

116TH CONGRESS  
1ST SESSION

# H. R. 1106

To amend the Immigration and Nationality Act to provide that individuals who naturalized under title III of that Act, who are affiliated with a criminal gang, are subject to revocation of citizenship, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. ZELDIN (for himself, Mr. KING of New York, Mr. MEADOWS, and Mr. BROOKS of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide that individuals who naturalized under title III of that Act, who are affiliated with a criminal gang, are subject to revocation of citizenship, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Com-  
5 munities from Gang Violence Act of 2019”.

1 **SEC. 2. DEFINITION OF CRIMINAL GANG.**

2 Section 101(a) of the Immigration and Nationality  
3 Act (8 U.S.C. 1101(a)) is amended by adding at the end  
4 the following:

5 “(53) The term ‘criminal gang’ means an ongo-  
6 ing group, club, organization, or association of five  
7 or more persons that has as one of its primary pur-  
8 poses the commission of one or more of the following  
9 criminal offenses and the members of which engage,  
10 or have engaged within the past 5 years, in a con-  
11 tinuing series of such offenses, or that has been des-  
12 ignated as a criminal gang by the Secretary of  
13 Homeland Security, in consultation with the Attor-  
14 ney General, as meeting these criteria. The offenses  
15 described, whether in violation of Federal or State  
16 law or foreign law and regardless of whether the of-  
17 fenses occurred before, on, or after the date of the  
18 enactment of this paragraph, are the following:

19 “(A) A ‘felony drug offense’ (as defined in  
20 section 102 of the Controlled Substances Act  
21 (21 U.S.C. 802)).

22 “(B) An offense under section 274 (relat-  
23 ing to bringing in and harboring certain aliens),  
24 section 277 (relating to aiding or assisting cer-  
25 tain aliens to enter the United States), or sec-

1           tion 278 (relating to importation of alien for  
2           immoral purpose).

3           “(C) A crime of violence (as defined in sec-  
4           tion 16 of title 18, United States Code).

5           “(D) A crime involving obstruction of jus-  
6           tice, tampering with or retaliating against a  
7           witness, victim, or informant, or burglary.

8           “(E) Any conduct punishable under sec-  
9           tions 1028 and 1029 of title 18, United States  
10          Code (relating to fraud and related activity in  
11          connection with identification documents or ac-  
12          cess devices), sections 1581 through 1594 of  
13          such title (relating to peonage, slavery, and  
14          trafficking in persons), section 1951 of such  
15          title (relating to interference with commerce by  
16          threats or violence), section 1952 of such title  
17          (relating to interstate and foreign travel or  
18          transportation in aid of racketeering enter-  
19          prises), section 1956 of such title (relating to  
20          the laundering of monetary instruments), sec-  
21          tion 1957 of such title (relating to engaging in  
22          monetary transactions in property derived from  
23          specified unlawful activity), or sections 2312  
24          through 2315 of such title (relating to inter-

1 state transportation of stolen motor vehicles or  
2 stolen property).

3 “(F) A conspiracy to commit an offense  
4 described in subparagraphs (A) through (E).”.

5 **SEC. 3. GROUNDS OF INADMISSIBILITY AND DEPORT-**  
6 **ABILITY FOR ALIEN GANG MEMBERS.**

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

10 “(J) ALIENS ASSOCIATED WITH CRIMINAL  
11 GANGS.—Any alien is inadmissible who a con-  
12 sular officer, the Secretary of Homeland Secu-  
13 rity, or the Attorney General knows or has rea-  
14 son to believe—

15 “(i) to be or to have been a member  
16 of a criminal gang (as defined in section  
17 101(a)(53)); or

18 “(ii) to have participated in the activi-  
19 ties of a criminal gang (as defined in sec-  
20 tion 101(a)(53)), knowing or having reason  
21 to know that such activities will promote,  
22 further, aid, or support the illegal activity  
23 of the criminal gang.”.

1 (b) DEPORTABILITY.—Section 237(a)(2) of the Im-  
2 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is  
3 amended by adding at the end the following:

4 “(G) ALIENS ASSOCIATED WITH CRIMINAL  
5 GANGS.—Any alien is deportable who—

6 “(i) is or has been a member of a  
7 criminal gang (as defined in section  
8 101(a)(53)); or

9 “(ii) has participated in the activities  
10 of a criminal gang (as so defined), knowing  
11 or having reason to know that such activi-  
12 ties will promote, further, aid, or support  
13 the illegal activity of the criminal gang.”.

