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 21, 2013

Mr. LEAHY (for himself, Mr. LEVIN, Ms. HIRANO, and Mr. BLUMENTHAL) 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.

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; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the
5 “Refugee Protection Act of 2013”.

6 (b) Table of Contents.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Elimination of 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.
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 procedures on asylum claims.
Sec. 15. Protections for minors seeking asylum.
Sec. 16. Legal assistance for refugees and asylees.
Sec. 17. Protection of stateless persons in the United States.
Sec. 18. Authority to designate certain groups of refugees for consideration.
Sec. 19. Multiple forms of relief.
Sec. 20. Protection of refugee families.
Sec. 21. Reform of refugee consultation process.
Sec. 22. Admission of refugees in the absence of the annual Presidential determination.
Sec. 23. Update of reception and placement grants.
Sec. 24. Protection for aliens interdicted at sea.
Sec. 25. Modification of physical presence requirements for aliens serving as translators.
Sec. 27. Refugee assistance.
Sec. 28. Resettlement data.
Sec. 29. Protections for refugees.
Sec. 31. Authorization of appropriations.
Sec. 32. Determination of budgetary effects.

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 Nationality Act (8 U.S.C. 1158);
• S 645 IS

(ii) any alien who indicates an intention to apply for asylum under that section; and

(iii) any alien who indicates an intention 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 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) in subparagraph (A), by inserting “or the Secretary of Homeland Security” after “Attorney General” each place such term appears;

(2) by striking subparagraphs (B) and (D);

(3) by redesignating subparagraph (C) as subparagraph (B);

(4) in subparagraph (B), as redesignated, by striking “subparagraph (D)” and inserting “subparagraphs (C) and (D)”;

(5) by inserting after subparagraph (B), as redesignated, 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.

“(D) MOTION TO REOPEN ASYLUM CLAIM.—Notwithstanding subparagraph (B) or section 240(c)(7), an alien may file a motion to reopen an asylum claim during the 2-year pe-
period beginning on the date of the enactment of
the Refugee Protection Act of 2013 if the alien—

“(i) was denied asylum based solely
upon a failure to meet the 1-year applica-
tion filing deadline in effect on the date on
which the application was filed;

“(ii) was granted withholding of re-
moval to the alien’s country of nationality
(or, if stateless, to the country of last ha-
bital residence under section 241(b)(3));

“(iii) has not obtained lawful perma-
nent residence in the United States pursu-
ant to any other provision of law;

“(iv) is not subject to the safe third
country exception in section 208(a)(2)(A)
or a bar to asylum under section 208(b)(2)
and should not be denied asylum as a mat-
ter of discretion; and

“(v) is physically present in the
United States when the motion is filed.”.
SEC. 4. PROTECTING VICTIMS OF TERRORISM FROM BEING DEFINED AS TERRORISTS.

(a) TERRORIST ACTIVITIES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

“(B) TERRORIST ACTIVITIES.—

“(i) IN GENERAL.—Except as provided in clause (ii) and subsection (d)(3)(B)(i), an alien is inadmissible if—

“(I) the alien has engaged in a terrorist activity;

“(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, that the alien is engaged, or is likely to engage after entry, in any terrorist activity;

“(III) the alien has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

“(IV) the alien is a representative of—

“(aa) a terrorist organization; or
“(bb) a political, social, or other group that endorses or espouses terrorist activity;
“(V) the alien is a member of a terrorist organization;
“(VI) the alien endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;
“(VII) the alien has received military-type training (as defined in section 2339D(e)(1) of title 18, United States Code) from, or on behalf of, any organization that, at the time the training was received, was a terrorist organization; or
“(VIII) the alien is an officer, official, representative, or spokesman of the Palestine Liberation Organization.
“(ii) EXCEPTIONS.—
“(I) LACK OF KNOWLEDGE.—Clause (i)(V) shall not apply to an alien who is a member of a terrorist organization described in clause
(iii)(V)(cc) if the alien demonstrates by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization.

“(II) DURESS.—Clause (i)(VII) and items (dd) through (ff) of clause (iii)(I) shall not apply to an alien who establishes that his or her actions giving rise to inadmissibility under such clause were committed under duress and the alien does not pose a threat to the security of the United States. In determining whether the alien was subject to duress, the Secretary of Homeland Security may consider, among relevant factors, the age of the alien at the time such actions were committed.

