

103^D CONGRESS
2^D SESSION

S. 2533

To amend the Immigration and Nationality Act to protect Americans against criminal activity by aliens, to defend against acts of international terrorism, and to relieve pressure on public services by enhancing border security and diminishing legal immigration into the United States.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Mr. SMITH (for himself and Mr. FAIRCLOTH) 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 protect Americans against criminal activity by aliens, to defend against acts of international terrorism, and to relieve pressure on public services by enhancing border security and diminishing legal immigration into the United States.

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 “Immigration Control
5 and Reform Act of 1994.”.

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1 **TITLE I—LEGAL IMMIGRATION**
 2 **REFORM**

3 **Subtitle A—Admission of Legal**
 4 **Immigrants**

5 **SEC. 101. REDUCTION IN ANNUAL LEGAL IMMIGRATION**
 6 **CEILINGS.**

7 (a) FAMILY-SPONSORED IMMIGRATION.—Section
 8 201(c)(1) of the Immigration and Nationality Act (8
 9 U.S.C. 1151) is amended to read as follows:

1 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
2 IMMIGRANTS.—(1) The worldwide level of family-spon-
3 sored immigrants under this subsection for a fiscal year
4 is equal to—

5 “(A) 300,000, minus

6 “(B) the number computed under paragraph
7 (2), plus

8 “(C) the number computed under paragraph
9 (3).”.

10 (b) EMPLOYMENT-BASED IMMIGRATION.—Section
11 201(d)(1)(A) of the Immigration and Nationality Act (8
12 U.S.C. 1151(d)(1)(A)) is amended by striking “140,000”
13 and inserting “30,000”.

14 (c) DIVERSITY IMMIGRATION.—Section 201(e) of the
15 Immigration and Nationality Act (8 U.S.C. 1151(e)) is
16 amended by striking “55,000” and inserting “35,000”.

17 **SEC. 102. REDEFINITION OF IMMEDIATE RELATIVES.**

18 Section 201(b)(2)(A)(i) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by
20 striking “children, spouses, and parents of a citizen of the
21 United States, except that, in the case of parents, such
22 citizens shall be at least 21 years of age” and inserting
23 “children and spouses of a citizen of the United States”.

1 **SEC. 103. REVISION OF PREFERENCE ALLOCATIONS FOR**
2 **FAMILY-SPONSORED IMMIGRANTS.**

3 Paragraphs (1) through (4) of section 203(a) of the
4 Immigration and Nationality Act are amended to read as
5 follows:

6 “(1) SPOUSES AND CHILDREN OF PERMANENT
7 RESIDENT ALIENS.—Qualified immigrants who are
8 the spouses or children of an alien lawfully admitted
9 for permanent residence shall be allocated visas in a
10 number equal to 40 percent of the difference be-
11 tween such worldwide level and the number of imme-
12 diate relative visas required, plus any visas not re-
13 quired for the class specified in paragraph (1).

14 “(2) PARENTS OF ADULT UNITED STATES CITI-
15 ZENS.—Qualified immigrants who are the parents of
16 citizens of the United States who are at least 21
17 years of age shall be allocated visas in a number
18 equal to 60 percent of the difference between such
19 worldwide level and the number of immediate rel-
20 ative visas required, plus any visas not required for
21 the class specified in paragraph (1).

22 “(3) SONS AND DAUGHTERS OF UNITED
23 STATES CITIZENS.—Qualified immigrants holding
24 priority dates as of the effective date of this para-
25 graph who are the sons and daughters of citizens of
26 the United States shall be allocated visas in a num-

1 ber equal to 75 percent of the maximum number of
2 visas available but not issued under paragraphs (1)
3 and (2).

4 “(4) SONS AND DAUGHTERS OF PERMANENT
5 RESIDENT ALIENS.—Qualified immigrants holding
6 priority dates as of the effective date of this para-
7 graph who are the sons and daughters of permanent
8 resident aliens shall be allocated visas in a number
9 equal to 25 percent of the maximum number of visas
10 available but not issued under paragraphs (1) and
11 (2).

12 “(5) BROTHERS AND SISTERS OF CITIZENS.—
13 Qualified immigrants holding priority dates as of the
14 effective date of this paragraph who are the brothers
15 or sisters of citizens of the United States, if such
16 citizens are at least 21 years of age, shall be allo-
17 cated visas in a number equal to the number of visas
18 not required for the classes specified in paragraphs
19 (3) and (4).”.

20 **SEC. 104. REVISION OF PREFERENCE ALLOCATIONS FOR**
21 **EMPLOYMENT-BASED IMMIGRANTS.**

22 (a) ADJUSTMENT IN ALLOCATIONS AS PERCENTAGE
23 OF WORLDWIDE LEVEL.—(1) Section 203(b)(1) of such
24 Act is amended by striking “28.6 percent” and inserting
25 “50 percent”.

1 (2) Section 203(b)(2)(A) of such Act is amended by
2 striking “28.6 percent” and inserting “50 percent”.

3 (3) Section 203(b)(1) of such Act is amended by
4 striking “, plus any visas not required for the classes spec-
5 ified in paragraphs (4) and (5),”.

6 (b) ALLOCATIONS FOR BACKLOGGED PREVIOUS
7 PREFERENCES.—(1) Section 203(b)(3)(A) of such Act (8
8 U.S.C. 1153(b)(3)(A)), in the text above clause (i), is
9 amended to read as follows:

10 “(A) IN GENERAL.—Visas shall be made
11 available in a number equal to the number of
12 visas not required for the classes specified in
13 paragraphs (1) and (2) to the following classes
14 of aliens not described in paragraph (2) who
15 are qualified immigrants holding priority dates
16 as of the effective date of this paragraph:”.

17 (2) Section 203(b)(4) of such Act (8 U.S.C.
18 1153(b)(4)) is amended by striking “in a number not to
19 exceed 7.1 percent of such worldwide level, to qualified
20 special immigrants” and inserting “in a number equal to
21 the number of visas not required for the classes specified
22 in paragraphs (1) through (3), to qualified special immi-
23 grants holding priority dates as of the effective date of
24 this Act who are”.

1 (3) Section 203(b)(5)(A) of such Act (8 U.S.C.
2 1153(b)(5)(A)), in the text above clause (i), is amended
3 to read as follows:

4 “(A) IN GENERAL.—Visas shall be made
5 available in a number equal to the number of
6 visas not required for paragraphs (1) through
7 (4) to qualified immigrants holding priority
8 dates as of the effective date of this paragraph
9 who are seeking to enter the United States for
10 the purpose of engaging in a new commercial
11 enterprise—”.

12 (4) Section 203(b)(6) of such Act (8 U.S.C.
13 1153(b)(6)) is repealed.

14 **SEC. 105. CONFORMING AMENDMENTS.**

15 Section 204 of the Immigration and Nationality Act
16 (8 U.S.C. 1154) is amended—

17 (1) in subsection (a)(1)—

18 (A) in subparagraph (A), by striking
19 “paragraph (1), (3), or (4)” and inserting
20 “paragraph (1) or (3)”;

21 (B) in subparagraph (D), by striking
22 “203(b)(2), or 203(b)(3)” and inserting “or
23 203(b)(2)”;

24 (C) by redesignating subparagraph (E)(ii)
25 as subparagraph (E);

- 1 (D) by striking subparagraph (E) (i);
2 (E) by striking subparagraph (F); and
3 (F) by redesignating subparagraph (G) as
4 subparagraph (F); and
5 (2) in subsection (b), by striking “or
6 203(b)(3)”.

7 **SEC. 106. TRANSITION.**

8 (a) PARENTS OF CITIZENS; UNMARRIED SONS AND
9 DAUGHTERS OF CITIZENS.—Any petition filed under sec-
10 tion 204(a) of the Immigration and Nationality Act before
11 the effective date of this Act for—

12 (1) immediate relative status as a parent of a
13 United States citizen who is at least 21 years of age,

14 (2) preference status under section 203(a)(1) of
15 such Act (as in effect before such date),

16 (3) preference status under section 203(a)(2)
17 by virtue of being the spouse or child of a perma-
18 nent resident alien, or

19 (4) preference status under section 203(a)(2)
20 by virtue of being the son or daughter of a perma-
21 nent resident alien,

22 shall be deemed, as of such date, to be a petition filed
23 under such section for preference status under section
24 203(a)(2), section 203(a)(3), 203(a)(1), or 203(a)(4), re-
25 spectively, of such Act (as amended by this Act).

1 (b) ELIMINATED PREFERENCE CLASSIFICATIONS.—

2 Beginning on the effective date of this Act—

3 (1) the Attorney General may not accept any
4 petition filed under section 204(a) for classification
5 under section 203(a)(4), 203(b)(3), 203(b)(4), or
6 203(b)(5), as in effect before the effective date of
7 this Act; and

8 (2) each priority date established before the ef-
9 fective date of this Act shall be maintained with re-
10 spect to any petition filed under section 204(a) of
11 the Immigration and Nationality Act before such
12 date for preference status under paragraph (1), (2),
13 (3), or (4) of section 203(a) (as in effect before such
14 date) or paragraph (3), (4), or (5) of section 203(b)
15 of such Act (as in effect before such date).

16 **SEC. 107. REPEAL.**

17 Section 301 of the Immigration Act of 1990 (Public
18 Law 101–649) (relating to admission of dependents of le-
19 galized aliens) is hereby repealed.

