

117TH CONGRESS
2D SESSION

S. 4021

To amend the Immigration and Nationality Act to expand the grounds of inadmissibility and deportability for human rights violators.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2022

Mr. GRASSLEY (for himself and Mr. GRAHAM) 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 expand the grounds of inadmissibility and deportability for human rights violators.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Human Rights Violators Act of 2022”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Human Rights Violators and War Crimes Center.

Sec. 3. Grounds of inadmissibility and deportability for persecutors and war criminals.

- Sec. 4. Inadmissibility and deportability for participation in female genital mutilation.
- Sec. 5. Statute of limitations for visa, naturalization, and other fraud offenses involving human rights violations.
- Sec. 6. Visa security and national security fee.
- Sec. 7. U.S. Citizenship and Immigration Services access to criminal history records.

1 **SEC. 2. HUMAN RIGHTS VIOLATORS AND WAR CRIMES CEN-**
2 **TER.**

3 (a) **ESTABLISHMENT.**—The Secretary of Homeland
4 Security shall—

5 (1) establish the Human Rights Violators and
6 War Crimes Center (referred to in this section as
7 the “Center”) within U.S. Immigration and Customs
8 Enforcement, Homeland Security Investigations; and

9 (2) appoint a Director from Homeland Security
10 Investigations to head the Center.

11 (b) **DUTIES.**—The Director of the Center (referred
12 to in this section as the “Director”) shall—

13 (1) coordinate efforts to prevent the admission
14 of foreign war crimes suspects, persecutors, and
15 human rights abusers into the United States;

16 (2) identify and investigate individuals who
17 have been involved in, or responsible for, the com-
18 mission of human rights abuses throughout the
19 world and are within the jurisdiction of the United
20 States;

21 (3) support the Office of the Principal Legal
22 Advisor’s litigation of the removal proceedings of

1 aliens implicated in human rights violations or war
2 crimes;

3 (4) coordinate with the Office of the Principal
4 Advisor and Enforcement and Removal Operations
5 to carry out the removal of individuals referred to in
6 paragraphs (2) and (3), to the extent possible;

7 (5) represent U.S. Immigration and Customs
8 Enforcement while working with the National Secu-
9 rity Council and other relevant government agencies
10 in the development of programs for the prevention of
11 mass atrocities;

12 (6) conduct and coordinate training with other
13 domestic and international law enforcement agencies
14 on investigative best practices to develop and expand
15 the capability of such agencies to identify, inves-
16 tigate, and prosecute individuals who—

17 (A) engage in genocide, torture, the re-
18 cruitment and use of child soldiers, war crimes,
19 female genital mutilation, or severe violations of
20 religious freedom;

21 (B) provide material support to terrorists
22 or organizations that engage in genocide, tor-
23 ture, or the recruitment and use of child sol-
24 diers; or

1 (C) are human rights violators and engage
2 in immigration fraud;

3 (7) coordinate with other government agencies
4 in the investigation of individuals whose actions
5 should subject them to relevant travel and financial
6 sanctions;

7 (8) collect and integrate information regarding
8 infringement of human rights and war crimes from
9 domestic and international law enforcement agencies
10 and other non-Federal sources;

11 (9) receive and organize information regarding
12 infringement of human rights and war crimes from
13 agencies and sources referred to in paragraph (8);

14 (10) disseminate information regarding the in-
15 fringement of human rights and war crimes to other
16 Federal agencies, as appropriate, to the extent au-
17 thorized under relevant United States laws, regula-
18 tions, directives, and policies;

19 (11) coordinate with the offices of United
20 States Attorneys to develop expertise in, and assist
21 with the investigation and prosecution of, crimes re-
22 lating to the abuse of human rights and war crimes;
23 and

1 (12) carry out such other duties as the Sec-
2 retary of Homeland Security may assign to the Di-
3 rector.

4 (c) COORDINATION WITH OTHER AGENCIES.—In
5 carrying out the duties described in subsection (b), the Di-
6 rector shall coordinate with any Federal, State, local, or
7 international law enforcement agencies that the Secretary
8 of Homeland Security, acting through the Director of U.S.
9 Immigration and Customs Enforcement, considers appro-
10 prium.

