

116TH CONGRESS
1ST SESSION

H. R. 2890

To provide penalties for countries that systematically and unreasonably refuse or delay repatriation of certain nationals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2019

Mr. COURTNEY (for himself and Mr. WOODALL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide penalties for countries that systematically and unreasonably refuse or delay repatriation of certain nationals, 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 “Remedies for Refusal
5 of Repatriation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Foreign Relations of
5 the Senate;

6 (B) the Committee on Homeland Security
7 and Governmental Affairs of the Senate;

8 (C) the Committee on the Judiciary of the
9 Senate;

10 (D) the Committee on Foreign Affairs of
11 the House of Representatives;

12 (E) the Committee on Homeland Security
13 of the House of Representatives; and

14 (F) the Committee on the Judiciary of the
15 House of Representatives.

16 (2) CRIME OF VIOLENCE.—The term “crime of
17 violence” has the meaning given that term in section
18 16 of title 18, United States Code.

19 (3) FELONY.—The term “felony” means—

20 (A) a crime classified as a felony in the
21 convicting jurisdiction, excluding State or local
22 offenses for which an essential element was the
23 alien’s immigration status; or

24 (B) in the case of an offense under section
25 276 of the Immigration and Nationality Act (8

1 U.S.C. 1326), or other Federal immigration-re-
 2 lated offense that the Secretary may designate
 3 by regulation, an offense for which the term of
 4 imprisonment imposed on the defendant exceed-
 5 ed 1 year.

6 **SEC. 3. REMEDIES FOR SYSTEMATIC REFUSAL OF REPATRI-**
 7 **ATION.**

8 (a) CRITERIA FOR SYSTEMATIC REFUSAL OR
 9 DELAY.—Not later than 60 days after the date of the en-
 10 actment of this Act, the Secretary of Homeland Security
 11 shall establish procedures for determining whether the
 12 government of a foreign country systematically and unrea-
 13 sonably refuses or delays the repatriation of nationals of
 14 such country who—

15 (1) have been ordered removed from the United
 16 States; and

17 (2)(A) have been convicted of a felony;

18 (B) have been convicted of a crime of violence;

19 or

20 (C) are a threat to national security or public
 21 safety.

22 (b) REQUIREMENTS FOR INCLUSION ON REFUSAL OR
 23 DELAY LIST.—A country shall be deemed to systemati-
 24 cally and unreasonably refuse or delay the repatriation of
 25 its nationals if—

1 (1) the country refuses—

2 (A) to repatriate an individual described in
3 subsection (a) who has been ordered removed
4 notwithstanding the designation of such country
5 as the place to which the individual is to be re-
6 moved by the United States under section
7 241(b) of the Immigration and Nationality Act
8 (8 U.S.C. 1231(b)); and

9 (B)(i) to secure and analyze all documents
10 within its control that could tend to identify the
11 nationality of such individual; or

12 (ii) to ensure that a government official ca-
13 pable of determining that such individual is a
14 national of such country interviews such indi-
15 vidual and, if additional evidence is needed,
16 such individual's family; or

17 (2) other factors indicate that the country sys-
18 tematically and unreasonably refuses or delays the
19 repatriation of nationals of such country who are de-
20 scribed in subsection (a) and have been ordered re-
21 moved to such country by the United States.

22 (c) NOTIFICATION REQUIREMENTS.—Upon deter-
23 mining that a country systematically and unreasonably re-
24 fuses or delays repatriation of its nationals—

1 (1) the Secretary of Homeland Security shall
2 notify the Secretary of State of such determination
3 in writing not later than 5 days after such deter-
4 mination; and

5 (2) the Secretary of State and the Secretary of
6 Homeland Security shall—

7 (A) meet concurrently with representatives
8 of the foreign government in the United States
9 and in the foreign country about such deter-
10 mination; and

11 (B) notify such representatives that the
12 United States may discontinue issuance of visas
13 to nationals of such country under section
14 243(d) of the Immigration and Nationality Act
15 (8 U.S.C. 1253(d)).

16 (d) DISCONTINUANCE OF VISAS.—In furtherance of
17 section 243(d) of the Immigration and Nationality Act (8
18 U.S.C. 1253) and except as provided under subsection (e),
19 if a country described in subsection (c) continues to sys-
20 tematically and unreasonably refuse or delay the repatri-
21 ation of its nationals described in subsection (a) after re-
22 ceiving notification under subsection (c)(2)(B)—

23 (1) the Secretary of Homeland Security shall
24 notify the Secretary of State that the country meets

1 the criteria described in section 243(d) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1253(d)); and

3 (2) the Secretary of State shall discontinue the
4 issuance of visas in accordance with such section.

5 (e) EXCEPTION.—If the Secretary of Homeland Se-
6 curity determines that it is not in the interests of the
7 United States to discontinue the issuance of visas to na-
8 tionals of a country described in subsection (d), the Sec-
9 retary of Homeland Security shall submit to the appro-
10 priate committees of Congress a report documenting the
11 reasons for such determination.

12 (f) PUBLIC DISSEMINATION OF INFORMATION.—The
13 Secretary of Homeland Security and the Secretary of
14 State shall list countries that systematically and unreason-
15 ably refuse or delay repatriation of their nationals de-
16 scribed in subsection (a) on the websites of their respective
17 departments.

18 (g) REPORTS TO CONGRESS.—Not later than March
19 1 of each year, the Secretary of Homeland Security and
20 the Secretary of State shall jointly submit to the appro-
21 priate committees of Congress a report that—

22 (1) identifies the countries that met the criteria
23 developed pursuant to subsection (a) in the previous
24 calendar year;

1 (2) describes the actions taken by the Secretary
2 of Homeland Security and the Secretary of State
3 after determining that a country met the criteria de-
4 veloped pursuant to subsection (a);

5 (3) identifies the countries included in the noti-
6 fications described in subsections (c) and (d) and the
7 actions taken by the Secretary of State as a result
8 of such notifications;

9 (4) identifies the countries that do not meet the
10 criteria described in subsection (b), but have refused
11 or delayed the repatriation of their nationals; and

12 (5) describes the actions taken by the Secretary
13 of Homeland Security and the Secretary of State
14 with respect to the countries described in paragraph
15 (4).

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