20 **Subtitle B—Admission of Refugees**

21 **SEC. 111. NUMBER OF ADMISSIONS.**

22 Section 207 of the Immigration and Nationality Act
23 (8 U.S.C. 1157) is amended by striking subsection (a) and
24 inserting the following:

1 “(a) Except as provided in subsection (b), the number
2 of refugees who may be admitted under this section in any
3 fiscal year may not exceed 35,000. Admissions under this
4 subsection shall be allocated by the President among refu-
5 gees of special humanitarian concern to the United
6 States.”.

7 **TITLE II—ILLEGAL**
8 **IMMIGRATION CONTROL**
9 **Subtitle A—Land Borders Control**

10 **SEC. 201. PLACEMENT OF ADDITIONAL PHYSICAL BAR-**
11 **RIERS.**

12 After consultation with the Commissioner of Immi-
13 gration and Naturalization, but not later than 6 months
14 after the date of enactment of this Act, the Attorney Gen-
15 eral shall submit a report to the chairmen of the Commit-
16 tees on the Judiciary of the House of Representatives and
17 the Senate on the feasibility and cost of the placement
18 of substantial numbers of additional physical barriers at
19 appropriate points on the border between the United
20 States and Mexico to deter and prevent unauthorized
21 crossings into the United States.

22 **SEC. 202. ESTABLISHMENT OF INTERIOR REPATRIATION**
23 **PROGRAM.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Attorney General, in consultation with the

1 Commissioner of Immigration and Naturalization, shall
2 develop and implement a program in which aliens who en-
3 tered the United States illegally not less than three times
4 before such date and were deported or returned to a coun-
5 try that is contiguous to the United States shall be re-
6 turned to locations that are not less than five hundred
7 kilometers from that country's border with the United
8 States.

9 **Subtitle B—Ports of Entry Control**

10 **SEC. 211. REQUIREMENT OF 24 HOURS' NOTICE OF ARRIV-** 11 **ALS BY SHIPS.**

12 The Attorney General is authorized to require, by
13 regulation, not less than 24 hours of advance notice to
14 the Immigration and Naturalization Service of the inten-
15 tion of any seagoing vessel to arrive at any port of entry
16 of the United States.

17 **Subtitle C—Overseas Airports** 18 **Control**

19 **SEC. 221. ESTABLISHMENT OF ADDITIONAL** 20 **PREINSPECTION STATIONS.**

21 (a) PREINSPECTION STATIONS.—(1) After consulta-
22 tion with the Secretary of State and the Commissioner of
23 Immigration and Naturalization, but not later than 6
24 months after the date of enactment of this Act, the Attor-
25 ney General shall submit a report to the chairmen of the

1 Committees on the Judiciary of the House of Representa-
2 tives and the Senate on the feasibility and cost of the es-
3 tablishment and maintenance of preinspection stations in
4 at least 10 of the foreign airports that the Attorney Gen-
5 eral determines to be serving as the last points of depart-
6 ure for the greatest numbers of passengers who arrive
7 from abroad by air at ports of entry within the United
8 States. Such preinspection stations shall be in addition to
9 any preinspection stations that are established before the
10 date of enactment of this section.

11 (2) Not later than November 1 of each year, the At-
12 torney General shall compile data identifying—

13 (A) the foreign airports that served as the last
14 points of departure for aliens who arrived by air at
15 ports of entry into the United States without valid
16 documentation during the preceding fiscal year,

17 (B) the number and nationality of such aliens
18 arriving from each such foreign airport, and

19 (C) the primary routes that such aliens followed
20 from their countries of origin to the United States.

21 (3) Prior to the establishment of a preinspection sta-
22 tion, the Attorney General, in consultation with the Sec-
23 retary of State, shall ensure that—

1 (A) employees of the United States stationed at
2 the preinspection station and their accompanying
3 family members will receive appropriate protection,

4 (B) such employees and their families will not
5 be subject to unreasonable risks to their welfare and
6 safety, and

7 (C) the country in which the preinspection sta-
8 tion is to be established maintains practices and pro-
9 cedures with respect to asylum seekers and refugees
10 in accordance with the Convention Relating to the
11 Status of Refugees (done at Geneva on July 28,
12 1951) or the Protocol Relating to the Status of Ref-
13 ugees (done at New York on January 31, 1967).

14 (b) ESTABLISHMENT OF CARRIER CONSULTANT
15 PROGRAM.—After consultation with the Secretary of State
16 and the Commissioner of Immigration and Naturalization,
17 but not later than 6 months after the date of enactment
18 of this Act, the Attorney General shall submit a report
19 to the chairmen of the Committees on the Judiciary of
20 the House of Representatives and the Senate on the fea-
21 sibility and cost of the assignment of substantial numbers
22 of additional immigration officers to assist air carriers in
23 the detection of fraudulent documents at foreign airports
24 that, based on the records that are maintained in accord-
25 ance with subsection (a)(2), served as the points of depar-

1 ture for a significant number of the aliens arriving at
2 ports of entry into the United States without valid docu-
3 mentation, but where no preinspection station exists.

4 **SEC. 222. TRAINING OF AIRLINE PERSONNEL IN DETEC-**
5 **TION OF FRAUD.**

6 (a) USE OF FUNDS.—Section 286(h)(2)(A) (8 U.S.C.
7 1356(h)(2)(A)) is amended—

8 (1) in clause (iv), by inserting “, including
9 training of, and technical assistance to, commercial
10 airline personnel on such detection” after “United
11 States”, and

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

13 “The Attorney General shall provide for expenditures for
14 training and assistance described in clause (iv) in an
15 amount, for any fiscal year, not less than five percent of
16 the total of the expenses incurred that are described in
17 the preceding sentence.”.

18 (b) COMPLIANCE WITH DETECTION REGULA-
19 TIONS.—Section 212(f) (8 U.S.C. 1182(f)) is amended by
20 adding at the end the following: “Whenever the Attorney
21 General finds that a commercial airline has failed to com-
22 ply with regulations of the Attorney General relating to
23 requirements of airlines for the detection of fraudulent
24 documents that are used by passengers traveling to the
25 United States (including the training of personnel in such

1 detection), the Attorney General may suspend the entry
2 of some or all aliens transported to the United States by
3 such airline.”.

4 (c) EFFECTIVE DATES.—

5 (1) The amendments made by subsection (a)
6 shall apply to expenses incurred on or after October
7 1, 1994.

8 (2) The Attorney General first shall issue, in
9 proposed form, regulations referred to in the second
10 sentence of section 212(f) of the Immigration and
11 Nationality Act, as added by the amendment made
12 by subsection (b), by not later than 90 days after
13 the date of enactment of this Act.

14 **Subtitle D—Alien Smuggling**
15 **Control**

16 **SEC. 231. EXPANSION OF ALIEN SMUGGLING ASSET FOR-**
17 **FEITURE PROGRAM.**

18 (a) IN GENERAL.—Paragraph (1) of section 274(b)
19 of the Immigration and Nationality Act (8 U.S.C.
20 1324(b)) is amended to read as follows:

21 “(1)(A) Except as provided in subparagraph (B), the
22 following property shall be subject to seizure and forfeit-
23 ure:

1 “(i) Any conveyance, including any vessel, vehi-
2 cle, or aircraft, which has been or is being used in
3 the commission of a violation of subsection (a).

4 “(ii) Any property, real or personal, which—

5 “(I) constitutes, or is derived from or
6 traceable to, the proceeds obtained directly or
7 indirectly from the commission of a violation of
8 subsection (a), or

9 “(II) is used to facilitate, or is intended to
10 be so used in the commission of, a violation of
11 subsection (a)(1)(A).

12 “(B)(i) No property used by any person as a common
13 carrier in the transaction of business as a common carrier
14 shall be forfeited under this section, unless the owner or
15 other person with lawful custody of the property was a
16 consenting party to or privy to the violation of subsection
17 (a) or of paragraphs (1) and (2) of subsection (a) of sec-
18 tion 274A.

19 “(ii) No property shall be forfeited under the provi-
20 sions of this section by reason of any act or omission es-
21 tablished by the owner to have been committed or omitted
22 by a person other than the owner while the property was
23 unlawfully in the possession of a person other than the
24 owner in violation of the criminal laws of the United
25 States or of any State.

1 “(iii) No property shall be forfeited under the provi-
2 sions of this section to the extent of an interest of the
3 owner, by reason of any act or omission established by
4 the owner to have been committed or omitted without the
5 knowledge, consent, or willful disregard of the owner, un-
6 less the act or omission was committed or omitted by an
7 employee or agent of the owner or other person with lawful
8 custody of the property with the intent of furthering the
9 business interests of, or to confer any other benefit upon,
10 the owner or other person with lawful custody of the prop-
11 erty.”.

12 (b) CONFORMING AMENDMENTS.—Section 274(b) of
13 such Act (8 U.S.C. 1324(b)) is amended—

14 (1) in paragraph (2)—

15 (A) by striking “conveyance” and inserting
16 “property” in each place in which it appears,
17 and

18 (B) by striking “is being used in” and in-
19 serting “is being used in, is facilitating, has fa-
20 cilitated, is facilitating or was intended to facili-
21 tate”; and

22 (2) in paragraphs (4) and (5), by striking “a
23 conveyance”, “any conveyance”, and “conveyance”
24 and inserting “property” in each place in which it
25 appears.

1 **SEC. 232. INCLUSION OF ALIEN SMUGGLING IN RICO ACT.**

2 Section 1961(1) of title 18, United States Code, is
3 amended—

4 (1) by striking “or” before “(E) any act”, and

5 (2) by inserting before the period at the end the
6 following: “, or (F) any act that is indictable under
7 section 274(a)(1) of the Immigration and National-
8 ity Act (relating to alien smuggling)”.