11 **SEC. 3. GROUNDS OF INADMISSIBILITY AND DEPORT-**
12 **ABILITY FOR PERSECUTORS AND WAR CRIMI-**
13 **NALS.**

14 (a) DEFINITIONS.—Section 101(f) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1101(f)) is amended—

16 (1) in paragraph (8), by striking “or” at the
17 end;

18 (2) in paragraph (9), by striking the period at
19 the end and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(10) one who, at any time, has ordered, in-
22 cited, assisted, or otherwise participated in the per-
23 secution of any person on account of race, religion,
24 nationality, membership in a particular social group,
25 or political opinion.”.

1 (b) GROUNDS OF INADMISSIBILITY.—Section 212 of
2 such Act (8 U.S.C. 1182) is amended—

3 (1) in subsection (a)(3)(E)—

4 (A) in the subparagraph header, by strik-
5 ing “NAZI”;

6 (B) in clause (iii)(II), by striking “of any
7 foreign nation”; and

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

9 “(iv) COLOR OF LAW.—In this sub-
10 subparagraph and in section 237(a)(4)(D)
11 only, acting under ‘color of law’ includes
12 acts taken as part of an armed group exer-
13 cising de facto authority over any territory
14 for any period of time.

15 “(v) PERSECUTORS.—Any alien who
16 ordered, incited, assisted, or otherwise par-
17 ticipated in the persecution of any person
18 on account of race, religion, nationality,
19 membership in a particular social group, or
20 political opinion is inadmissible.

21 “(vi) WAR CRIMES.—Any alien who
22 ordered, incited, assisted, or otherwise par-
23 ticipated in war crimes (as defined in sub-
24 sections (c) and (d)(1) (except subpara-
25 graph (A)) of section 2441 of title 18,

1 United States Code), including offenders
2 who have been lawfully admitted for per-
3 manent residence, offenders who are
4 present in the United States, and offenders
5 who are stateless persons whose habitual
6 residence is in the United States, is inad-
7 missible”; and

8 (2) in subsection (d)(3)(A), by striking “and
9 clauses (i) and (ii) of paragraph” each place such
10 phrase appears.

11 (c) GROUNDS OF DEPORTABILITY.—Section
12 237(a)(4)(D) of such Act (8 U.S.C. 237(a)(4)(D)) is
13 amended—

14 (1) in the subparagraph header, by striking
15 “NAZI”; and

16 (2) by striking “or (iii)” and inserting “(iii),
17 (v), or (vi).”.

18 (d) VOLUNTARY DEPARTURE.—Section 240B of such
19 Act (8 U.S.C. 1229c) is amended—

20 (1) in subsection (a)(1), by striking “deportable
21 under section 237(a)(2)(A)(iii) or section
22 237(a)(4)(B)” and inserting “deportable under
23 paragraph (2)(A)(iii) or (4) of section 237(a), or in-
24 admissible under subparagraph (E) or (G) of section
25 212(a)(3)”; and

1 (2) in subsection (b)(1)(C), by striking “deport-
2 able under section 237(a)(2)(A)(iii) or section
3 237(a)(4)” and inserting “deportable under para-
4 graph (2)(A)(iii) or (4) of section 237(a), or inad-
5 missible under subparagraph (E) or (G) of section
6 212(a)(3)”.

7 (e) ADJUSTMENT OF STATUS.—Section 245(c) of
8 such Act (8 U.S.C. 1255(c)) is amended—

9 (1) in paragraph (6), by striking “(B)”;

10 (2) in paragraph (7), by striking “or” at the
11 end; and

12 (3) in paragraph (8), by striking the period at
13 the end and inserting “; (9) any alien who at any
14 time has ordered, incited, assisted, or otherwise par-
15 ticipated in the persecution of any person on account
16 of race, religion, nationality, membership in a par-
17 ticular social group, or political opinion; or (10) any
18 alien who is inadmissible under section
19 212(a)(3)(E)(vi).”.