14 (c) DESIGNATION.—

15 (1) IN GENERAL.—Chapter 2 of title II of the  
16 Immigration and Nationality Act (8 U.S.C. 1182) is  
17 amended by inserting after section 219 the fol-  
18 lowing:

19 “DESIGNATION OF CRIMINAL GANG

20 “SEC. 220. (a) DESIGNATION.—

21 “(1) IN GENERAL.—The Secretary of Homeland Se-  
22 curity, in consultation with the Attorney General, may  
23 designate a group, club, organization, or association of 5  
24 or more persons as a criminal gang if the Secretary finds  
25 that their conduct is described in section 101(a)(53).

26 “(2) PROCEDURE.—

1           “(A) NOTIFICATION.—Seven days before mak-  
2           ing a designation under this subsection, the Sec-  
3           retary shall, by classified communication, notify the  
4           Speaker and Minority Leader of the House of Rep-  
5           resentatives, the President pro tempore, Majority  
6           Leader, and Minority Leader of the Senate, and the  
7           members of the relevant committees of the House of  
8           Representatives and the Senate, in writing, of the  
9           intent to designate a group, club, organization, or  
10          association of 5 or more persons under this sub-  
11          section and the factual basis therefor.

12           “(B) PUBLICATION IN THE FEDERAL REG-  
13          ISTER.—The Secretary shall publish the designation  
14          in the Federal Register seven days after providing  
15          the notification under subparagraph (A).

16          “(3) RECORD.—

17           “(A) IN GENERAL.—In making a designation  
18          under this subsection, the Secretary shall create an  
19          administrative record.

20           “(B) CLASSIFIED INFORMATION.—The Sec-  
21          retary may consider classified information in making  
22          a designation under this subsection. Classified infor-  
23          mation shall not be subject to disclosure for such  
24          time as it remains classified, except that such infor-  
25          mation may be disclosed to a court ex parte and in

1 camera for purposes of judicial review under sub-  
2 section (c).

3 “(4) PERIOD OF DESIGNATION.—

4 “(A) IN GENERAL.—A designation under this  
5 subsection shall be effective for all purposes until re-  
6 voked under paragraph (5) or (6) or set aside pursu-  
7 ant to subsection (c).

8 “(B) REVIEW OF DESIGNATION UPON PETI-  
9 TION.—

10 “(i) IN GENERAL.—The Secretary shall re-  
11 view the designation of a criminal gang under  
12 the procedures set forth in clauses (iii) and (iv)  
13 if the designated group, club, organization, or  
14 association of 5 or more persons files a petition  
15 for revocation within the petition period de-  
16 scribed in clause (ii).

17 “(ii) PETITION PERIOD.—For purposes of  
18 clause (i)—

19 “(I) if the designated group, club, or-  
20 ganization, or association of 5 or more per-  
21 sons has not previously filed a petition for  
22 revocation under this subparagraph, the  
23 petition period begins 2 years after the  
24 date on which the designation was made;  
25 or

1           “(II) if the designated group, club, or-  
2           ganization, or association of 5 or more per-  
3           sons has previously filed a petition for rev-  
4           ocation under this subparagraph, the peti-  
5           tion period begins 2 years after the date of  
6           the determination made under clause (iv)  
7           on that petition.

8           “(iii) PROCEDURES.—Any group, club, or-  
9           ganization, or association of 5 or more persons  
10          that submits a petition for revocation under  
11          this subparagraph of its designation as a crimi-  
12          nal gang must provide evidence in that petition  
13          that it is not described in section 101(a)(53).

14          “(iv) DETERMINATION.—

15               “(I) IN GENERAL.—Not later than  
16               180 days after receiving a petition for rev-  
17               ocation submitted under this subpara-  
18               graph, the Secretary shall make a deter-  
19               mination as to such revocation.

20               “(II) CLASSIFIED INFORMATION.—  
21               The Secretary may consider classified in-  
22               formation in making a determination in re-  
23               sponse to a petition for revocation. Classi-  
24               fied information shall not be subject to dis-  
25               closure for such time as it remains classi-



1           fied, except that such information may be  
2           disclosed to a court ex parte and in camera  
3           for purposes of judicial review under sub-  
4           section (c).