9 **SEC. 233. ENHANCED PENALTIES FOR ALIEN SMUGGLING**
10 **AND EMPLOYMENT.**

11 Section 274(a)(1) of the Immigration and Nationality
12 Act (8 U.S.C. 1324(a)(1)) is amended—

13 (1) by striking “or” at the end of subparagraph
14 (C),

15 (2) by striking the comma at the end of sub-
16 paragraph (D) and inserting “; or”,

17 (3) by inserting after subparagraph (D) the fol-
18 lowing:

19 “(E) contracts or agrees with another
20 party for that party to provide, for employment
21 by the person or another, an alien who is not
22 authorized to be employed in the United States,
23 knowing that such party intends to cause such
24 alien to be brought into the United States in
25 violation of the laws of the United States,” and

1 (4) by striking “five years” and inserting “ten
2 years”.

3 **SEC. 234. PROVISION OF WIRETAP AUTHORITY FOR INVESTIGATIONS.**
4

5 Section 2516(1) of title 18, United States Code, is
6 amended—

7 (1) in subparagraph (c), by inserting after
8 “weapons),” the following: “or a felony violation of
9 section 1028 (relating to production of false identification
10 documentation), section 1542 (relating to
11 false statements in passport applications), section
12 1546 (relating to fraud and misuse of visas, permits,
13 and other documents),”;

14 (2) by striking out “or” after paragraph (l);

15 (3) by redesignating paragraphs (m), (n), and
16 (o) as paragraphs (n), (o), and (p), respectively;

17 (4) by inserting after paragraph (l) the following
18 new paragraph:

19 “(m) a violation of section 274 of the Immigration
20 and Nationality Act (8 U.S.C. 1324) (relating
21 to alien smuggling), of section 277 of the Immigration
22 and Nationality Act (8 U.S.C. 1327) (relating
23 to the smuggling of aliens convicted of aggravated
24 felonies or of aliens subject to exclusion on grounds
25 of national security), or of section 278 of the Immi-

1 gration and Nationality Act (8 U.S.C. 1328) (relat-
2 ing to smuggling of aliens for the purpose of pros-
3 titution or other immoral purpose);” and

4 (5) by striking “and” at the end of paragraph
5 (o) (as redesignated) and inserting “or”.

6 **Subtitle E—Employer Sanctions**
7 **Enforcement**

8 **SEC. 241. IMPROVEMENT OF WORK ELIGIBILITY VERIFICA-**
9 **TION SYSTEMS.**

10 (a) WORK ELIGIBILITY DOCUMENTS AND VERIFICA-
11 TION OF ELIGIBILITY TO WORK.—Section 274A(b) of the
12 Immigration and Nationality Act is amended—

13 (1) by striking paragraph (1) and inserting the
14 following:

15 “(1) ATTESTATION AFTER EXAMINATION AND
16 VERIFICATION OF DOCUMENTATION.—The person or
17 entity must attest, under penalty of perjury and on
18 a form designated or established by the Attorney
19 General by regulation, that it has been confirmed
20 that the individual is not an unauthorized alien by
21 verifying the individual’s Social Security account
22 number through the verification system established
23 pursuant to subsection (d)(1).”

1 (2) by redesignating paragraphs (2), (3), (4),
2 and (5) as paragraphs (3), (4), (5), and (6), respec-
3 tively;

4 (3) by inserting after paragraph (1) the follow-
5 ing:

6 “(2) VERIFICATION OF CONTINUED WORK ELI-
7 GIBILITY FOR ALIENS WITH LIMITED WORK AU-
8 THORIZATION.—In the case of an alien whose work
9 authorization has an expiration date, a person or en-
10 tity who continues to employ such an alien after the
11 date on which the employment authorization expires
12 must verify, through the verification system estab-
13 lished pursuant to subsection (d)(1), that the alien’s
14 work authorization has been extended.”; and

15 (4) by adding at the end the following new
16 paragraph:

17 “(7) RULE OF STATUTORY CONSTRUCTION.—
18 Notwithstanding any other provision of law, a per-
19 son or entity may not be considered to discriminate
20 by requesting the production of the documentation
21 required under this subsection in the hiring, recruit-
22 ing, or referring of an individual for employment in
23 the United States.”.

24 (b) EFFECTIVE DATES.—(1) The amendment made
25 by subsection (a)(1) shall take effect on July 1, 1995.

1 (2) The amendments made by paragraphs (2), (3),
2 and (4) of subsection (a) shall take effect on the date of
3 enactment of this Act.

4 (c) ESTABLISHMENT OF EMPLOYMENT VERIFICA-
5 TION SYSTEM.—Section 274A(d) of the Immigration and
6 Nationality Act is amended to read as follows:

7 “(d) EMPLOYMENT VERIFICATION SYSTEM.—

8 “(1) ESTABLISHMENT OF VERIFICATION SYS-
9 TEM.—

10 “(A) IN GENERAL.—The Secretary of
11 Health and Human Services, in consultation
12 with the Attorney General, shall make such
13 modifications and improvements as are nec-
14 essary to current data bases and systems to de-
15 velop and implement a verification system that
16 a person or entity can access by telephone or
17 other electronic means. Such system shall per-
18 mit verification that an individual’s Social Secu-
19 rity number—

20 “(i) has been issued,

21 “(ii) was issued to an individual au-
22 thorized to work in the United States, and

23 “(iii) is not a number that was issued
24 to an individual who now is deceased and

1 that has not been reissued to a living indi-
2 vidual.

3 The system shall also provide any other infor-
4 mation that the Attorney General and the Sec-
5 retary of Health and Human Services deter-
6 mine is needed to verify that the number pro-
7 vided to the employer is the number that was
8 issued properly to that individual, that such in-
9 dividual is authorized to work in the United
10 States, and that the individual providing the
11 Social Security number to the employer is the
12 same person to whom the number is assigned.

13 “(B) ACCESS FEE.—A fee, not to exceed
14 \$2 plus any line charges payable to a telephone
15 carrier or equivalent entity, shall be charged for
16 each use of the verification system in order to
17 pay for the costs of operating the system.

18 “(C) EFFECTIVE DATE.—The verification
19 system required by this paragraph shall be
20 operational not later than July 1, 1995.

21 “(2) PRIVACY PROTECTIONS.—

22 “(A) Any personal information utilized by
23 the system may not be made available to Gov-
24 ernment agencies, employers, and other persons

1 except to the extent necessary to verify that an
2 individual is not an unauthorized alien.

3 “(B) The system must protect the privacy
4 and security of personal information and identi-
5 fiers utilized in the system.

6 “(C) A verification that an employee or
7 prospective employee is eligible to be employed
8 in the United States may not be withheld or re-
9 voked under the system for any reason other
10 than that the employee or prospective employee
11 is an unauthorized alien.

12 “(D) The system may not be used for law
13 enforcement purposes, other than for the en-
14 forcement of this Act or sections 1001, 1028,
15 1546, and 1621 of title 18, United States Code.

16 “(E) Unauthorized use or disclosure of the
17 information or identifiers contained in the em-
18 ployment verification system shall be punishable
19 by civil and criminal penalties.

20 “(3) MONITORING AND IMPROVEMENTS IN THE
21 VERIFICATION SYSTEM.—(A) The Attorney General
22 shall provide for the monitoring and evaluation of
23 the degree to which the employment verification sys-
24 tem established under this section provides an accu-

1 rate, efficient, and secure system by which to deter-
 2 mine employment eligibility in the United States.

3 “(B) To the extent that the system established
 4 under this section is found not to be an accurate, ef-
 5 ficient, and secure system by which to determine em-
 6 ployment eligibility in the United States, the Attor-
 7 ney General shall recommend such changes or en-
 8 hancements in the system as may be necessary to
 9 achieve such a system.”.

10 (d) CONFORMING AMENDMENTS.—(1) Section 274A
 11 of the Immigration and Nationality Act (8 U.S.C.
 12 1324a(b)) is amended—

13 (A) in subsection (b), by striking “following
 14 three paragraphs” and inserting “following four
 15 paragraphs”, and

16 (B) by striking subsections (i), (j), (k), (l), (m),
 17 and (n).

18 (2) The amendments made by this subsection shall
 19 take effect on July 1, 1995.

20 **Subtitle F—Prohibition on Welfare**
 21 **Benefits to Illegal Aliens**

22 **SEC. 251. PROHIBITION OF WELFARE BENEFITS TO ILLE-**
 23 **GAL ALIENS.**

24 (a) DIRECT FEDERAL FINANCIAL BENEFITS.—Sub-
 25 ject to subsection (b) and the Immigration and Nationality

1 Act, and notwithstanding any other provision of law, an
2 alien who is not lawfully within the United States as a
3 permanent resident, a refugee, an asylee, or a parolee is
4 not eligible for any direct Federal financial benefit or so-
5 cial insurance benefit (whether through grant, loan, guar-
6 antee, or otherwise) as such benefits are identified by the
7 Attorney General in consultation with other appropriate
8 heads of the various departments and agencies of the Fed-
9 eral Government.

10 (b) EMERGENCY MEDICAL CARE.—Subsection (a)
11 shall not apply with respect to the Federal reimbursement
12 of emergency medical care for aliens, as determined by the
13 Secretary of Health and Human Services by regulation.

14 **SEC. 252. PROHIBITION OF UNEMPLOYMENT BENEFITS TO**
15 **ILLEGAL ALIENS.**

16 (a) PROHIBITION.—An alien who has not been grant-
17 ed employment authorization pursuant to the Immigration
18 and Nationality Act or other Federal law shall be ineligible
19 for unemployment compensation under an unemployment
20 compensation law of a State or the United States.