“(iii) DEFINITIONS.—In this section:

“(I) ENGAGE IN TERRORIST ACTIVITY.—The term ‘engage in terrorist activity’ means, in an individual capacity or as a member of an organization—
“(aa) to commit or to incite
to commit, under circumstances
indicating an intention to cause
death or serious bodily injury, a
terrorist activity;

“(bb) to prepare or plan a
terrorist activity;

“(cc) to gather information
on potential targets for terrorist
activity;

“(dd) to solicit funds or
other things of value for—

“(AA) a terrorist activ-
ity;

“(BB) a terrorist orga-
nization described in item
(aa) or (bb) of clause
(iii)(V); or

“(CC) a terrorist orga-
nization described in clause
(iii)(V)(cc), unless the solic-
itor can demonstrate by
clear and convincing evi-
dence that he or she did not
know, and should not rea-
sonably have known, that

the organization was a ter-

rorist organization;

“(ee) to solicit any indi-

vidual—

“(AA) to engage in con-

duct otherwise described in

this subsection;

“(BB) for membership

in a terrorist organization
described in item (aa) or
(bb) of clause (iii)(V); or

“(CC) for membership

in a terrorist organization
described in clause
(iii)(V)(ee) unless the solici-
tor can demonstrate by

clear and convincing evi-
dence that he or she did not

know, and should not rea-

sonably have known, that

the organization was a ter-

rorist organization; or

“(ff) to commit an act that

the actor knows, or reasonably
should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

“(AA) for the commission of a terrorist activity;

“(BB) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

“(CC) to a terrorist organization described in item (aa) or (bb) of clause (iii)(V) or to any member of such an organization; or

“(DD) to a terrorist organization described in clause (iii)(V)(cc), or to any member of such an organi-
zation, unless the actor can
demonstrate by clear and
convincing evidence that he
or she did not know, and
should not reasonably have
known, that the organization
was a terrorist organization.

“(II) MATERIAL SUPPORT.—The
term ‘material support’ means sup-
port that is significant and of a kind
directly relevant to terrorist activity.

“(III) REPRESENTATIVE.—The
term ‘representative’ includes—

“(aa) an officer, official, or
spokesman of an organization;

and

“(bb) any person who di-
rects, counsels, commands, or in-
duces an organization or its
members to engage in terrorist
activity.

“(IV) TERRORIST ACTIVITY.—
The term ‘terrorist activity’ means
any activity which is unlawful under
the laws of the place where it is com-
mitted (or which, if it had been com-
mitted in the United States, would be
unlawful under the laws of the United
States or any State) and which in-
volves—

“(aa) the highjacking or
sabotage of any conveyance (in-
cluding an aircraft, vessel, or ve-

cicle);

“(bb) the seizing or detain-
ing, and threatening to kill, in-
jure, or continue to detain, an-
other individual in order to com-
pel a third person (including a
governmental organization) to do
or abstain from doing any act as
an explicit or implicit condition
for the release of the individual
seized or detained;

“(cc) a violent attack upon
an internationally protected per-
son (as defined in section
1116(b)(4) of title 18, United
States Code) or upon the liberty
of such a person;
“(dd) an assassination;

“(ee) the use, with the intent to endanger the safety of 1 or more individuals or to cause substantial damage to property, of any—

“(AA) biological agent, chemical agent, or nuclear weapon or device; or

“(BB) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain); or

“(ff) a threat, attempt, or conspiracy to carry out any of the activities described in items (aa) through (ee).

“(V) TERRORIST ORGANIZATION.—The term ‘terrorist organization’ means an organization—

“(aa) designated under section 219;

“(bb) otherwise designated, upon publication in the Federal
Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in items (aa) through (ff) of subclause (I); or

“(cc) that is a group of 2 or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in items (aa) through (ff) of subclause (I).”.