5           “(III) PUBLICATION OF DETERMINA-  
6           TION.—A determination made by the Sec-  
7           retary under this clause shall be published  
8           in the Federal Register.

9           “(IV) PROCEDURES.—Any revocation  
10          by the Secretary shall be made in accord-  
11          ance with paragraph (6).

12          “(C) OTHER REVIEW OF DESIGNATION.—

13          “(i) IN GENERAL.—If in a 5-year period no  
14          review has taken place under subparagraph (B),  
15          the Secretary shall review the designation of the  
16          criminal gang in order to determine whether  
17          such designation should be revoked pursuant to  
18          paragraph (6).

19          “(ii) PROCEDURES.—If a review does not  
20          take place pursuant to subparagraph (B) in re-  
21          sponse to a petition for revocation that is filed  
22          in accordance with that subparagraph, then the  
23          review shall be conducted pursuant to proce-  
24          dures established by the Secretary. The results

1 of such review and the applicable procedures  
2 shall not be reviewable in any court.

3 “(iii) PUBLICATION OF RESULTS OF RE-  
4 VIEW.—The Secretary shall publish any deter-  
5 mination made pursuant to this subparagraph  
6 in the Federal Register.

7 “(5) REVOCATION BY ACT OF CONGRESS.—The Con-  
8 gress, by an Act of Congress, may block or revoke a des-  
9 ignation made under paragraph (1).

10 “(6) REVOCATION BASED ON CHANGE IN CIR-  
11 CUMSTANCES.—

12 “(A) IN GENERAL.—The Secretary may revoke  
13 a designation made under paragraph (1) at any  
14 time, and shall revoke a designation upon completion  
15 of a review conducted pursuant to subparagraphs  
16 (B) and (C) of paragraph (4) if the Secretary finds  
17 that—

18 “(i) the group, club, organization, or asso-  
19 ciation of 5 or more persons that has been des-  
20 ignated as a criminal gang is no longer de-  
21 scribed in section 101(a)(53); or

22 “(ii) the national security or the law en-  
23 forcement interests of the United States war-  
24 rants a revocation.

1           “(B) PROCEDURE.—The procedural require-  
2           ments of paragraphs (2) and (3) shall apply to a  
3           revocation under this paragraph. Any revocation  
4           shall take effect on the date specified in the revoca-  
5           tion or upon publication in the Federal Register if  
6           no effective date is specified.

7           “(7) EFFECT OF REVOCATION.—The revocation of a  
8           designation under paragraph (5) or (6) shall not affect  
9           any action or proceeding based on conduct committed  
10          prior to the effective date of such revocation.

11          “(8) USE OF DESIGNATION IN TRIAL OR HEAR-  
12          ING.—If a designation under this subsection has become  
13          effective under paragraph (2) an alien in a removal pro-  
14          ceeding shall not be permitted to raise any question con-  
15          cerning the validity of the issuance of such designation  
16          as a defense or an objection.

17          “(b) AMENDMENTS TO A DESIGNATION.—

18                 “(1) IN GENERAL.—The Secretary may amend  
19                 a designation under this subsection if the Secretary  
20                 finds that the group, club, organization, or associa-  
21                 tion of 5 or more persons has changed its name,  
22                 adopted a new alias, dissolved and then reconsti-  
23                 tuted itself under a different name or names, or  
24                 merged with another group, club, organization, or  
25                 association of 5 or more persons.

1           “(2) PROCEDURE.—Amendments made to a  
2 designation in accordance with paragraph (1) shall  
3 be effective upon publication in the Federal Register.  
4 Paragraphs (2), (4), (5), (6), (7), and (8) of sub-  
5 section (a) shall also apply to an amended designa-  
6 tion.

7           “(3) ADMINISTRATIVE RECORD.—The adminis-  
8 trative record shall be corrected to include the  
9 amendments as well as any additional relevant infor-  
10 mation that supports those amendments.

11           “(4) CLASSIFIED INFORMATION.—The Sec-  
12 retary may consider classified information in amend-  
13 ing a designation in accordance with this subsection.  
14 Classified information shall not be subject to disclo-  
15 sure for such time as it remains classified, except  
16 that such information may be disclosed to a court ex  
17 parte and in camera for purposes of judicial review  
18 under subsection (c) of this section.