21 (b) AMOUNT OF COMPENSATION.—An alien who has
22 been granted temporary work authorization shall be eligi-
23 ble only for such unemployment compensation under a law
24 of a State or the United States as accrued during the time
25 in which the alien was authorized to work.

1 (c) DEFINITION.—As used in this section, the term
2 “State” means any of the several States of the United
3 States, the District of Columbia, Puerto Rico, Guam, and
4 the Virgin Islands.

5 **SEC. 253. PROHIBITION OF HOUSING BENEFITS TO ILLE-**
6 **GAL ALIENS.**

7 (a) LIMITATION.—Notwithstanding section 251 or
8 any other provision of law, no alien who is not a perma-
9 nent resident, a refugee, an asylee, or a parolee shall be
10 eligible for benefits under the following provisions of law:

11 (1) The program of rental assistance on behalf
12 of low-income families provided under section 8 of
13 the United States Housing Act of 1937 (42 U.S.C.
14 1437f).

15 (2) The program of assistance to public housing
16 under title I of the United States Housing Act of
17 1937 (42 U.S.C. 1437 et seq.).

18 (3) The loan program under section 502 of the
19 Housing Act of 1949 (42 U.S.C. 1472).

20 (4) The program of interest reduction payments
21 pursuant to contracts entered into by the Secretary
22 of Housing and Urban Development under section
23 236 of the National Housing Act (12 U.S.C. 1715z-
24 1).

1 (5) The program of loans for rental and cooper-
2 ative housing under section 515 of the Housing Act
3 of 1949 (42 U.S.C. 1485).

4 (6) The program of rental assistance payments
5 pursuant to contracts entered into under section
6 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C.
7 1490a(a)(2)(A)).

8 (7) The program of assistance payments on be-
9 half of homeowners under section 235 of the Na-
10 tional Housing Act (12 U.S.C. 1715z).

11 (8) The program of rent supplement payments
12 on behalf of qualified tenants pursuant to contracts
13 entered into under section 101 of the Housing and
14 Urban Development Act of 1965 (12 U.S.C. 1701s).

15 (9) The loan and grant programs under section
16 504 of the Housing Act of 1949 (42 U.S.C. 1474)
17 for repairs and improvements to rural dwellings.

18 (10) The loan and assistance programs under
19 sections 514 and 516 of the Housing Act of 1949
20 (42 U.S.C. 1484, 1486) for housing for farm labor.

21 (11) The program of grants for preservation
22 and rehabilitation of housing under section 533 of
23 the Housing Act of 1949 (42 U.S.C. 1490m).

24 (12) The program of grants and loans for mu-
25 tual and self-help housing and technical assistance

1 under section 523 of the Housing Act of 1949 (42
2 U.S.C. 1490c).

3 (13) The program of site loans under section
4 524 of the Housing Act of 1949 (42 U.S.C. 1490d).

5 (b) REGULATIONS.—Not later than January 1, 1995,
6 the Secretary of Housing and Urban Development shall
7 issue final regulations to carry out subsection (a).

8 **SEC. 254. ENHANCEMENT OF LEGAL ALIEN ENTITLEMENT**
9 **VERIFICATION.**

10 There are authorized to be appropriated for each of
11 the fiscal years 1995, 1996, 1997, 1998, and 1999 such
12 sums as may be necessary to carry out the purposes of
13 the automated System for Alien Verification of Eligibility
14 (SAVE) that was established under section 121 of the Im-
15 migration Reform and Control Act of 1986 (Public Law
16 99-603).

17 **Subtitle G—State and Local Co-**
18 **operation in Immigration En-**
19 **forcement**

20 **SEC. 261. PROHIBITION ON FINANCIAL ASSISTANCE.**

21 (a) IN GENERAL.—No State or local government or
22 agency that the Attorney General determines has an offi-
23 cial policy of refusing to cooperate with officers or employ-
24 ees of the Immigration and Naturalization Service with
25 respect to the identification, location, arrest, prosecution,

1 detention, or deportation of aliens who are not lawfully
2 present within the United States, shall be eligible for any
3 Federal funds from appropriations made to the Depart-
4 ment of Justice for as long as the policy of noncooperation
5 remains in effect.

6 (b) REIMBURSEMENT PROHIBITED.—No State or
7 local government (or any agency thereof) that is ineligible
8 for assistance under subsection (a) may be reimbursed for
9 such assistance after the termination of such ineligibility.

10 **SEC. 262. ESTABLISHMENT OF PROGRAM FOR UNIFORM**
11 **VITAL STATISTICS.**

12 (a) PILOT PROGRAM.—The Secretary of Health and
13 Human Services shall consult with each State agency that
14 is responsible for the registration and certification of
15 births and deaths and, within 3 years of the date of enact-
16 ment of this Act, shall establish a pilot program for 3 of
17 the 5 States with the largest number of undocumented
18 aliens that creates an electronic network linking the vital
19 statistics records of such States. The network shall pro-
20 vide, where practical, for the matching of deaths with
21 births and shall enable the confirmation of births and
22 deaths of citizens of such States, or of aliens within such
23 States, by any Federal or State agency or official in the
24 performance of official duties. The Secretary and partici-
25 pating State agencies shall institute measures to achieve

1 uniform and accurate reporting of vital statistics into the
2 pilot program network, to protect the integrity of the reg-
3 istration and certification process, and to prevent fraud
4 against the Government and other persons through the
5 use of false birth or death certificates.

6 (b) REPORT.—Not later than 180 days after the es-
7 tablishment of the pilot program under subsection (a), the
8 Secretary shall submit a report to Congress containing
9 recommendations on how the pilot program could be insti-
10 tuted effectively as a national network for the United
11 States.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as may be
14 necessary to carry out this section.

15 **TITLE III—EXCLUSION AND**
16 **DEPORTATION REFORM**
17 **Subtitle A—Criminal Aliens**

18 **SEC. 301. REGISTRATION OF ALIENS ON PROBATION AND**
19 **PAROLE.**

20 Section 263(a) of the Immigration and Nationality
21 Act (8 U.S.C. 1303(a)) is amended by striking “and (5)”
22 and inserting “(5) aliens who are or have been on criminal
23 probation or parole pursuant to the laws of the United
24 States or of any State, and (6)”.

1 **SEC. 302. EXPANSION OF DEFINITION OF AGGRAVATED**
2 **FELONY.**

3 (a) EXPANSION IN DEFINITION.—Section 101(a)(43)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(43)) is amended to read as follows:

6 “(43) The term ‘aggravated felony’ means—

7 “(A) murder;

8 “(B) any illicit trafficking in any controlled
9 substance (as defined in section 102 of the Con-
10 trolled Substances Act), including any drug traffick-
11 ing crime as defined in section 924(c) of title 18,
12 United States Code;

13 “(C) any illicit trafficking in any firearms or
14 destructive devices as defined in section 921 of title
15 18, United States Code, or in explosive materials as
16 defined in section 841(c) of title 18, United States
17 Code;

18 “(D) any offense described in sections 1951
19 through 1963 of title 18, United States Code;

20 “(E) any offense described in—

21 “(i) subsections (h) or (i) of section 842,
22 title 18, United States Code, or subsection (d),
23 (e), (f), (g), (h), or (i) of section 844 of title 18,
24 United States Code (relating to explosive mate-
25 rials offenses),

1 “(ii) paragraph (1), (2), (3), (4), or (5) of
2 section 922(g), or section 922(j), section
3 922(n), section 922(o), section 922(p), section
4 922(r), section 924(b), or section 924(h) of title
5 18, United States Code (relating to firearms of-
6 fenses), or

7 “(iii) section 5861 of title 26, United
8 States Code (relating to firearms offenses);

9 “(F) any crime of violence (as defined in sec-
10 tion 16 of title 18, United States Code) for which
11 the term of imprisonment imposed (regardless of any
12 suspension of such imprisonment) is at least 5 years;

13 “(G) any theft offense (including receipt of sto-
14 len property) or any burglary offense, where a sen-
15 tence of 5 years of imprisonment or more may be
16 imposed;

17 “(H) any offense described in section 875, sec-
18 tion 876, section 877, or section 1202 of title 18,
19 United States Code (relating to the demand for or
20 receipt of ransom);

21 “(I) any offense described in section 2251, sec-
22 tion 2251A or section 2252 of title 18, United
23 States Code (relating to child pornography);

1 “(J) any offense described in section 1084 of
2 title 18, United States Code, where a sentence of 5
3 years of imprisonment or more may be imposed;

4 “(K) any offense relating to commercial brib-
5 ery, counterfeiting, forgery or trafficking in vehicles
6 whose identification numbers have been altered,
7 where a sentence of 5 years of imprisonment or
8 more may be imposed;

9 “(L) any offense—

10 “(i) relating to the owning, controlling,
11 managing or supervising of a prostitution busi-
12 ness,

13 “(ii) described in section 2421 through
14 2424 of title 18, United States Code, for com-
15 mercial advantage, or

16 “(iii) described in sections 1581 through
17 1585, or section 1588, of title 18, United
18 States Code (relating to peonage, slavery, and
19 involuntary servitude);

20 “(M) any offense relating to perjury or sub-
21 ornation of perjury where a sentence of 5 years of
22 imprisonment or more may be imposed;

23 “(N) any offense described in—

24 “(i) section 793 (relating to gathering or
25 transmitting national defense information), sec-

1 tion 798 (relating to disclosure of classified in-
2 formation), section 2153 (relating to sabotage)
3 or section 2381 or section 2382 (relating to
4 treason) of title 18, United States Code, or

5 “(ii) section 421 of title 50, United States
6 Code (relating to protecting the identity of un-
7 dercover intelligence agents);

8 “(O) any offense—

9 “(i) involving fraud or deceit where the
10 loss to the victim or victims exceeded \$200,000;
11 or

12 “(ii) described in section 7201 of the Inter-
13 nal Revenue Code of 1986 (relating to tax eva-
14 sion), where the tax loss to the Government ex-
15 ceeds \$200,000;

16 “(P) any offense described in section 274(a)(1)
17 of the Immigration and Nationality Act (relating to
18 alien smuggling) for the purpose of commercial ad-
19 vantage;

20 “(Q) any violation of section 1546(a) of title
21 18, United States Code (relating to document
22 fraud), for the purpose of commercial advantage; or

23 “(R) any offense relating to failing to appear
24 before a court pursuant to a court order to answer

1 to or dispose of a charge of a felony, where a sen-
2 tence of 2 years or more may be imposed,
3 or any attempt or conspiracy to commit any such act.
4 Such term applies to offenses described in this paragraph
5 whether in violation of Federal or State law and applies
6 to such offenses in violation of the laws of a foreign coun-
7 try for which the term of imprisonment was completed
8 within the previous 15 years.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to all convictions entered before,
11 on, or after the date of enactment of this Act.

