

114TH CONGRESS  
2D SESSION

# S. 3277

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

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. BLUMENTHAL (for himself, Mr. CORNYN, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Remedies for Refusal  
5 of Repatriation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

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

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

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

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

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

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

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

1 U.S.C. 1326), or other immigration-related of-  
2 fense that the Secretary may designate by regu-  
3 lation, an offense for which the term of impris-  
4 onment imposed on the defendant exceeded 1  
5 year.

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

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

15 (1) have been ordered deported by the United  
16 States; and

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

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

19 or

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

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

1 (1) the country refuses—

2 (A) to repatriate an individual described in  
3 subsection (a) who has been ordered deported  
4 to such country by the United States; and

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

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

13 (2) other factors indicate that the country sys-  
14 tematically and unreasonably refuses or delays the  
15 repatriation of nationals of such country who are de-  
16 scribed in subsection (a) and have been ordered de-  
17 ported to such country by the United States.

18 (c) NOTIFICATION REQUIREMENTS.—Upon deter-  
19 mining that a country systematically and unreasonably re-  
20 fuses or delays repatriation of its citizens—

21 (1) the Secretary of Homeland Security shall  
22 notify the Secretary of State of such determination  
23 in writing not later than 5 days after such deter-  
24 mination; and

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

3                   (A) meet concurrently with representatives  
4                   of the foreign government in the United States  
5                   and in the foreign country about such deter-  
6                   mination; and

7                   (B) notify such representatives that the  
8                   United States may deny visas to nationals of  
9                   such country.

10          (d) DISCONTINUANCE OF VISAS.—Except as provided  
11          under subsection (e), if a country described in subsection  
12          (c) continues to systematically and unreasonably refuse or  
13          delay the repatriation of its nationals described in sub-  
14          section (a) after receiving notification under subsection  
15          (c)(2)(B)—

16                   (1) the Secretary of Homeland Security shall  
17                   notify the Secretary of State that the country meets  
18                   the criteria described in section 243(d) of the Immi-  
19                   gration and Nationality Act (8 U.S.C. 1253(d)); and

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

22          (e) EXCEPTION.—If the Secretary of Homeland Se-  
23          curity determines that it is not in the interests of the  
24          United States to discontinue the issuance of visas to na-  
25          tionals of a country described in subsection (d), the Sec-

1 retary of Homeland Security shall submit to the appro-  
2 priate committees of Congress a report documenting the  
3 reasons for such determination.

4 (f) PUBLIC DISSEMINATION OF INFORMATION.—The  
5 Secretary of Homeland Security and the Secretary of  
6 State shall list countries that systematically and unreason-  
7 ably refuse or delay repatriation of their citizens described  
8 in subsection (a) on the websites of their respective depart-  
9 ments.

10 (g) REPORTS TO CONGRESS.—Not later than March  
11 1 of each year, the Secretary of Homeland Security and  
12 the Secretary of State shall jointly submit to the appro-  
13 priate committees of Congress a report that—

14 (1) identifies the countries that met the criteria  
15 developed pursuant to subsection (a) in the previous  
16 calendar year;

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

21 (3) identifies the countries included in the noti-  
22 fications described in subsections (c) and (d) and the  
23 actions taken by the Secretary of State as a result  
24 of such notifications;

1           (4) identifies the countries that do not meet the  
2           criteria described in subsection (b), but have refused  
3           or delayed the repatriation of their citizens; and

4           (5) describes the actions taken by the Secretary  
5           of Homeland Security and the Secretary of State  
6           with respect to the countries described in paragraph  
7           (4).

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