19           “(c) JUDICIAL REVIEW OF DESIGNATION.—

20           “(1) IN GENERAL.—Not later than 30 days  
21 after publication in the Federal Register of a des-  
22 ignation, an amended designation, or a determina-  
23 tion in response to a petition for revocation, the des-  
24 ignated group, club, organization, or association of 5  
25 or more persons may seek judicial review in the

1 United States Court of Appeals for the District of  
2 Columbia Circuit.

3 “(2) BASIS OF REVIEW.—Review under this  
4 subsection shall be based solely upon the administra-  
5 tive record, except that the Government may submit,  
6 for ex parte and in camera review, classified infor-  
7 mation used in making the designation, amended  
8 designation, or determination in response to a peti-  
9 tion for revocation.

10 “(3) SCOPE OF REVIEW.—The Court shall hold  
11 unlawful and set aside a designation, amended des-  
12 ignation, or determination in response to a petition  
13 for revocation the court finds to be—

14 “(A) arbitrary, capricious, an abuse of dis-  
15 cretion, or otherwise not in accordance with  
16 law;

17 “(B) contrary to constitutional right,  
18 power, privilege, or immunity;

19 “(C) in excess of statutory jurisdiction, au-  
20 thority, or limitation, or short of statutory  
21 right;

22 “(D) lacking substantial support in the ad-  
23 ministrative record taken as a whole or in clas-  
24 sified information submitted to the court under  
25 paragraph (2); or

1           “(E) not in accord with the procedures re-  
2           quired by law.

3           “(4) JUDICIAL REVIEW INVOKED.—The pend-  
4           ency of an action for judicial review of a designation,  
5           amended designation, or determination in response  
6           to a petition for revocation shall not affect the appli-  
7           cation of this section, unless the court issues a final  
8           order setting aside the designation, amended des-  
9           ignation, or determination in response to a petition  
10          for revocation.

11          “(d) DEFINITIONS.—As used in this section—

12           “(1) the term ‘classified information’ has the  
13           meaning given that term in section 1(a) of the Clas-  
14           sified Information Procedures Act (18 U.S.C. App.);

15           “(2) the term ‘national security’ means the na-  
16           tional defense, foreign relations, or economic inter-  
17           ests of the United States;

18           “(3) the term ‘relevant committees’ means the  
19           Committees on the Judiciary of the Senate and of  
20           the House of Representatives; and

21           “(4) the term ‘Secretary’ means the Secretary  
22           of Homeland Security, in consultation with the At-  
23           torney General.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents for such Act is amended by inserting after the  
3           item relating to section 219 the following:

“Sec. 220. Designation of criminal gang.”.

4           (d) MANDATORY DETENTION OF CRIMINAL GANG  
5 MEMBERS.—

6           (1) IN GENERAL.—Section 236(c)(1) of the Im-  
7           migration and Nationality Act (8 U.S.C. 1226(c)(1))  
8           is amended—

9                   (A) in subparagraph (C), by striking “or”  
10                  at the end;

11                   (B) in subparagraph (D), by inserting  
12                  “or” at the end; and

13                   (C) by inserting after subparagraph (D)  
14                  the following:

15                   “(E) is inadmissible under section  
16                  212(a)(2)(J) or deportable under section  
17                  217(a)(2)(G),”.

18           (2) ANNUAL REPORT.—Not later than March 1  
19           of each year (beginning 1 year after the date of the  
20           enactment of this Act), the Secretary of Homeland  
21           Security, after consultation with the appropriate  
22           Federal agencies, shall submit a report to the Com-  
23           mittees on the Judiciary of the House of Represent-  
24           atives and of the Senate on the number of aliens de-

1       tained under the amendments made by paragraph  
2       (1).

3       (e) ASYLUM CLAIMS BASED ON GANG AFFILI-  
4       ATION.—

5               (1) INAPPLICABILITY OF RESTRICTION ON RE-  
6       MOVAL TO CERTAIN COUNTRIES.—Section  
7       241(b)(3)(B) of the Immigration and Nationality  
8       Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the  
9       matter preceding clause (i), by inserting “who is de-  
10      scribed in section 212(a)(2)(J)(i) or section  
11      237(a)(2)(G)(i) or who is” after “to an alien”.

12              (2) INELIGIBILITY FOR ASYLUM.—Section  
13      208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A))  
14      (as amended by section 201 of this Act) is further  
15      amended—

16              (A) in clause (v), by striking “or” at the  
17      end;

18              (B) by redesignating clause (vi) as clause  
19      (vii); and

20              (C) by inserting after clause (v) the fol-  
21      lowing:

22                      “(vi) the alien is described in section  
23                      212(a)(2)(J)(i) or section 237(a)(2)(G)(i);  
24                      or”.