12 **SEC. 303. AUTHORIZATION OF JUDICIAL DEPORTATION OR-**
13 **DERS.**

14 (a) JUDICIAL DEPORTATION.—Section 242A of the
15 Immigration and Nationality Act (8 U.S.C. 1252a) is fur-
16 ther amended by adding at the end the following new sub-
17 section:

18 “(d) JUDICIAL DEPORTATION.—

19 “(1) AUTHORITY.—Notwithstanding any other
20 provision of this Act, a United States district court
21 shall have jurisdiction to enter a judicial order of de-
22 portation at the time of sentencing against an alien
23 whose criminal conviction causes such alien to be de-
24 portable under section 242(a)(2)(A)(iii) (relating to
25 conviction of an aggravated felony), if such an order

1 has been requested prior to sentencing by the United
2 States Attorney with the concurrence of the Com-
3 missioner.

4 “(2) PROCEDURE.—(A) The United States At-
5 torney shall provide notice of intent to request judi-
6 cial deportation promptly after the entry in the
7 record of an adjudication of guilt or guilty plea.
8 Such notice shall be provided to the court, to the
9 alien, and to the alien’s counsel of record.

10 “(B) Notwithstanding section 242B, the United
11 States Attorney, with the concurrence of the Com-
12 missioner, shall file at least 20 days prior to the
13 date set for sentencing a charge containing factual
14 allegations regarding the alienage of the defendant
15 and satisfaction by the defendant of the definition of
16 aggravated felony.

17 “(C) If the court determines that the defendant
18 has presented substantial evidence to establish prima
19 facie eligibility for relief from deportation under sec-
20 tion 212(c), the Commissioner shall provide the
21 court with a recommendation and report regarding
22 the alien’s eligibility for relief under such section.
23 The court shall either grant or deny the relief
24 sought.

1 “(D)(i) The alien shall have a reasonable oppor-
2 tunity to examine the evidence against him or her,
3 to present evidence on his or her behalf, and to
4 cross-examine any witnesses that are presented by
5 the Government.

6 “(ii) The court, for the purposes of determining
7 whether to enter an order described in paragraph
8 (1), shall only consider evidence that would be ad-
9 missible in proceedings that are conducted pursuant
10 to section 242(b).

11 “(iii) Nothing in this subsection shall limit the
12 information that a court of the United States may
13 receive or consider for the purpose of imposing an
14 appropriate sentence.

15 “(iv) The court may order the alien deported if
16 the Attorney General demonstrates by clear and con-
17 vincing evidence that the alien is deportable under
18 this Act.

19 “(3) NOTICE, APPEAL, AND EXECUTION OF JU-
20 DICIAL ORDERS OF DEPORTATION.—(A)(i) A judicial
21 order of deportation, or the denial of such an order,
22 may be appealed by either party to the court of ap-
23 peals for the circuit in which the district court is lo-
24 cated.

1 “(ii) Except as provided in clause (iii), such ap-
2 peal shall be considered consistent with the require-
3 ments that are described in section 106.

4 “(iii) Upon the execution by the defendant of a
5 valid waiver of the right to appeal the conviction on
6 which the order of deportation is based, the expira-
7 tion of the period that is described in section
8 106(a)(1), or the final dismissal of an appeal from
9 such a conviction, the order of deportation shall be-
10 come final and shall be executed at the end of the
11 prison term in accordance with the terms of the
12 order.

13 “(B) As soon as is practicable after the entry
14 of a judicial order of deportation, the Commissioner
15 shall provide the defendant with a written notice of
16 the order of deportation, which shall designate the
17 defendant’s country of choice for deportation and
18 any alternate country pursuant to section 243(a).

19 “(4) DENIAL OF JUDICIAL ORDER.—The denial
20 of a request for a judicial order of deportation shall
21 not preclude the Attorney General from initiating
22 deportation proceedings pursuant to section 242
23 upon the same ground of deportability or upon any
24 other ground of deportability that is provided under
25 section 241(a).”.

1 (b) TECHNICAL AND CONFORMING CHANGES.—The
2 ninth sentence of section 242(b) of the Immigration and
3 Nationality Act (8 U.S.C. 1252(b)) is amended by striking
4 out “The” and inserting in lieu thereof, “Except as pro-
5 vided in section 242A(d), the”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to all aliens whose adjudications
8 of guilt or guilty pleas are entered in the record after the
9 date of enactment of this Act.

10 **SEC. 304. RESTRICTIONS ON DEFENSES TO DEPORTATION**
11 **BY CRIMINALS.**

12 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
13 NENT RESIDENCE.—The last sentence of section 212(c)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1182(c)) is amended by striking out “has served for such
16 felony or felonies” and all that follows through the period
17 and inserting in lieu thereof “has been sentenced for such
18 felony or felonies to a term of imprisonment of at least
19 5 years, if the time for appealing such a conviction or sen-
20 tence has expired and the sentence has become final.”.

21 (b) DEFENSES BASED ON THE WITHHOLDING OF
22 DEPORTATION.—Section 243(h)(2) of the Immigration
23 and Nationality Act (9 U.S.C. 1253(h)(2)) is amended—

24 (1) by striking out the “or” at the end of sub-
25 paragraph (C);

1 (2) by striking the period at the end of sub-
2 paragraph (D) and inserting “; or”;

3 (3) by inserting after subparagraph (D) the fol-
4 lowing new subparagraph:

5 “(E) the alien has been convicted of an ag-
6 gravated felony.”; and

7 (4) by striking the last sentence.

8 **SEC. 305. ESTABLISHMENT OF ALIEN PRISONER TRANSFER**
9 **TREATY STUDY.**

10 (a) REPORT TO CONGRESS.—Not later than 180 days
11 after the date of enactment of this Act, the Secretary of
12 State and the Attorney General shall submit to the Con-
13 gress a report that describes the use and effectiveness of
14 the Prisoner Transfer Treaty with Mexico (in this section
15 referred to as the “Treaty”) to remove from the United
16 States aliens who have been convicted of crimes in the
17 United States.

18 (b) USE OF TREATY.—The report under subsection
19 (a) shall include the following information:

20 (1) The number of aliens who have been con-
21 victed of a criminal offense in the United States
22 since November 30, 1977, who have been, or are, eli-
23 gible for transfer pursuant to the Treaty.

1 (2) The number of aliens who are described in
2 paragraph (1) who have been transferred pursuant
3 to the Treaty.

4 (3) The number of aliens who are described in
5 paragraph (2) who have been incarcerated in full
6 compliance with the Treaty.

7 (4) The number of aliens who are incarcerated
8 in a penal institution in the United States who are
9 eligible for transfer pursuant to the Treaty.

10 (5) The number of aliens who are described in
11 paragraph (4) who are incarcerated in State and
12 local penal institutions.

13 (c) EFFECTIVENESS OF TREATY.—The report under
14 subsection (a) shall include the recommendations of the
15 Secretary of State and the Attorney General to increase
16 the effectiveness and use of, and full compliance with, the
17 Treaty. In considering the recommendations under this
18 subsection, the Secretary and the Attorney General shall
19 consult with such State and local officials in areas that
20 are disproportionately harmed by aliens who have been
21 convicted of criminal offenses as the Secretary and the At-
22 torney General consider to be appropriate. Such rec-
23 ommendations shall address the following areas:

24 (1) Changes in Federal laws, regulations, and
25 policies affecting the identification, prosecution, and

1 deportation of aliens who have committed criminal
2 offenses in the United States.

3 (2) Changes in State and local laws, regula-
4 tions, and policies affecting the identification, pros-
5 ecution, and deportation of aliens who have commit-
6 ted criminal offenses in the United States.

7 (3) Changes in the Treaty that may be nec-
8 essary in order to increase the number of aliens who
9 have been convicted of crimes who may be trans-
10 ferred pursuant to the Treaty.

11 (4) Methods for preventing the unlawful reentry
12 into the United States of aliens who have been con-
13 victed of criminal offenses in the United States and
14 transferred pursuant to the Treaty.

15 (5) Any recommendations of appropriate offi-
16 cials of the Mexican Government on programs to
17 achieve the goals of, and ensure full compliance
18 with, the Treaty.