(b) Child Soldiers.—

(1) Inadmissibility.—Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended by adding at the end the following: “This subparagraph shall not apply to an alien who establishes that the actions giving rise to inadmissibility under this subparagraph were committed under duress or carried out while the alien was younger than 18 years of age.’’.
(2) DEPORTABILITY.—Section 237(a)(4)(F) of such Act (8 U.S.C. 1227(a)(4)(F)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G);

(B) by redesignating subparagraph (E) (as added by section 5502(b)), as subparagraph (F); and

(C) in subparagraph (G), as redesignated, by adding at the end the following: “This subparagraph shall not apply to an alien who establishes that the actions giving rise to deportability under this subparagraph were committed under duress or carried out while the alien was younger than 18 years of age.”.

(c) TEMPORARY ADMISSION OF NONIMMIGRANTS.—

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

“(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude, in such Secretary’s sole, unreviewable discretion, that subsection (a)(3)(B) shall not apply to an alien or
that subsection (a)(3)(B)(iii)(V)(cc) shall not apply to a group. The Secretary of State may not exercise discretion under this clause with respect to an alien after removal proceedings against the alien have commenced under section 240.

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 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 per-
secuted 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 ac-
count of political opinion.

“(D) For purposes of determinations under this
Act, any group whose members share a char-
acteristic 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 re-
quired to change it, shall be deemed a particular so-
cial 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 cen-
tral reason for persecuting the applicant” and in-
serting “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 de-
termines that the applicant should provide evidence
that corroborates otherwise credible testimony, the
trier of fact shall provide notice and allow the appli-
cant 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 ACCEPT-
ED.—Direct or circumstantial evidence, in-
cluding 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 es-
tablish that persecution is on account of
race, religion, nationality, membership in a
particular social group, or political opin-
ion.”; and

(5) in clause (iv), as redesignated, by striking
“, without regard to whether an inconsistency, inac-
curacy, or falsehood goes to the heart of the appli-
cant’s claim, or any other relevant factor.” and in-
serting “. If the trier of fact determines that there
are inconsistencies or omissions, the alien shall be
given an opportunity to explain and to provide sup-
port 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(c)(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 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.”;

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 inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence 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 subparagraph (D); and

(4) by inserting after subparagraph (B) the following:

“(C) the Attorney General, or the designee of the Attorney General, may appoint counsel to represent an alien if the fair resolution or effective 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.—Except as provided in paragraph (5)(B), the court of appeals shall sustain a final decision ordering removal unless it is contrary to law, an abuse of discretion, 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.

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, Inhu-
man or Degrading Treatment or Punishment, done
at New York December 10, 1984, or for withholding
of removal under section 241(b)(3).”; and

(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,”.

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 Program shall utilize a continuum of alternatives based on the alien’s need for supervision, which may include 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 denied parole under section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) 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) INDIVIDUALIZED DETERMINATIONS.—For aliens who pose a flight risk, the Secretary shall make an individualized determination as to whether this risk can be mitigated through the Program.

(7) RULEMAKING.—The Attorney General and the Secretary shall promulgate regulations establishing procedures for the review of any determination under this section by an immigration judge, unless the alien waives the right to such review.

(8) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the Program.

(9) 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.

(c) Parole of Certain Aliens.—Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following:

“(v) Release.—

“(I) In general.—Any alien subject to detention under this subsection who has 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 Secretary of Homeland Security demonstrates by substantial evidence that the alien—

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

“(II) NOTICE.—The Secretary of Homeland Security shall provide every alien and the alien’s legal representative with written notification of the parole decision, including a brief explanation of the reasons for any decision to deny parole. The notification should be communicated to the alien orally or in writing, in a language the alien claims to understand.”.

SEC. 10. CONDITIONS OF DETENTION.

(a) In General.—The Secretary shall promulgate regulations that—

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

(2) include the rights and procedures set forth in subsections (c) through (e).
(b) Definitions.—In this section:

(1) Detainee.—The term “detainee” means an individual who is detained under the authority of U.S. Immigration and Customs Enforcement.

(2) Detention facility.—The term “detention facility” means any Federal, State, or local government facility or privately owned and operated facility, which is being used to hold detainees longer than 72 hours.

(3) 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.

(4) Short-term detention facility.—The term “short-term detention facility” means any detention facility that is used to hold immigration detainees for not more than 72 hours.
(c) 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.—The Secretary shall establish procedures
for regularly scheduled, group legal orientation presentations.