1 (f) TEMPORARY PROTECTED STATUS.—Section 244  
2 of such Act (8 U.S.C. 1254a) is amended—

3 (1) by striking “Attorney General” each place  
4 it appears and inserting “Secretary of Homeland Se-  
5 curity”;

6 (2) in subparagraph (c)(2)(B)—

7 (A) in clause (i), by striking “or” at the  
8 end;

9 (B) in clause (ii), by striking the period  
10 and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(iii) the alien is, or at any time has  
13 been, described in section 212(a)(2)(J) or  
14 section 237(a)(2)(G).”; and

15 (3) in subsection (d)—

16 (A) by striking paragraph (3); and

17 (B) in paragraph (4), by adding at the end  
18 the following: “The Secretary of Homeland Se-  
19 curity may detain an alien provided temporary  
20 protected status under this section whenever  
21 appropriate under any other provision of law.”.

22 (g) SPECIAL IMMIGRANT JUVENILE VISAS.—Section  
23 101(a)(27)(J)(iii) of the Immigration and Nationality Act  
24 (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

25 (1) in subclause (I), by striking “and”;

1           (2) in subclause (II), by adding “and” at the  
2           end; and

3           (3) by adding at the end the following:

4                               “(III) no alien who is, or at any  
5                               time has been, described in section  
6                               212(a)(2)(J) or section 237(a)(2)(G)  
7                               shall be eligible for any immigration  
8                               benefit under this subparagraph;”.

9           (h) PAROLE.—An alien described in section  
10 212(a)(2)(J) of the Immigration and Nationality Act, as  
11 added by subsection (b), shall not be eligible for parole  
12 under section 212(d)(5)(A) of such Act unless—

13                       (1) the alien is assisting or has assisted the  
14                       United States Government in a law enforcement  
15                       matter, including a criminal investigation; and

16                       (2) the alien’s presence in the United States is  
17                       required by the Government with respect to such as-  
18                       sistance.

19 **SEC. 4. CRIMINAL GANG MEMBERS AND SUPPORTERS DIS-**  
20 **QUALIFIED FROM GOOD MORAL CHARACTER**  
21 **PROVISION.**

22           Section 101(f) of the Immigration and Nationality  
23 Act (8 U.S.C. 1101(f)) is amended—

24                       (1) in paragraph (8), by striking “or” at the  
25                       end;

1           (2) in paragraph (9), by striking the period at  
2 the end and inserting “; or”;

3           (3) by inserting after paragraph (9), the fol-  
4 lowing:

5           “(10) one whom the Secretary of Homeland Se-  
6 curity or the Attorney General determines, in the  
7 unreviewable discretion of the Secretary of Home-  
8 land Security or the Attorney General, to be an alien  
9 who—

10           “(A) is or has ever been a member, asso-  
11 ciate or affiliate of, or who has ever provided  
12 material support to, a criminal gang;

13           “(B) is or has ever been a member, asso-  
14 ciate or affiliate of, or who has ever provided  
15 material support to, a criminal street gang as  
16 defined in section 520 of title 18, United States  
17 Code; or

18           “(C) has been convicted of or has admitted  
19 committing the essential elements of the fol-  
20 lowing offenses—

21           “(i) a felony drug offense (as defined  
22 in section 102 of the Controlled Sub-  
23 stances Act (21 U.S.C. 802)); or

1           “(ii) has engaged in conduct punish-  
2           able under section 274, 277, or 278 of the  
3           Immigration and Nationality Act; or

4           “(iii) committed a crime of violence  
5           (as defined in section 16 of title 18, United  
6           States Code); or

7           “(iv) committed a crime involving ob-  
8           struction of justice, tampering with or re-  
9           taliating against a witness, victim, or in-  
10          formant, or burglary; or

11          “(v) engaged in conduct punishable  
12          under section 1028 or 1029, and sections  
13          1541 through 1546 of title 18, United  
14          States Code; or

15          “(vi) engaged in conduct punishable  
16          under sections 1581 through 1594 of title  
17          18, United States Code; or

18          “(vii) engaged in conduct punishable  
19          under sections 1951, 1952, 1956, and  
20          1957 of title 18, United States Code; or

