

115TH CONGRESS
1ST SESSION

H. R. 241

To provide for sanctions on countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country, or that have an excessive repatriation failure rate, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2017

Mr. POE of Texas (for himself, Mr. BURGESS, Mr. JODY B. HICE of Georgia, Mr. GOSAR, Mr. WEBER of Texas, Mr. BROOKS of Alabama, Mr. FRANKS of Arizona, Mr. FARENTHOLD, and Mrs. BLACK) 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 for sanctions on countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country, or that have an excessive repatriation failure rate, 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 “Timely Repatriation
5 Act”.

1 **SEC. 2. TIMELY REPATRIATION.**

2 (a) LISTING OF COUNTRIES.—Beginning on the date
3 that is 6 months after the date of enactment of this Act,
4 and every 6 months thereafter, the Secretary of Homeland
5 Security shall publish a report including the following:

6 (1) A list of the following:

7 (A) Countries that have refused or unrea-
8 sonably delayed repatriation of an alien who is
9 a national of that country since the date of en-
10 actment of this Act and the total number of
11 such aliens, disaggregated by nationality.

12 (B) Countries that have an excessive repa-
13 triation failure rate.

14 (2) A list of each country that was included
15 under subparagraph (B) or (C) of paragraph (1) in
16 both the report preceding the current report and the
17 current report.

18 (b) SANCTIONS.—Beginning on the date that a coun-
19 try is included in a list under subsection (a)(2) and ending
20 on the date that that country is not included in such list,
21 that country shall be subject to the following:

22 (1) The Secretary of State may not issue visas
23 under section 101(a)(15)(A)(iii) of the Immigration
24 and Nationality Act (8 U.S.C. 1101(a)(15)(A)(iii))
25 to attendants, servants, personal employees, and
26 members of their immediate families, of the officials

1 and employees of that country who receive non-
2 immigrant status under clause (i) or (ii) of section
3 101(a)(15)(A) of such Act.

4 (2) Each 6 months thereafter that the country
5 is included in that list, the Secretary of State shall
6 reduce the number of visas available under clause (i)
7 or (ii) of section 101(a)(15)(A) of the Immigration
8 and Nationality Act in a fiscal year to nationals of
9 that country by an amount equal to 10 percent of
10 the baseline visa number for that country. Except as
11 provided under section 243(d) of the Immigration
12 and Nationality Act (8 U.S.C. 1253), the Secretary
13 may not reduce the number to a level below 20 per-
14 cent of the baseline visa number.

15 (c) WAIVERS.—

16 (1) NATIONAL SECURITY WAIVER.—If the Sec-
17 retary of State submits to Congress a written deter-
18 mination that significant national security interests
19 of the United States require a waiver of the sanc-
20 tions under subsection (b), the Secretary may waive
21 any reduction below 80 percent of the baseline visa
22 number. The Secretary of Homeland Security may
23 not delegate the authority under this subsection.

24 (2) TEMPORARY EXIGENT CIRCUMSTANCES.—If
25 the Secretary of State submits to Congress a written

1 determination that temporary exigent circumstances
2 require a waiver of the sanctions under subsection
3 (b), the Secretary may waive any reduction below 80
4 percent of the baseline visa number during 6-month
5 renewable periods. The Secretary of Homeland Secu-
6 rity may not delegate the authority under this sub-
7 section.

8 (d) EXEMPTION.—The Secretary of Homeland Secu-
9 rity, in consultation with the Secretary of State, may ex-
10 empt a country from inclusion in a list under subsection
11 (a)(2) if the total number of nonrepatriations outstanding
12 is less than 10 for the preceding 3-year period.

13 (e) UNAUTHORIZED VISA ISSUANCE.—Any visa
14 issued in violation of this section shall be void.

15 (f) NOTICE.—If an alien who has been convicted of
16 a criminal offense before a Federal or State court whose
17 repatriation was refused or unreasonably delayed is to be
18 released from detention by the Secretary of Homeland Se-
19 curity, the Secretary shall provide notice to the State and
20 local law enforcement agency for the jurisdictions in which
21 the alien is required to report or is to be released. When
22 possible, and particularly in the case of violent crime, the
23 Secretary shall make a reasonable effort to provide notice
24 of such release to any crime victims and their immediate
25 family members.

1 (g) DEFINITIONS.—For purposes of this section:

2 (1) REFUSED OR UNREASONABLY DELAYED.—

3 A country is deemed to have refused or unreasonably
4 delayed the acceptance of an alien who is a citizen,
5 subject, national, or resident of that country if, not
6 later than 90 days after receiving a request to repa-
7 triate such alien from an official of the United
8 States who is authorized to make such a request, the
9 country does not accept the alien or issue valid trav-
10 el documents.

11 (2) FAILURE RATE.—The term “failure rate”
12 for a period means the percentage determined by di-
13 viding the total number of repatriation requests for
14 aliens who are citizens, subjects, nationals, or resi-
15 dents of a country that that country refused or un-
16 reasonably delayed during that period by the total
17 number of such requests during that period.

18 (3) EXCESSIVE REPATRIATION FAILURE
19 RATE.—The term “excessive repatriation failure
20 rate” means, with respect to a report under sub-
21 section (a), a failure rate greater than 10 percent
22 for any of the following:

23 (A) The period of the 3 full fiscal years
24 preceding the date of publication of the report.

1 (B) The period of 1 year preceding the
2 date of publication of the report.

3 (4) NUMBER OF NON-REPATRIATIONS OUT-
4 STANDING.—The term “number of non-repatriations
5 outstanding” means, for a period, the number of
6 unique aliens whose repatriation a country has re-
7 fused or unreasonably delayed and whose repatri-
8 ation has not occurred during that period.

9 (5) BASELINE VISA NUMBER.—The term “base-
10 line visa number” means, with respect to a country,
11 the average number of visas issued each fiscal year
12 to nationals of that country under clauses (i) and
13 (ii) of section 101(a)(15)(A) of the Immigration and
14 Nationality Act (8 U.S.C. 1101(a)(15)(A)) for the 3
15 full fiscal years immediately preceding the first re-
16 port under subsection (a) in which that country is
17 included in the list under subsection (a)(2).

18 (h) GAO REPORT.—On the date that is 1 day after
19 the date that the President submits a budget under sec-
20 tion 1105(a) of title 31, United States Code, for fiscal year
21 2017, the Comptroller General of the United States shall
22 submit a report to Congress regarding the progress of the
23 Secretary of Homeland Security and the Secretary of

- 1 State in implementation of this section and in making re-
- 2 quests to repatriate aliens as appropriate.

