

116TH CONGRESS  
1ST SESSION

# H. R. 3748

To amend the Immigration and Nationality Act with respect to in absentia removal proceedings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2019

Mr. PANETTA 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 with respect to in absentia removal proceedings, 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 “Providing Justice for  
5 Asylum Seekers Act of 2019”.

6 **SEC. 2. INITIATION OF REMOVAL PROCEEDINGS.**

7 Section 239(a) of the Immigration and Nationality  
8 Act (8 U.S.C. 1229(a)) is amended—

1           (1) in paragraph (1)(F), by inserting “the Sec-  
2           retary of Homeland Security or” before “the Attor-  
3           ney General” each place such term appears; and

4           (2) in paragraph (2)(A), by striking “the alien  
5           or to the alien’s counsel of record” and inserting  
6           “the alien and to the alien’s counsel of record”.

7 **SEC. 3. REMOVAL PROCEEDINGS.**

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

10           (1) in paragraph (5)—

11           (A) by amending subparagraph (A) to read  
12 as follows:

13           “(A) REMOVAL IN ABSENTIA.—

14           “(i) IN GENERAL.—Any alien who,  
15           after a proceeding under this section is re-  
16           scheduled by an immigration judge due to  
17           the alien’s failure to attend such pro-  
18           ceeding, and written notice required under  
19           paragraph (1) or (2) of section 239(a) has  
20           been provided to the alien or the alien’s  
21           counsel of record, does not attend a pro-  
22           ceeding under this section, may be ordered  
23           removed in absentia if the Secretary of  
24           Homeland Security establishes by clear,

1 unequivocal, and convincing evidence  
2 that—

3 “(I) sufficient written notice was  
4 so provided;

5 “(II) the alien is removable (as  
6 defined in subsection (e)(2)); and

7 “(III) in the case of an alien re-  
8 quired to periodically report to the  
9 Department of Homeland Security,  
10 the alien has demonstrated a pattern  
11 of failing to report.

12 “(ii) SUFFICIENT NOTICE.—The writ-  
13 ten notice provided by the Attorney Gen-  
14 eral shall be considered sufficient for pur-  
15 poses of this subparagraph if provided at  
16 the most recent address provided under  
17 section 239(a)(1)(F).”; and

18 (B) in subparagraph (C)—

19 (i) in clause (i)—

20 (I) by striking “within 180 days”  
21 and inserting “at any time”; and

22 (II) by striking “or” at the end;

23 (ii) in clause (ii), by striking the pe-  
24 riod at the end and inserting “, or”;

1 (iii) by inserting after clause (ii) the  
2 following:

3 “(iii) upon a motion to reopen filed at  
4 any time if the alien is a minor child.”;  
5 and

6 (iv) by striking “clause (i) or (ii)” and  
7 inserting “clause (i), (ii), or (iii)”;

8 (2) by adding at the end the following:

9 “(8) CHECK-IN HISTORY.—Before an immigra-  
10 tion judge conducts a proceeding under this section,  
11 the Secretary of Homeland Security shall report to  
12 the immigration judge the extent to which the alien  
13 has complied with any requirement to report periodi-  
14 cally the alien’s whereabouts to the Secretary of  
15 Homeland Security.”.

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