least 1 year after being granted conditional lawful status under subsection (b);

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

“(E) is admissible (except as otherwise provided under subsection (b)(2)) as an immigrant under this chapter at the time of examination of such alien for adjustment of status.

“(3) Proving the claim.—In determining an alien’s eligibility for adjustment of status under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.

“(4) Record.—Upon approval of an application under this subsection, the Secretary or the Attorney General shall establish a record of the alien’s admission for lawful permanent residence as of the date that is 1 year before the date of such approval.
“(d) Review.—

“(1) Administrative review.—The Attorney General shall provide applicants for relief under this section the same right to, and procedures for, administrative review as are provided to aliens subject to removal proceedings under section 240.

“(2) Judicial review.—The United States Court of Appeals shall—

“(A) sustain a final decision denying relief under this section unless it is contrary to law, an abuse of discretion, or not supported by substantial evidence; and

“(B) decide the petition only on the administrative record on which the denial of relief is based.

“(3) Motions to reopen.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings, any individual who is eligible for relief under this section may file 1 motion to reopen removal or deportation proceedings in order to apply for relief under this section.”.

(b) Clerical Amendment.—The table of contents for the Immigration and Nationality Act is amended by
inserting after the item relating to section 210 the fol-
lowing:

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

**SEC. 25. AUTHORIZATION OF APPROPRIATIONS.**

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