(3) GRANTS AUTHORIZED.—The Secretary shall establish a program to award grants to nongovernmental agencies for the purpose of developing, implementing, or expanding legal orientation programs available for all detainees at the detention facilities in which such programs are offered.

(4) VISITS.—Detainees shall be provided adequate access to contact visits from—

(A) legal service providers, including attorneys, paralegals, law graduates, law students, and representatives accredited by the Board of Immigration Appeals;

(B) consultants, as authorized under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)), before and during interviews in which determinations of credible fear of persecution are made; and

(C) individuals assisting in the provision of legal representation and documentation in support of the asylum seekers’ cases, including interpreters, medical personnel, mental health providers, social welfare workers, expert and fact witnesses, and others.
(5) Notification requirement.—The Secretary shall establish procedures to provide detainees with adequate and prompt notice, in the language of the detainee, of their available release options and the procedures for requesting such options.

(6) Location of new detention 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.

(7) Notification of transfers.—The Secretary shall establish procedures requiring the prompt notification of the legal representative of a detainee before transferring such detainee to another detention facility.

(8) Access to telephones.—

(A) 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.

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

(i) legal representatives;

(ii) nongovernmental organizations designated by the Secretary;

(iii) consular officials;

(iv) the United Nations High Commissioner for Refugees;

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


(d) RELIGIOUS AND CULTURAL PROVISIONS.—

(1) ACCESS TO RELIGIOUS SERVICES.—Detainees shall be given full and equitable access to religious services, religious materials, opportunity for
religious group study, and religious counseling appropriate to their religious beliefs and practices.

(2) CHAPLAINS.—Each detention facility shall have a chaplain, who shall be responsible for—

(A) managing the religious activities at the detention facility, including providing pastoral care and counseling to detainees; and

(B) facilitating access to pastoral care and counseling from external clergy or religious service providers who represent the faiths of the detainees at the facility.

(3) DIETARY NEEDS.—The Secretary shall ensure that the religious, medical, and cultural dietary needs of the detainees are met.

(4) QUALIFICATIONS OF STAFF.—The Secretary shall ensure that detention facility staff members are trained to recognize and address cultural and gender issues relevant to male, female, and child detainees.

(5) ACCESS TO DETENTION FACILITIES BY NONGOVERNMENTAL ORGANIZATIONS.—Nongovernmental organizations shall be provided reasonable access to a detention facility to—

(A) observe the conditions of detention outlined in this section;
(B) engage in teaching and training programs for the detainees detained at the facility;
and

(C) provide legal or religious services to the detainees.

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

(1) EXTRAORDINARY CIRCUMSTANCES.—Solitary confinement, shackling, and strip searches of detainees—

(A) may not be used unless such techniques are necessitated by extraordinary circumstances in which the safety of other persons is at imminent risk; and

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

(2) PROTECTED CLASSES.—Solitary confinement, 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 conducted 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.

**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 following:

“(f) **NOTICE AND CHARGES.**—Not later than 48 hours after the commencement of a detention of an individual under this section, the Secretary of Homeland Security shall—

“(1) file a Notice to Appear or other relevant charging document with the immigration court closest to the location at which the individual was apprehended; 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 employees of the Department of Homeland Security exercising 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 accompanied 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 statement 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 em-
ployee 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 Commiss-
ion on International Religious Freedom (referred to 
in this section as the “Commission”) is authorized 
to conduct a study to determine whether immigra-
tion 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. REFUGEE OPPORTUNITY PROMOTION.

Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)(B), by striking “one year,” and inserting “1 year (except as provided under subsection (d));”;

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(2) in subsection (b)(2), by striking "asylum," and inserting "asylum (except as provided under subsection (d));"; and

(3) by adding at the end the following:

“(d) EXCEPTION TO PHYSICAL PRESENCE REQUIREMENT.—An alien who does not meet the 1-year physical presence requirement under subsection (a)(1)(B) or (b)(2), but who otherwise meets the requirements under subsection (a) or (b) for adjustment of status to that of an alien lawfully admitted for permanent residence, may be eligible for such adjustment of status if the alien—

“(1) is or was employed by—

“(A) the United States Government or a contractor of the United States Government overseas and performing work on behalf of the United States Government for the entire period of absence, which may not exceed 1 year; or

“(B) the United States Government or a contractor of the United States Government in the alien’s country of nationality or last habitual residence for the entire period of absence, which may not exceed 1 year, and the alien was under the protection of the United States Government or a contractor while performing work
on behalf of the United States Government during the entire period of employment; and
“(2) returned immediately to the United States upon the conclusion of the employment.”.