21          “(viii) engaged in conduct punishable  
22          under sections 2312 through 2315 of title  
23          18, United States Code; or

24          “(ix) attempted to engage in an of-  
25          fense described in paragraphs (1) through

1           (8) above, or engaged in conduct punish-  
2           able under sections 2 through 4, and sec-  
3           tions 371 through 373 of title 18, United  
4           States Code, in furtherance of such an of-  
5           fense.”; and

6           (4) by adding at the end, at the end of the mat-  
7           ter following paragraph (10) (as inserted in this sec-  
8           tion), the following: “An alien shall be deemed to  
9           have ‘admitted the essential elements of an offense’  
10          upon an oral or written statement to such effect, or  
11          upon a conviction or formal finding by a competent  
12          Federal, State or local court, tribunal or military  
13          proceeding that said person has engaged in unlawful  
14          conduct whose essential elements include those that  
15          would be required for conviction of a disqualifying  
16          offense. A determination by the Secretary of Home-  
17          land Security or Attorney General that an alien does  
18          not exhibit good moral character based on gang  
19          membership, association, affiliation, or provision of  
20          material support, may be based upon any relevant  
21          information or evidence, including classified, law en-  
22          forcement sensitive, or national security information  
23          and shall be binding upon any court regardless of  
24          the applicable standard of review.”.

1 **SEC. 5. PROHIBITION AGAINST FILING.**

2 (a) IN GENERAL.—No person who—

3 (1) is or has ever been a member, associate or  
4 affiliate of, or who has ever provided material sup-  
5 port to, a criminal gang as defined in section 101  
6 of the Immigration and Nationality Act;

7 (2) is or has ever been a member, associate or  
8 affiliate of, or who has ever provided material sup-  
9 port to, a criminal street gang as defined in section  
10 520 of title 18 of the United States Code; or

11 (3) has been convicted of or has admitted the  
12 essential elements of an offense as specified in sub-  
13 section (b),

14 shall be permitted to file an application or petition, or sub-  
15 mit an affidavit of support, on behalf of an alien under  
16 any provision of the immigration laws, nor shall such per-  
17 son be permitted to assume custodial care for an unaccom-  
18 panied alien minor.

19 (b) DISQUALIFYING OFFENSES.—Offenses which dis-  
20 qualify a person under subsection (a) are—

21 (1) a felony drug offense (as defined in section  
22 102 of the Controlled Substances Act (21 U.S.C.  
23 802));

24 (2) conduct punishable under section 274, 277,  
25 or 278 of the Immigration and Nationality Act;

1           (3) a crime of violence (as defined in section 16  
2 of title 18, United States Code);

3           (4) a crime involving obstruction of justice,  
4 tampering with or retaliating against a witness, vic-  
5 tim, or informant, or burglary;

6           (5) conduct punishable under section 1028 or  
7 1029, and sections 1541 through 1546 of title 18 of  
8 the United States Code;

9           (6) conduct punishable under sections 1581  
10 through 1594 of title 18 of the United States Code;

11           (7) sections 1951, 1952, 1956, and 1957 of  
12 title 18 of the United States Code;

13           (8) sections 2312 through 2315 of title 18 of  
14 the United States Code; or

15           (9) any attempt to engage in an offense de-  
16 scribed in paragraphs (1) through (8) above, or con-  
17 duct punishable under sections 2 through 4, and sec-  
18 tions 371 through 373 of title 18 of the United  
19 States Code in furtherance of such an offense.

20           (c) ADMISSION OF ESSENTIAL ELEMENTS OF AN OF-  
21 FENSE.—A person shall be deemed to have admitted the  
22 essential elements of an offense within the meaning of sub-  
23 section (a)(3) upon an oral or written statement to such  
24 effect, or upon a conviction or formal finding by a com-  
25 petent Federal, State or local court, tribunal or military

1 proceeding that said person has engaged in unlawful con-  
2 duct whose essential elements include those that would be  
3 required for conviction of a disqualifying offense as de-  
4 scribed in subsection (b).