19 (6) An assessment of whether the recommenda-
20 tions under this subsection require the renegotiation
21 of the Treaty.

22 (7) The additional funds required to implement
23 each recommendation under this subsection.

24 (d) DEFINITION.—As used in this section, the term
25 “Prisoner Transfer Treaty with Mexico” refers to the

1 Treaty Between the United States of America and the
2 United Mexican States on the Execution of Penal Sen-
3 tences, done at Mexico City on November 25, 1976 (28
4 U.S.T. 7399).

5 **Subtitle B—Terrorist Aliens**

6 **SEC. 311. REMOVAL OF ALIEN TERRORISTS.**

7 (a) IN GENERAL.—The Immigration and Nationality
8 Act (8 U.S.C. 1101 et seq.) is amended by inserting after
9 section 242B the following new section:

10 “REMOVAL OF ALIEN TERRORISTS

11 “SEC. 242C. (a) DEFINITIONS.—As used in this sec-
12 tion—

13 “(1) the term ‘alien terrorist’ means any alien
14 who is described in section 241(a)(4)(B);

15 “(2) the term ‘classified information’ has the
16 same meaning as defined in section 1(a) of the Clas-
17 sified Information Procedures Act (18 U.S.C. App.
18 IV);

19 “(3) the term ‘national security’ has the same
20 meaning as defined in section 1(b) of the Classified
21 Information Procedures Act (18 U.S.C. App. IV);

22 “(4) the term ‘special court’ means the court
23 described in subsection (c) of this section; and

24 “(5) the term ‘special removal hearing’ means
25 the hearing described in subsection (e) of this sec-
26 tion.

1 “(b) APPLICATION FOR USE OF PROCEDURES.—The
2 provisions of this section shall apply whenever the Attor-
3 ney General certifies under seal to the special court estab-
4 lished under subsection (c) that—

5 “(1) the Attorney General or Deputy Attorney
6 General has approved of the proceeding under this
7 section;

8 “(2) an alien terrorist is physically present in
9 the United States; and

10 “(3) removal of such alien terrorist by deporta-
11 tion proceedings described in section 242, 242A, or
12 242B would pose a risk to the national security of
13 the United States because such proceedings would
14 disclose classified information.

15 “(c) SPECIAL COURT.—(1) The Chief Justice of the
16 United States shall publicly designate up to 7 district
17 court judges who shall constitute a special court to hear
18 and decide cases that arise under this section, in a manner
19 consistent with the designation of judges described in sec-
20 tion 103(a) of the Foreign Intelligence Surveillance Act
21 (50 U.S.C. 1803(a)).

22 “(2) The Chief Justice may, in the Chief Justice’s
23 discretion, designate the same judges under this section
24 as are designated for service on the Foreign Intelligence

1 Surveillance Court pursuant to section 103(a) of that Act
2 (50 U.S.C. 1803(a)).

3 “(d) INVOCATION OF SPECIAL COURT PROCE-
4 DURE.—(1) When the Attorney General makes the appli-
5 cation described in subsection (b), a single judge of the
6 special court shall consider the application in camera and
7 ex parte.

8 “(2) The judge shall invoke the procedures of sub-
9 section (e), if the judge determines that there is probable
10 cause to believe that—

11 “(A) the alien who is the subject of the applica-
12 tion has been correctly identified;

13 “(B) a deportation proceeding under section
14 242, 242A, or 242B would pose a risk to the na-
15 tional security of the United States because such
16 proceedings would disclose classified information;
17 and

18 “(C) the threat posed by the alien’s physical
19 presence is immediate and involves the risk of death
20 or serious bodily harm.

21 “(e) SPECIAL REMOVAL HEARING.—(1) Except as
22 provided in paragraph (4), the special removal hearing au-
23 thorized by a showing of probable cause described in sub-
24 section (d)(2) shall be open to the public.

1 “(2) The alien shall have a right to be present at such
2 hearing and to be represented by counsel. Any alien who
3 is financially unable to obtain counsel shall be entitled to
4 have counsel assigned to represent such alien. Counsel
5 may be appointed as described in section 3006A of title
6 18, United States Code.

7 “(3) The alien shall have a right to introduce evi-
8 dence on his own behalf and, except as provided in para-
9 graph (4), shall have a right to cross-examine any witness
10 or request that the judge issue a subpoena for the pres-
11 ence of a named witness.

12 “(4) The judge shall authorize the introduction in
13 camera and ex parte of any item of evidence for which
14 the judge determines that public disclosure would pose a
15 risk to the national security of the United States because
16 it would disclose classified information.

17 “(5) With respect to any evidence described in para-
18 graph (4), the judge shall cause to be delivered to the alien
19 either—

20 “(A) the substitution for such evidence of—

21 “(i) a statement admitting relevant facts
22 that the specific evidence would tend to prove,
23 or

24 “(ii) a summary of the specific evidence; or

1 “(B) if disclosure of even the substituted evi-
2 dence described in subparagraph (A) would create a
3 substantial risk of death or serious bodily harm to
4 any person, a statement informing the alien that no
5 such summary is possible.

6 “(6) If the judge determines—

7 “(A) that the substituted evidence described in
8 paragraph (4)(B) will provide the alien with sub-
9 stantially the same ability to make his defense as
10 would disclosure of the specific evidence, or

11 “(B) that disclosure of even the substituted evi-
12 dence described in paragraph (5)(A) would create a
13 substantial risk of death or serious bodily harm to
14 any person,

15 then the determination of deportability (described in sec-
16 tion (f)) may be made pursuant to this section.

17 “(f) DETERMINATION OF DEPORTABILITY.—(1) If
18 the determination in subsection (e)(6)(A) has been made,
19 then the judge shall, considering the evidence on the
20 record as a whole, require that the alien be deported if
21 the Attorney General has proven, by clear and convincing
22 evidence, that the alien is subject to deportation because
23 he is an alien as described in section 241(a)(4)(B).

24 “(2) If the determination in subsection (e)(6)(B) has
25 been made, then the judge shall, considering the evidence

1 received (in camera and otherwise), require that the alien
2 be deported if the Attorney General proves, by clear, con-
3 vincing, and unequivocal evidence, that the alien is subject
4 to deportation because he is an alien as described in sec-
5 tion 241(a)(4)(B).

6 “(g) APPEALS.—(1) The alien may appeal a deter-
7 mination under subsection (f) to the Court of Appeals for
8 the Federal Circuit, by filing a notice of appeal with such
9 court within 20 days of the determination under such sub-
10 section.

11 “(2)(A) The Attorney General may appeal a deter-
12 mination under subsection (d), (e), or (f) to the Court of
13 Appeals for the Federal Circuit, by filing a notice of ap-
14 peal with such court within twenty days of the determina-
15 tion under any one of such subsections.

16 “(B) When requested by the Attorney General, the
17 entire record of the proceeding under this section shall be
18 transmitted to the Court of Appeals under seal. The Court
19 of Appeals shall consider such appeal in camera and ex
20 parte.”.

21 (b) CONFORMING AMENDMENT.—Section 1295(a) of
22 title 28, United States Code, is amended—

23 (1) by striking “and” at the end of paragraph
24 (13);

1 (2) by striking the period at the end of para-
2 graph (14) and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(15) of an appeal under section 242C(g) of the
6 Immigration and Nationality Act.”.

7 (c) CLERICAL AMENDMENT.—The table of contents
8 of the Immigration and Nationality Act is amended by in-
9 serting after the item relating to section 242B the follow-
10 ing new item:

 “Sec. 242C. Removal of alien terrorists.”.

11 **SEC. 312. MANDATORY EXCLUSION FOR MEMBERSHIP IN**
12 **TERROR GROUP.**

13 Section 212(a)(3)(B) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

15 (1) in clause (i)(II), by inserting “or” at the
16 end;

17 (2) by adding after clause (i)(II) the following:

18 “(III) is a member of an organi-
19 zation that engages in, or has engaged
20 in, terrorist activity or who actively
21 supports or advocates terrorist activ-
22 ity,”; and

23 (3) by adding at the end the following new
24 clause:

1 “(iv) TERRORIST ORGANIZATION DE-
2 FINED.—As used in this subparagraph, the
3 term ‘terrorist organization’ means an or-
4 ganization that engages in terrorist activity
5 as determined by the Attorney General, in
6 consultation with the Secretary of State.”.

7 **Subtitle C—Enforcement of** 8 **Deportation Orders**

9 **SEC. 321. LIMITATIONS ON COLLATERAL ATTACKS ON UN-** 10 **DERLYING DEPORTATION ORDERS.**

11 Section 276 of the Immigration and Nationality Act
12 (8 U.S.C. 1326) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(c) In any criminal proceeding under this section,
15 no alien may challenge the validity of the deportation
16 order described in subsection (a)(1) or subsection (b) un-
17 less the alien demonstrates—

18 “(1) that the alien exhausted the administrative
19 remedies (if any) that may have been available to
20 seek relief against such order,

21 “(2) that the deportation proceedings at which
22 such order was issued improperly deprived the alien
23 of the opportunity for judicial review, and

24 “(3) that the entry of such order was fun-
25 damentally unfair.”.

1 **Subtitle D—Expedited Asylum**
2 **Review at Ports of Entry**

3 **SEC. 331. ESTABLISHMENT OF EXPEDITED ASYLUM REVIEW**
4 **PROGRAM.**

5 (a) IN GENERAL.—Section 235(b) (8 U.S.C. 1225
6 (b)) is amended to read as follows:

7 “(b) INSPECTION AND EXCLUSION BY IMMIGRATION
8 OFFICERS.—(1) An immigration officer shall inspect each
9 alien who is seeking entry to the United States.

