

[116H2430]

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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for punishments for immigration-related fraud, and for other  
purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide for punishments for immigration-related fraud,  
and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Immigrants  
5       From Legal Exploitation Act of 2021”.

1 **SEC. 2. SCHEMES TO PROVIDE FRAUDULENT IMMIGRATION**  
2 **SERVICES.**

3 (a) IN GENERAL.—Chapter 47 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 1041. Schemes to provide fraudulent immigration**  
7 **services**

8 “(a) IN GENERAL.—Any person who knowingly or  
9 recklessly executes a scheme or artifice, in connection with  
10 any matter that is authorized by or arises under any Fed-  
11 eral immigration law or any matter the offender claims  
12 or represents is authorized by or arises under any Federal  
13 immigration law, to—

14 “(1) defraud any person; or

15 “(2) obtain or receive money or anything else of  
16 value from any person by means of false or fraudu-  
17 lent pretenses, representations, or promises,  
18 shall be fined under this title, imprisoned not more than  
19 10 years, or both.

20 “(b) MISREPRESENTATION.—Any person who know-  
21 ingly and falsely represents that such person is an attor-  
22 ney or an accredited representative (as that term is de-  
23 fined in section 1292.1 of title 8, Code of Federal Regula-  
24 tions (or any successor regulation)) in any matter arising  
25 under any Federal immigration law shall be fined under  
26 this title, imprisoned not more than 15 years, or both.

1       “(c) REIMBURSEMENT.—Any person convicted of of-  
2 fenses under this section must fully reimburse the client  
3 for any services that person fraudulently provided.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 for such chapter is amended by adding at the end the fol-  
6 lowing:

“1041. Schemes to provide fraudulent immigration services.”.

7 **SEC. 3. COMBATING SCHEMES TO DEFRAUD ALIENS.**

8       (a) REGULATIONS, FORMS, AND PROCEDURES.—The  
9 Secretary of Homeland Security and the Attorney Gen-  
10 eral, for matters within their respective jurisdictions aris-  
11 ing under the immigration laws, shall promulgate appro-  
12 priate regulations, forms, and procedures defining the cir-  
13 cumstances in which—

14           (1) persons submitting applications, petitions,  
15 motions, or other written materials relating to immi-  
16 gration benefits or relief from removal under the im-  
17 migration laws will be required to identify who  
18 (other than immediate family members) assisted  
19 them in preparing or translating the immigration  
20 submissions; and

21           (2) any person or persons who received com-  
22 pensation (other than a normal fee for copying,  
23 mailing, or similar services) in connection with the  
24 preparation, completion, or submission of such mate-

1        rials will be required to sign the form as a preparer  
2        and provide identifying information.

3        (b) CIVIL INJUNCTIONS AGAINST IMMIGRATION  
4 SERVICE PROVIDER.—The Attorney General may com-  
5 mence a civil action in the name of the United States to  
6 enjoin any immigration service provider from further en-  
7 gaging in any fraudulent conduct that substantially inter-  
8 feres with the proper administration of the immigration  
9 laws or who willfully misrepresents such provider’s legal  
10 authority to provide representation before the Department  
11 of Justice and the Department of Homeland Security.

12        (c) DEFINITIONS.—In this section:

13            (1) IMMIGRATION LAWS.—The term “immigra-  
14 tion laws” has the meaning given that term in sec-  
15 tion 101(a)(17) of the Immigration and Nationality  
16 Act (8 U.S.C. 1101(a)(17)).

17            (2) IMMIGRATION SERVICE PROVIDER.—The  
18 term “immigration service provider” means any indi-  
19 vidual or entity (other than an attorney or individual  
20 otherwise authorized to provide representation in im-  
21 migration proceedings as provided in Federal regula-  
22 tion) who, for a fee or other compensation, provides  
23 any assistance or representation to aliens in relation  
24 to any filing or proceeding relating to the alien  
25 which arises, or which the provider claims to arise,

1 under the immigration laws, Executive order, or  
2 Presidential proclamation.

3 **SEC. 4. RELIEF FOR VICTIMS OF NOTARIO FRAUD.**

4 (a) IN GENERAL.—An alien may withdraw, without  
5 prejudice, an application or other submission for immigra-  
6 tion status or other immigration benefit if the alien sub-  
7 mits information indicating the application or submission  
8 was prepared or submitted by an individual engaged in  
9 the unauthorized practice of law or immigration practi-  
10 tioner fraud and attests that the alien had no prior knowl-  
11 edge the application or submission was prepared or sub-  
12 mitted by an individual engaged in the unauthorized prac-  
13 tice of law or immigration practitioner fraud.