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 amending subparagraph (E) to read as follows:

“(E) Applicability to minors.—Subparagraphs (A), (B), and (C) shall 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), by amending subparagraph (C) to read as follows:

“(C) Initial 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. LEGAL ASSISTANCE FOR REFUGEES AND ASYLEES.

Section 412(c)(1)(A) of the Immigration and Nationality 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. 17. 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. Individuals who have lost their nationality as a result of their voluntary action or knowing inaction after arrival in the United States shall not be considered de jure stateless persons.

“(2) DESIGNATION OF SPECIFIC DE JURE GROUPS.—The Secretary of Homeland Security, in consultation with the Secretary of State, may, in the discretion of the Secretary, 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, in his or her discretion, 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); and

“(D) is not described in section 241(b)(3)(B)(i).

“(2) WAIVERS.—The provisions under paragraphs (4), (5), (6)(A), (7)(A), and (9) of section 212(a) shall not be applicable to any alien seeking relief under paragraph (1). The Secretary of Homeland Security or the Attorney General may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for
humanitarian purposes, to assure family unity, or if it is otherwise in the public interest.

“(3) Submission of passport or travel document.—Any alien who seeks relief under this section shall submit to the Secretary of Homeland Security or the Attorney General—

“(A) any passport or travel document issued at any time to the alien (whether or not the passport or document has expired or been cancelled, rescinded, or revoked); or

“(B) an affidavit, sworn under penalty of perjury—

“(i) stating that the alien has never been issued a passport or travel document; or

“(ii) identifying with particularity any such passport or travel document and explaining why the alien cannot submit it.

“(4) Work authorization.—The Secretary of Homeland Security 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.

“(5) TREATMENT OF SPOUSE AND CHILDREN.—The spouse or child of an alien who has been granted conditional lawful status under paragraph (1) shall, if not otherwise eligible for admission under paragraph (1), be granted conditional lawful status under this section if accompanying, or following to join, such alien if—

“(A) the spouse or child is admissible (except as otherwise provided in paragraph (2)); and

“(B) 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 5-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 5 years;

"(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 OF STATUS.—The Secretary of Homeland Security 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 5 years 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) RECORD.—Upon approval of an application under this subsection, the Secretary of Homeland Security or the Attorney General shall establish a record of the alien’s admission for lawful permanent residence as of the date that is 5 years before the date of such approval.

“(d) PROVING THE CLAIM.—In determining an alien’s eligibility for lawful conditional status or adjustment of status under this subsection, the Secretary of Homeland Security 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.

“(e) REVIEW.—

“(1) ADMINISTRATIVE REVIEW.—No appeal shall lie from the denial of an application by the Secretary, but such denial will be without prejudice
to the alien’s right to renew the application in pro-
ceedings under section 240.

“(2) MOTIONS TO REOPEN.—Notwithstanding
any limitation imposed by law on motions to reopen
removal, deportation, or exclusion proceedings, any
individual who is eligible for relief under this section
may file a motion to reopen removal or deportation
proceedings in order to apply for relief under this
section. Any such motion shall be filed not later than
the later of—

“(A) 2 years after the date of the enact-
ment of the Refugee Protection Act of 2013; or

“(B) 90 days after the date of entry of a
final administrative order of removal, deporta-
tion, or exclusion.

“(f) LIMITATION.—

“(1) APPLICABILITY.—The provisions of this
section shall only apply to aliens present in the
United States.

“(2) SAVINGS PROVISION.—Nothing in this sec-
tion may be construed to authorize or require—

“(A) the admission of any alien to the
United States;

“(B) the parole of any alien into the
United States; or
“(C) the grant of any motion to reopen or reconsider filed by an alien after departure or removal from the United States.”.

(b) JUDICIAL REVIEW.—Section 242(a)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)(ii)) is amended by inserting “or 210A” after “208(a)”.