5 **SEC. 6. DENATURALIZATION OF CRIMINAL GANG MEMBERS**  
6 **AND SUPPORTERS.**

7 Section 340 of the Immigration and Nationality Act  
8 (8 U.S.C. 1451) is amended by striking subsection (c) and  
9 inserting the following language:

10 “(c) MEMBERSHIP IN CERTAIN ORGANIZATIONS;  
11 PRIMA FACIE EVIDENCE.—

12 “(1) IN GENERAL.—If a person who shall have  
13 been naturalized after December 24, 1952, shall  
14 within 10 years following such naturalization become  
15 a member of or affiliated with any organization,  
16 membership in or affiliation with which at the time  
17 of naturalization would have precluded such person  
18 from naturalization under the provisions of section  
19 313, it shall be considered prima facie evidence that  
20 such person was not attached to the principles of the  
21 Constitution of the United States and was not well  
22 disposed to the good order and happiness of the  
23 United States at the time of naturalization, and, in  
24 the absence of countervailing evidence, it shall be  
25 sufficient in the proper proceeding to authorize the



1 revocation and setting aside of the order admitting  
2 such person to citizenship and the cancellation of the  
3 certificate of naturalization as having been obtained  
4 by concealment of a material fact or by willful mis-  
5 representation, and such revocation and setting  
6 aside of the order admitting such person to citizen-  
7 ship and such canceling of certificate of naturaliza-  
8 tion shall be effective as of the original date of the  
9 order and certificate, respectively.

10 “(2) ORGANIZATION, MEMBERSHIP IN OR AF-  
11 FILIATION WITH WHICH AT THE TIME OF NATU-  
12 RALIZATION WOULD HAVE PRECLUDED SUCH PER-  
13 SON FROM NATURALIZATION.—The phrase ‘any or-  
14 ganization, membership in or affiliation with which  
15 at the time of naturalization would have precluded  
16 such person from naturalization’ shall be deemed to  
17 include an alien who—

18 “(A) is or has ever been a member, asso-  
19 ciate or affiliate of, or who has ever provided  
20 material support to, a criminal gang;

21 “(B) is or has ever been a member, asso-  
22 ciate or affiliate of, or who has ever provided  
23 material support to, a criminal street gang as  
24 defined in section 520 of title 18 of the United  
25 States Code; or

1           “(C) has been convicted of or has admitted  
2 committing the essential elements of the fol-  
3 lowing offenses—

4           “(i) a felony drug offense (as defined  
5 in section 102 of the Controlled Sub-  
6 stances Act (21 U.S.C. 802));

7           “(ii) has engaged in conduct punish-  
8 able under section 274, 277, or 278;

9           “(iii) committed a crime of violence  
10 (as defined in section 16 of title 18, United  
11 States Code);

12           “(iv) committed a crime involving ob-  
13 struction of justice, tampering with or re-  
14 taliating against a witness, victim, or in-  
15 formant, or burglary;

16           “(v) engaged in conduct punishable  
17 under section 1028 or 1029, and sections  
18 1541 through 1546 of title 18 of the  
19 United States Code;

20           “(vi) engaged in conduct punishable  
21 under sections 1581 through 1594 of title  
22 18 of the United States Code; or engaged  
23 in conduct punishable under sections 1951,  
24 1952, 1956, and 1957 of title 18 of the  
25 United States Code;

1           “(vii) engaged in conduct punishable  
2           under sections 2312 through 2315 of title  
3           18 of the United States Code; or

4           “(viii) attempted to engage in an of-  
5           fense described in clauses (i) through (viii)  
6           above, or engaged in conduct punishable  
7           under sections 2 through 4, and sections  
8           371 through 373 of title 18 of the United  
9           States Code in furtherance of such an of-  
10          fense.

11           “(3) DEEMED TO HAVE ADMITTED.—An alien  
12          shall be deemed to have admitted the essential ele-  
13          ments of an offense within the meaning of para-  
14          graph (2)(C) upon an oral or written statement to  
15          such effect, or upon a conviction or formal finding  
16          by a competent Federal, State or local court, tri-  
17          bunal or military proceeding that said person has  
18          engaged in unlawful conduct whose essential ele-  
19          ments include those that would be required for con-  
20          viction of a disqualifying offense.”.

21 **SEC. 7. EFFECTIVE DATE AND APPLICATION.**

22          The amendments made by this Act shall take effect  
23          on the date of the enactment, shall apply to any act that  
24          occurred before, on, or after the date of enactment, and  
25          shall apply to any application for naturalization or any

- 1 other benefit or relief, or any other case or matter under
- 2 the immigration laws pending on or filed after the date
- 3 of enactment of this Act.

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