14 (b) CORRECTED FILINGS.—The Secretary of Home-  
15 land Security, the Secretary of State, and the Attorney  
16 General shall develop a procedure for submitting corrected  
17 applications or other submissions withdrawn under para-  
18 graph (1). The Secretary of Homeland Security, the Sec-  
19 retary of State, and the Attorney General shall permit cor-  
20 rected applications or other submissions to be resubmitted  
21 notwithstanding the numerical and time limitations on the  
22 filing of the applications or other submissions covered by  
23 this Act.

24 (c) WAIVER OF BAR TO REENTRY.—Section  
25 212(a)(9)(B)(iii) of the Immigration and Nationality Act

1 (8 U.S.C. 1182(a)(9)(B)(ii)), as amended by section  
2 2315(a), is further amended by adding at the end the fol-  
3 lowing:

4 “(VII) IMMIGRATION PRACTI-  
5 TIONER FRAUD.—Clause (i) shall not  
6 apply to an alien if he can prove by a  
7 preponderance of the evidence that he  
8 departed the United States based on  
9 the erroneous advice of an individual  
10 engaged in the unauthorized practice  
11 of law or immigration practitioner  
12 fraud.”.

13 (d) REGULATIONS IMPLEMENTING CONTEMPT AU-  
14 THORITY OF IMMIGRATION JUDGES.—Not later than 180  
15 days after the date of enactment of this Act, the Attorney  
16 General shall promulgate regulations implementing the  
17 contempt authority for immigration judges provided by  
18 section 240(b)(1) of the Immigration and Nationality Act  
19 (8 U.S.C. 1229a(b)(1)). Such regulations shall provide  
20 that any civil contempt sanctions including any monetary  
21 penalty may be applicable to all parties appearing before  
22 the immigration judge.

23 **SEC. 5. OUTREACH TO IMMIGRANT COMMUNITIES.**

24 (a) AUTHORITY TO CONDUCT.—The Secretary of  
25 Homeland Security and the Attorney General, acting

1 through the Director of the Office for Immigration Re-  
2 view, shall carry out a program to educate aliens regarding  
3 who may provide legal services and representation to  
4 aliens in immigration proceedings through cost-effective  
5 outreach to immigrant communities.

6 (b) PURPOSE.—The purpose of the program author-  
7 ized under subsection (a) is to prevent aliens from being  
8 subjected to fraud by individuals who are not authorized  
9 to provide legal services or representation to aliens.

10 (c) AVAILABILITY.—The Attorney General shall, to  
11 the extent practicable, make publicly available information  
12 regarding fraud by immigration consultants, visa consult-  
13 ants, and other individuals who are not authorized to pro-  
14 vide legal services or representation to aliens available—

15 (1) at appropriate offices that provide services  
16 or information to aliens; and

17 (2) through Web sites that are—

18 (A) maintained by the Attorney General;

19 and

20 (B) intended to provide information re-  
21 garding immigration matters to aliens.

22 (d) FOREIGN LANGUAGE MATERIALS.—Any edu-  
23 cational materials used to carry out the program author-  
24 ized under subsection (a) shall, to the extent practicable,

1 be made available to immigrant communities in appro-  
2 priate languages, including English and Spanish.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) AMOUNTS AUTHORIZED.—There are author-  
5 ized to be appropriated such sums as may be nec-  
6 essary to carry out this section.

7 (2) AVAILABILITY.—Any amounts appropriated  
8 pursuant to paragraph (1) shall remain available  
9 until expended.

10 **SEC. 6. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
11 **CANTS.**

12 (a) ESTABLISHMENT.—The Secretary and the Attor-  
13 ney General shall establish, within the U.S. Citizenship  
14 and Immigration Services and the Executive Office for Im-  
15 migration Review respectively, programs to award grants,  
16 on a competitive basis, to eligible nonprofit organizations  
17 to provide direct legal services to aliens as described in  
18 subsection (c).

19 (b) ELIGIBLE NONPROFIT ORGANIZATION.—The  
20 term “eligible nonprofit organization” means a nonprofit,  
21 tax-exempt organization whose staff has demonstrated  
22 qualifications, experience, and expertise in providing qual-  
23 ity services to immigrants, refugees, persons granted asy-  
24 lum, or persons applying for such statuses.



1       (c) USE OF FUNDS.—Grant funds awarded under  
2 this section shall be used for the design and implementa-  
3 tion of programs to provide direct assistance, within the  
4 scope of authorized practice of law, to aliens in removal  
5 proceedings and to aliens completing applications and pe-  
6 titions, including providing assistance in obtaining nec-  
7 essary documents and supporting evidence.

8       (d) AUTHORIZATION OF APPROPRIATIONS.—

9           (1) AMOUNTS AUTHORIZED.—There are author-  
10 ized to be appropriated such sums as may be nec-  
11 essary to carry out this section.

12           (2) AVAILABILITY.—Any amounts appropriated  
13 pursuant to paragraph (1) shall remain available  
14 until expended.