(c) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 210 the following:

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

SEC. 18. 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 President, upon a recommendation of the Secretary of State made in consultation with the Secretary of Homeland Security, and after appropriate consultation, may designate specifically defined groups of aliens—
“(I) whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest; and

“(II) who—

“(aa) 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 of other serious harm; or

“(bb) having been identified as targets as described in item (aa), share a common need for resettlement due to a specific vulnerability.

“(ii) An alien who establishes membership in a group designated under clause (i) to the satisfaction of the Secretary of Homeland Security shall be considered a refugee for purposes of admission as a refugee under this section unless the Secretary determines that such alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

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

“(I) may be revoked by the President at any time after notification to Congress;
“(II) if not revoked under subclause (I), shall expire at the end of the fiscal year; and
“(III) may be renewed by the President after appropriate consultation.
“(iv) Categories of aliens established under section 599D of Public Law 101–167 (8 U.S.C. 1157 note)—
“(I) shall be designated under clause (i) until the end of the first fiscal year commencing after the date of the enactment of the Refugee Protection Act of 2013; and
“(II) shall be eligible for designation thereafter at the discretion of the President.
“(v) An alien’s admission under this subparagraph shall count against the refugee admissions goal under subsection (a).
“(vi) 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) WRITTEN REASONS FOR DENIALS OF REFUGEE STATUS.—Each decision to deny an application for refugee status of an alien who is within a category established under section 207(c)(1)(B) of the Immigration and

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Nationality Act, as added by subsection (a) shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.

(c) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 19. 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) 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 pending or was adjudicated) to adjust status to that of a permanent resident.
“(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. 20. 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(c)(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))”.

(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.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 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), as amended by section 15(a)(2), by adding at the end the following:

“(D) 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. 21. REFORM OF REFUGEE CONSULTATION PROCESS.

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 Representa-
tives 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 (e)—

(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 expects 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 expects to have ready to travel to the United States at the end of the fiscal year.

“(B) The Secretary of Homeland Security shall ensure that an adequate number of refugees are processed during the fiscal year to fulfill the refugee admissions goals under subsections (a) and (b).”.

SEC. 22. ADMISSION OF REFUGEES IN THE ABSENCE OF THE ANNUAL PRESIDENTIAL DETERMINATION.

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. 23. UPDATE OF RECEPTION AND PLACEMENT GRANTS.

Beginning with fiscal year 2014, 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 na-
tional 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. 24. 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 inserting the following:

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

(B) by adding at the end the following:

“(ii) ASYLUM INTERVIEW.—Notwithstanding paragraphs (1) and (2), a United States officer may not return any alien interdicted or otherwise encountered in international waters or United States waters 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 political opinion, or because the alien would be subject to torture in that country; or

“(II) if an asylum officer has 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 redesigning 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 un-
derstand, information concerning the
alien’s interdiction, including the abil-
ity 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 offi-
cer, 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. 25. MODIFICATION OF PHYSICAL PRESENCE REQUIREMENTS FOR ALIENS SERVING AS TRANSLATORS.

(a) IN GENERAL.—Section 1059(e)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) CONTINUOUS RESIDENCE.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the
United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

“(B) PHYSICAL PRESENCE.—In the case of a lawful permanent resident, for an absence from the United States described in paragraph (2), the time spent outside of the United States in the capacity described in paragraph (2) shall be counted towards the accumulation of the required physical presence in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment made by section 1(c)(2) of the Act entitled “An Act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes”, approved June 15, 2007 (Public Law 110–36; 121 Stat. 227).

SEC. 26. ASSESSMENT OF THE REFUGEE DOMESTIC RESETTLEMENT PROGRAM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.
(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) how the Office of Refugee Resettlement defines self-sufficiency;

(2) if this definition is adequate in addressing refugee needs in the United States;

(3) the effectiveness of the Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency;

(4) an analysis of the unmet needs of the programs;

(5) an evaluation of the Office of Refugee Resettlement’s budgetary resources and projection of the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency;

(6) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(7) an analysis of how community-based organizations can be better utilized and supported in the Federal domestic resettlement process; and

(8) recommendations on statutory changes to improve the Office of Refugee Resettlement and the
domestic refugee program in relation to the matters
analyzed under paragraphs (1) through (7).

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of the study required under subsection (a).

SEC. 27. REFUGEE ASSISTANCE.