20 (f) AIDING OR ASSISTING CERTAIN ALIENS TO
21 ENTER THE UNITED STATES.—Section 277 of such Act
22 (8 U.S.C. 1327) is amended by striking “(other than sub-
23 paragraph (E) thereof)”.

1 (g) APPLICABILITY.—The amendments made by sub-
2 sections (a) through (e) shall apply to offenses committed
3 before, on, or after the date of the enactment of this Act.

4 **SEC. 4. INADMISSIBILITY AND DEPORTABILITY FOR PAR-**
5 **TICIPATION IN FEMALE GENITAL MUTILA-**
6 **TION.**

7 (a) INADMISSIBILITY.—Section 212(a)(3) of the Im-
8 migration and Nationality Act (8 U.S.C. 1182(a)(3)) is
9 amended by adding at the end the following:

10 “(H) PARTICIPATION IN FEMALE GENITAL
11 MUTILATION.—Any alien who has ordered, in-
12 cited, solicited, funded, assisted, or otherwise
13 participated in female genital mutilation is in-
14 admissible.”.

15 (b) DEPORTABILITY.—Section 237(a)(4) of such Act
16 (8 U.S.C. 1227 (a)(4)) is amended by adding at the end
17 the following:

18 “(G) PARTICIPATION IN FEMALE GENITAL
19 MUTILATION.—Any alien who has ordered, in-
20 cited, solicited, funded, assisted, or otherwise
21 participated in female genital mutilation is de-
22 portable.”.

23 (c) SAVINGS PROVISION.—Nothing in the amend-
24 ments made by this section may be construed to limit the
25 applicability of grounds of inadmissibility or removal to

1 conduct occurring before the date of the enactment of this
2 Act.

3 **SEC. 5. STATUTE OF LIMITATIONS FOR VISA, NATURALIZA-**
4 **TION, AND OTHER FRAUD OFFENSES INVOLV-**
5 **ING HUMAN RIGHTS VIOLATIONS.**

6 (a) STATUTE OF LIMITATIONS FOR VISA FRAUD AND
7 OTHER OFFENSES.—Chapter 213 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 3302. Fraud in connection with certain human**
11 **rights violations**

12 “(a) IN GENERAL.—A person shall be prosecuted,
13 tried, or punished for violation of any provision of section
14 1001, 1015, 1425, 1546, 1621, or 3291, or for attempt
15 or conspiracy to violate any provision of such sections, if—

16 “(1) the fraudulent conduct, misrepresentation,
17 concealment, or fraudulent, fictitious, or false state-
18 ment concerns the alleged offender’s—

19 “(A) participation, at any time, at any
20 place, and regardless of the nationality of the
21 alleged offender or any victim, in a human
22 rights violation; or

23 “(B) membership in, service in, or author-
24 ity over a military, paramilitary, or law enforce-
25 ment organization that participated in such

1 conduct during any part of any period in which
2 the alleged offender was a member of, served
3 in, or had authority over the organization; and

4 “(2) the indictment is found or the information
5 is instituted not later than 20 years after such con-
6 duct.

7 “(b) DEFINITIONS.—

8 “(1) HUMAN RIGHTS VIOLATION.—In this sec-
9 tion, the term ‘human rights violation’ means
10 extrajudicial killing, female genital mutilation, geno-
11 cide, particularly severe violations of religious free-
12 dom, persecution, torture, the use or recruitment of
13 child soldiers, or war crimes.

14 “(2) RELATED DEFINITIONS.—In paragraph
15 (1)—

16 “(A) the term ‘extrajudicial killing’ means
17 conduct described in section 212(a)(3)(E)(iii) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1182(a)(3)(E)(iii));

20 “(B) the term ‘female genital mutilation’
21 means conduct described in section 116;

22 “(C) the term ‘genocide’ means conduct
23 described in subsections (a), (c), and (e) of sec-
24 tion 1091;

1 “(D) the term ‘particularly severe violation
2 of religious freedom’ means conduct described
3 in section 3(13) of the International Religious
4 Freedom Act of 1998 (22 U.S.C. 6402(13));

5 “(E) the term ‘persecution’ means conduct
6 described in section 212(a)(3)(E)(v) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1182(a)(3)(E)(v));