10 “(2)(A) If the examining immigration officer deter-
11 mines that an alien seeking entry—

12 “(i) does not present the documentation re-
13 quired (if any) to obtain legal entry to the United
14 States; and

15 “(ii) does not indicate either an intention to
16 apply for provisional asylum (under section 208) or
17 a fear of persecution, the officer shall order the alien
18 excluded from the United States without further
19 hearing or review.

20 “(B) The examining immigration officer shall refer
21 for immediate inspection at the port of entry by an asylum
22 officer under subparagraph (C) any alien who (i) does not
23 present the documentation required (if any) to obtain legal
24 entry to the United States, and (ii) has indicated an inten-
25 tion to apply for provisional asylum or a fear of persecu-

1 tion. Such an alien shall not be considered to have been
2 inspected and admitted for the purposes of this Act.

3 “(C)(i) If an asylum officer determines that an alien
4 has a credible fear of persecution, then the alien shall be
5 entitled to apply for provisional asylum under section 208.

6 “(ii)(I) Subject to subclause (II), if an asylum officer
7 determines that an alien does not have a credible fear of
8 persecution, then the officer shall order the alien excluded
9 from the United States without further hearing or review.

10 “(II) The Attorney General shall promulgate regula-
11 tions to provide for the immediate review by another asy-
12 lum officer at the port of entry of a decision under
13 subclause (I).

14 “(iii) For the purposes of this subparagraph, the
15 term ‘credible fear of persecution’ means (I) that it is
16 more probable than not that the statements made by the
17 alien in support of his or her claim are true, and (II) that
18 there is a significant possibility, in light of such state-
19 ments and of such other facts as are known to the officer,
20 that the alien could establish eligibility for asylum under
21 section 208.

22 “(iv) Notwithstanding any other provision of law, no
23 court shall have jurisdiction to review, except by petition
24 for habeas corpus, any determination made with respect
25 to an alien found excludable pursuant to this paragraph.

1 In any such case, review by habeas corpus shall be limited
2 to examination of whether the petitioner (I) is an alien,
3 and (II) was ordered excluded from the United States pur-
4 suant to this paragraph.

5 “(v) Notwithstanding any other provision of law, no
6 court shall have jurisdiction (I) to review the procedures
7 established by the Attorney General for the determination
8 of exclusion pursuant to this paragraph, or (II) to enter
9 declaratory or injunctive relief with respect to the imple-
10 mentation of this paragraph. Regardless of the nature of
11 the suit or claim, no court shall have jurisdiction except
12 by habeas corpus petition as provided in clause (iv) to con-
13 sider the validity of any adjudication or determination
14 under this paragraph or to provide declaratory or injunc-
15 tive relief with respect to the exclusion of any alien pursu-
16 ant to this paragraph.

17 “(vi) In any action brought for the assessment of
18 penalties for improper entry or re-entry of an alien under
19 sections 275 or 276, no court shall have jurisdiction to
20 hear claims collaterally attacking the validity of orders of
21 exclusion or deportation entered under section 235, 236,
22 or 242.

23 “(3)(A) Except as provided in subparagraph (B), if
24 the examining immigration officer determines that an
25 alien seeking entry is not clearly and beyond a doubt enti-

1 tled to enter, the alien shall be detained for a hearing be-
2 fore a special inquiry officer.

3 “(B) The provisions of subparagraph (A) shall not
4 apply—

5 “(i) to an alien crewman,

6 “(ii) to an alien described in paragraph (2)(A)
7 or (2)(B), or

8 “(iii) if the conditions described in section
9 273(d) exist.

10 “(4) The decision of the examining immigration offi-
11 cer, if favorable to the admission of any alien, shall be
12 subject to challenge by any other immigration officer and
13 such challenge shall operate to take the alien, whose privi-
14 lege to enter is so challenged, before a special inquiry offi-
15 cer for a hearing on the exclusion of the alien.

16 “(5) An alien has not entered the United States for
17 the purposes of this Act unless and until such alien has
18 been inspected and admitted by an immigration officer
19 pursuant to this subsection.”.

20 (b) CONFORMING AMENDMENTS.—Section 237(a) (8
21 U.S.C. 1227(a)) is amended—

22 (1) in the second sentence of paragraph (1) by
23 striking “Deportation” and inserting “Subject to
24 section 235(b)(2), deportation”; and

1 (2) in the first sentence of paragraph (2) by
2 striking “If” and inserting “Subject to section
3 235(b)(2), if”.

4 **Subtitle E—Asylum Reform**

5 **SEC. 341. ASYLUM.**

6 (a) IN GENERAL.—Section 208 (8 U.S.C. 1158) is
7 amended to read as follows:

8 **“SEC. 208. ASYLUM.**

9 “(a) PROVISIONAL ASYLUM.—

10 “(1) RIGHT TO APPLY.—The Attorney General
11 shall establish a procedure for an alien who is phys-
12 ically present in the United States or at a land bor-
13 der or port of entry, irrespective of such alien’s
14 status, to apply for provisional asylum in accordance
15 with this section.

16 “(2) CONDITIONS FOR GRANTING.—

17 “(A) MANDATORY CASES.—The Attorney
18 General shall grant provisional asylum to an
19 alien if the alien applies for provisional asylum
20 in accordance with the requirements of this sec-
21 tion and establishes that it is more likely than
22 not that in the alien’s country of nationality
23 (or, in the case of a person having no national-
24 ity, the country in which such alien last habit-
25 ually resided) such alien’s life or freedom would

1 be threatened on account of race, religion, na-
2 tionality, membership in a particular social
3 group, or political opinion.

4 “(B) DISCRETIONARY CASES.—The Attor-
5 ney General may grant provisional asylum to an
6 alien if the alien applies for provisional asylum
7 in accordance with the requirements of this sec-
8 tion and establishes that the alien is a refugee
9 within the meaning of section 101(a)(42).

10 “(C) EXCEPTIONS.—(i) Subparagraphs
11 (A) and (B) shall not apply to an alien if the
12 Attorney General determines that—

13 “(I) the alien ordered, incited, as-
14 sisted, or otherwise participated in the per-
15 secution of any person on account of race,
16 religion, nationality, membership in a par-
17 ticular social group, or political opinion;

18 “(II) the alien, having been convicted
19 by a final judgment of a particularly seri-
20 ous crime, constitutes a danger to the com-
21 munity of the United States;

22 “(III) there are serious reasons for
23 believing that the alien has committed a
24 serious nonpolitical crime outside the Unit-

1 ed States prior to the arrival of the alien
2 in the United States;

3 “(IV) there are reasonable grounds
4 for regarding the alien as a danger to the
5 security of the United States; or

6 “(V) a country willing to accept the
7 alien has been identified (other than the
8 country described in subparagraph (A)) to
9 which the alien can be deported or re-
10 turned and the alien does not establish
11 that it is more likely than not that the
12 alien’s life or freedom would be threatened
13 in such country on account of race, reli-
14 gion, nationality, membership in a particu-
15 lar social group, or political opinion.

16 “(ii)(I) For the purposes of clause (i)(II),
17 an alien who has been convicted of an aggra-
18 vated felony shall be considered to have com-
19 mitted a particularly serious crime.

20 “(II) The Attorney General shall promul-
21 gate regulations that specify additional crimes
22 that will be considered to be crimes that are de-
23 scribed in clauses (i)(II) or (i)(III).

24 “(III) The Attorney General shall promul-
25 gate regulations establishing such additional

1 limitations and conditions as the Attorney Gen-
2 eral considers to be appropriate under which an
3 alien shall be ineligible for provisional asylum
4 under subparagraph (B).

5 “(3) PROVISIONAL ASYLUM STATUS.—In the
6 case of any alien who is granted provisional asylum
7 under paragraph (2)(A), the Attorney General, in
8 accordance with this section—

9 “(A) shall not deport or return the alien to
10 the country described under paragraph (2)(A);

11 “(B) shall authorize the alien to engage in
12 employment in the United States and to provide
13 the alien with an ‘employment authorized’ en-
14 dorsement or other appropriate work permit;
15 and

16 “(C) may allow the alien to travel abroad
17 with the prior consent of the Attorney General.

18 “(4) TERMINATION.—Provisional asylum grant-
19 ed under paragraph (2) may be terminated if the At-
20 torney General, pursuant to such regulations as the
21 Attorney General may prescribe, determines that—

22 “(A) the alien no longer meets the condi-
23 tions described in paragraph (2) owing to a
24 change in the circumstances in the alien’s coun-
25 try of nationality or, in the case of an alien

1 having no nationality, in the country in which
2 the alien last habitually resided;

3 “(B) the alien meets a condition described
4 in paragraph (2)(C); or

5 “(C) a country willing to accept the alien
6 has been identified (other than the country de-
7 scribed in paragraph (2)) to which the alien can
8 be deported or returned and the alien cannot
9 establish that it is more likely than not that the
10 alien’s life or freedom would be threatened in
11 such country on account of race, religion, na-
12 tionality, membership in a particular social
13 group, or political opinion.

14 “(5) ACCEPTANCE BY ANOTHER COUNTRY.—In
15 the case of an alien who is described in paragraph
16 (2)(C)(i)(V) or paragraph (4)(C), the alien’s depor-
17 tation or return shall be directed, at the discretion
18 of the Attorney General, to any country that is will-
19 ing to accept the alien into its territory (other than
20 the country that is described in paragraph (2)(A)).