(a) AMENDMENTS TO THE SOCIAL SERVICES FUNDING.—Section 412(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(B)) is amended to read as follows:

“(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on a combination of—

“(i) the total number or refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year;

“(ii) the total number of all other eligible populations served by the Office during the pe-
period described who are residing in the State as of the beginning of the fiscal year; and

“(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.”.

(b) REPORT ON SECONDARY MIGRATION.—Section 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

(1) by striking “a periodic” and inserting “an annual”; and

(2) by adding at the end the following: “At the end of each fiscal year, the Assistant Secretary shall submit a report to Congress that describes the findings of the assessment, including States experiencing departures and arrivals due to secondary migration, likely reasons for migration, the impact of secondary migration on States hosting secondary migrants, availability of social services for secondary migrants in those States, and unmet needs of those secondary migrants.”.

(c) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) of such Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:
“(C) When providing assistance under this section, the Assistant Secretary shall ensure that such assistance is provided to refugees who are secondary migrants and meet all other eligibility requirements for such services.”.

(d) NOTICE AND RULEMAKING.—Not later than 90 days after the date of enactment of this Act, but in no event later than 30 days before the effective date of the amendments made by this section, the Assistant Secretary shall—

(1) issue a proposed rule of the new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment.

(e) 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. 28. RESETTLEMENT DATA.

(a) IN GENERAL.—The Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement (referred to in this section as the “Assistant Secretary”) shall expand the Office of Refugee Resettlement’s data
analysis, collection, and sharing activities in accordance with this section.

(b) DATA ON MENTAL AND PHYSICAL MEDICAL CASES.—The Assistant Secretary shall coordinate with the Centers for Disease Control, national resettlement agencies, community-based organizations, and State refugee health programs to track national and State trends on refugees arriving with Class A medical conditions and other urgent medical needs. In collecting information under this subsection, the Assistant Secretary shall utilize initial refugee health screening data, including history of severe trauma, torture, mental health symptoms, depression, anxiety and post traumatic stress disorder, recorded during domestic and international health screenings, and Refugee Medical Assistance utilization rate data.

(e) DATA ON HOUSING NEEDS.—The Assistant Secretary shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(1) the number of refugees who have become homeless; and

(2) the number of refugees at severe risk of becoming homeless.
(d) **DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.**—The Assistant Secretary shall gather longitudinal information relating to refugee self-sufficiency and employment status for 2-year period beginning 1 year after the refugee’s arrival.

(e) **AVAILABILITY OF DATA.**—The Assistant Secretary shall annually—

(1) update the data collected under this section;

and

(2) submit a report to Congress that contains the updated data.

**SEC. 29. PROTECTIONS FOR REFUGEES.**

Section 209 (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1), by striking “return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 240, and 241” and inserting “be eligible for adjustment of status as an immigrant to the United States”;

(2) in subsection (a)(2), by striking “upon inspection and examination”; and

(3) in subsection (c), by adding at the end the following: “An application for adjustment under this
section may be filed up to 3 months before the date
the applicant would first otherwise be eligible for ad-
justment under this section.”.

SEC. 30. EXTENSION OF ELIGIBILITY PERIOD FOR SOCIAL
SECURITY BENEFITS FOR CERTAIN REFU-
GEES.

(a) Extension of Eligibility Period.—

(1) In general.—Section 402(a)(2)(M)(i) of
the Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 (8 U.S.C.
1612(a)(2)(M)(i)) is amended—

(A) in subclause (I), by striking “9-year”
and inserting “10-year”; and

(B) in subclause (II), by striking “2-year”
and inserting “3-year”.

(2) Conforming amendment.—The heading
for section 402(a)(2)(M)(i) of such Act is amended
by striking “TWO-YEAR EXTENSION” and inserting
“EXTENSION”.

(3) Effective date.—The amendments made
by this subsection take effect on October 1, 2013.

(b) Extension of Period for Collection of
Unemployment Compensation Debts Resulting
From Fraud.—Paragraph (8) of section 6402(f) of the
Internal Revenue Code of 1986 (relating to collection of
unemployment compensation debts resulting from fraud) is amended by striking “10 years” and inserting “10 years and 2 months”.

SEC. 31. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 32. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139), shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.