21 “(b) PROVISIONAL ASYLUM APPLICATIONS.—

22 “(1) IN GENERAL.—

23 “(A) DEADLINE.—Subject to subpara-
24 graph (B), an alien’s application for provisional

1 asylum shall not be considered under this sec-
2 tion unless—

3 “(i) the alien has filed, not later than
4 30 days after entering or coming to the
5 United States, notice of intention to file
6 such an application, and

7 “(ii) such application is actually filed
8 not later than 60 days after entering or ar-
9 riving in the United States.

10 “(B) EXCEPTION.—An application for pro-
11 visional asylum may be considered, notwith-
12 standing that the requirements of subparagraph
13 (A) have not been met, only if the alien dem-
14 onstrates by clear and convincing evidence
15 changed circumstances in the alien’s country of
16 nationality (or in the case of an alien with no
17 nationality, in the country where the alien last
18 habitually resided) affecting eligibility for provi-
19 sional asylum.

20 “(2) REQUIREMENTS.—An application for pro-
21 visional asylum shall not be considered unless the
22 alien submits to the taking of fingerprints and a
23 photograph in a manner determined by the Attorney
24 General.

1 “(3) PREVIOUS DENIAL OF ASYLUM.—An appli-
2 cation for provisional asylum shall not be considered
3 if the alien has been denied asylum by a country in
4 which the alien has had access to a full and fair pro-
5 cedure for determining his or her asylum claim in
6 accordance with a bilateral or multilateral agreement
7 between that country and the United States.

8 “(4) FEES.—In the discretion of the Attorney
9 General, the Attorney General may impose reason-
10 able fees for the consideration of an application for
11 provisional asylum, for employment authorization
12 under this section, and for adjustment of status
13 under section 209(b). The Attorney General is au-
14 thorized to provide for the assessment and payment
15 of any such fee over a period of time or by install-
16 ments.

17 “(5) EMPLOYMENT.—An applicant for provi-
18 sional asylum is not entitled to engage in employ-
19 ment in the United States. The Attorney General
20 may authorize an alien who has filed an application
21 for provisional asylum to engage in employment in
22 the United States, in the discretion of the Attorney
23 General.

24 “(6) NOTICE OF CONSEQUENCES OF FRIVOLOUS
25 APPLICATIONS.—At the time of the filing a notice of

1 his or her intention to apply for provisional asylum,
2 the alien shall be advised of the consequences, under
3 subsection (e), of filing a frivolous application for
4 provisional asylum.

5 “(c) SANCTIONS FOR FAILURE TO APPEAR.—

6 “(1) Subject to paragraph (2), the application
7 for provisional asylum of an alien who does not ap-
8 pear for a hearing on such application shall be sum-
9 marily dismissed unless the alien can show excep-
10 tional circumstances (as defined in section
11 242B(f)(2)) as determined by an asylum officer or
12 an immigration judge.

13 “(2) Paragraph (1) shall not apply if written
14 and oral notice were not provided to the alien of the
15 time and place at which the asylum hearing was to
16 be held, and in the case of any change or postpone-
17 ment in such time or place, written and oral notice
18 were provided to the alien of the new time or place
19 of the hearing.

20 “(d) ASYLUM.—

21 “(1) ADJUSTMENT OF STATUS.—Under such
22 regulations as the Attorney General may prescribe,
23 the Attorney General shall adjust to the status of an
24 alien granted asylum the status of any alien granted

1 provisional asylum under subsection (a)(2)(A) or
2 (a)(2)(B) who—

3 “(A) applies for such adjustment;

4 “(B) has been physically present in the
5 United States for at least 1 year after being
6 granted provisional asylum;

7 “(C) continues to be eligible for provisional
8 asylum under this section; and

9 “(D) is admissible under this Act at the
10 time of his or her examination for adjustment
11 of status under this subsection.

12 “(2) TREATMENT OF SPOUSES AND CHIL-
13 DREN.—A spouse or child (as defined in section
14 101(b)(1) (A), (B), (C), (D), or (E)) of an alien
15 whose status is adjusted to that of an alien granted
16 asylum under paragraph (a)(2) may be granted the
17 same status as the alien if he or she is accompany-
18 ing, or following to join, such an alien.

19 “(3) APPLICATION FEES.—The Attorney Gen-
20 eral may impose a reasonable fee for the filing of an
21 application for asylum under this subsection.

22 “(e) DENIAL OF IMMIGRATION BENEFITS FOR FRIV-
23 OULOUS APPLICATIONS.—

24 “(1) IN GENERAL.—If the Attorney General de-
25 termines that an alien has made a frivolous applica-

1 (3) in subparagraph (A), by striking all after
2 clause (iii) and inserting “shall not be eligible for
3 any benefits under this Act.”.

4 (b) JUDICIAL REVIEW.—Section 106 (8 U.S.C.
5 1105a) is amended by adding at the end the following sub-
6 section:

7 “(d) The procedure prescribed by, and all the provi-
8 sions of chapter 158 of title 28, United States Code, shall
9 apply to, and shall be the sole and exclusive procedure for,
10 the judicial review of all final orders granting or denying
11 provisional asylum, except that—

12 “(1) a petition for review may be filed not later
13 than 90 days after the date of the issuance of the
14 final order granting or denying provisional asylum;

15 “(2) the venue of any petition for review under
16 this subsection shall be in the judicial circuit in
17 which the administrative proceedings were conducted
18 in whole or in part, or in the judicial circuit wherein
19 is the residence, as defined in this Act, of the peti-
20 tioner, but not in more than one circuit; and

21 “(3) notwithstanding any other provision of
22 law, a determination granting or denying provisional
23 asylum based on changed circumstances pursuant to
24 section 208(b)(1)(A)(ii) shall be in the sole discre-

1 tion of the officer conducting the administrative pro-
2 ceeding.”.

3 **SEC. 343. CONFORMING AMENDMENTS.**

4 (a) LIMITATION ON DEPORTATION.—Section 243 (8
5 U.S.C. 1253) is amended by striking subsection (h).

6 (b) ADJUSTMENT OF STATUS.—Section 209(b) (8
7 U.S.C. 1159(b)) is amended—

8 (1) in paragraph (2), by striking “one year”
9 and inserting “2 years”; and

10 (2) by amending paragraph (3) to read as fol-
11 lows:

12 “(3) continues to be eligible for provisional asy-
13 lum under section 208,”.

14 (c) ALIENS INELIGIBLE FOR TEMPORARY PRO-
15 TECTED STATUS.—Section 244A(c)(2)(B)(ii) (8 U.S.C.
16 1254a(c)(2)(B)(ii)) is amended by striking “section
17 243(h)(2)” and inserting “section 208(a)(2)(C)”.

18 (d) ELIGIBILITY FOR NATURALIZATION.—Section
19 316(f)(1) (8 U.S.C. 1427(f)(1)) is amended by striking
20 “subparagraphs (A) through (D) of paragraph 243(h)(2)”
21 and inserting “section 208(a)(2)(C).”.

22 (e) FAMILY UNITY.—Section 301(e) of the Immigra-
23 tion Act of 1990 (Public Law 101–649) is amended by
24 striking “section 243(h)(2)” and inserting “section
25 208(a)(2)(C).”.

1 **SEC. 344. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as otherwise provided, the
3 amendments made by this title shall take effect on the
4 date of enactment of this Act.

5 (b) EXCEPTIONS.—(1) The amendments made by
6 this title shall not apply to applications for asylum or the
7 withholding of deportation made before the first day of
8 the first month that begins more than 180 days after the
9 date on which this Act becomes law and no application
10 for provisional asylum under section 208 of the Immigra-
11 tion and Nationality Act (as amended by section 331 of
12 this title) shall be considered before such first day.

13 (2) In applying section 208(b)(1)(A) of the Immigra-
14 tion and Nationality Act (as amended by this title) in the
15 case of an alien who has entered or arrived in the United
16 States before the first day described in paragraph (1), not-
17 withstanding the deadlines specified in such section—

18 (A) the deadline for the filing of a notice of in-
19 tention to file an application for provisional asylum
20 is 30 days after such first day, and

21 (B) the deadline for the filing of the application
22 for provisional asylum is 30 days after the date of
23 the filing of such a notice.

24 (3) The amendment made by section 342(b) (relating
25 to adjustment of status) shall not apply to aliens who are
26 granted asylum under section 208 of the Immigration and

1 Nationality Act, as in effect before the date of enactment
2 of this Act.

3 **Subtitle F—Miscellaneous**
4 **Provisions**

5 **SEC. 351. AUTHORIZATION OF TELEPHONIC DEPORTATION**
6 **HEARINGS.**

7 The second sentence of section 242(b) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1252(b)) is amend-
9 ed by inserting before the period the following: “; except
10 that nothing in this subsection shall preclude the Attorney
11 General from authorizing proceedings by electronic or tele-
12 phonic media (with or without the consent of the alien)
13 or, where waived or agreed to by the parties, in the ab-
14 sence of the alien.”.

15 **SEC. 352. CONSTRUCTION OF EXPEDITED DEPORTATION**
16 **REQUIREMENTS.**

17 No amendment made by this Act, and nothing in sec-
18 tion 242(i) of the Immigration and Nationality Act (8
19 U.S.C. 1252(i)), may be construed to create any right or
20 benefit, substantive or procedural, which is legally enforce-
21 able by any party against the United States, its agencies,
22 its officers or any other person.

1 **TITLE IV—EFFECTIVE DATE**

2 **SEC. 401. EFFECTIVE DATE.**

3 Except as otherwise specifically provided in this Act,
4 this Act, and the amendments made by this Act, shall take
5 effect on October 1, 1994.

○

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