9 “(F) the term ‘torture’ means conduct de-
10 scribed in paragraphs (1) and (2) of section
11 2340;

12 “(G) the term ‘use or recruitment of child
13 soldiers’ means conduct described in subsections
14 (a) and (d) of section 2442; and

15 “(H) the term ‘war crimes’ means conduct
16 described in subsections (c) and (d)(1) of sec-
17 tion 2441.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 213 of title 18, United States Code, is amend-
20 ed by adding at the end the following:

“3302. Fraud in connection with certain human rights violations.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to fraudulent conduct, misrepre-
23 sentations, concealments, and fraudulent, fictitious, or
24 false statements made or committed on or after the date
25 of the enactment of this Act.

1 **SEC. 6. VISA SECURITY AND NATIONAL SECURITY FEE.**

2 (a) IN GENERAL.—

3 (1) AUTHORIZATION.—The Secretary of Home-
4 land Security is authorized to charge a visa security
5 and national security fee to nonimmigrant visa ap-
6 plicants.

7 (2) COLLECTION.—The Secretary of State, at
8 the request of, and in coordination with, the Sec-
9 retary of Homeland Security, is authorized to collect
10 the fee authorized under paragraph (1) simulta-
11 neously with the fees authorized under section 140
12 of the Foreign Relations Authorization Act, Fiscal
13 Years 1994 and 1995 (Public Law 103–236; 8
14 U.S.C. 1351 note) and section 103 of the Enhanced
15 Border Security and Visa Entry Reform Act of 2002
16 (8 U.S.C. 1713), on behalf of the Secretary of
17 Homeland Security—

18 (A) to conduct pre-adjudication reviews
19 and screenings of visa applications against ap-
20 propriate criminal, national security, and ter-
21 rorism databases maintained by the Federal
22 Government;

23 (B) to carry out other support activities
24 authorized under section 428(e) of the Home-
25 land Security Act of 2002 (6 U.S.C. 236(e));

1 (C) to identify, arrest, and remove terror-
2 ists, human rights violators, and national secu-
3 rity threats from the United States; and

4 (D) for other purposes.

5 (b) AMOUNT OF FEE.—The total amount of fees
6 charged pursuant to subsection (a)(1) shall be sufficient
7 to cover the annual costs to conduct the activities author-
8 ized under subsection (a)(2), the activities authorized
9 under section 428(e) of the Homeland Security Act of
10 2002 (6 U.S.C. 236(e)), and related activities.

11 (c) DEPOSIT OF FEES.—Fees collected under sub-
12 section (a)(2)—

13 (1) shall be deposited into the Immigration Ex-
14 aminations Fee Account established under section
15 286(m) of the Immigration and Nationality Act (8
16 U.S.C. 1356(m)) in the Treasury of the United
17 States; and

18 (2) shall remain available until expended for the
19 Secretary of Homeland Security to carry out the ac-
20 tivities described in subsection (b).

21 (d) REIMBURSEMENT.—

22 (1) IN GENERAL.—The Secretary of Homeland
23 Security shall reimburse expenses incurred by the
24 Secretary of State to collect the fee authorized under
25 subsection (a)(1).

1 (2) USE OF REIMBURSED FUNDS.—Reimburse-
2 ments received pursuant to paragraph (1)—

3 (A) shall be deposited into the appropriate
4 Department of State account, as identified by
5 the Secretary of State; and

6 (B) shall remain available until expended
7 to cover expenses described in paragraph (1).

8 (e) ANNUAL REPORT.—Not later than 1 year after
9 the date of the enactment of this Act, and annually there-
10 after on or before October 1, the Secretary of Homeland
11 Security, after consultation with the appropriate Federal
12 agencies, shall submit a report to the Committee on the
13 Judiciary of the Senate, the Committee on Homeland Se-
14 curity and Governmental Affairs of the Senate, the Com-
15 mittee on the Judiciary of the House of Representatives,
16 and the Committee on Homeland Security of the House
17 of Representatives that identifies, for the reporting pe-
18 riod—

19 (1) the number of aliens denied visas under
20 Homeland Security Investigation’s Visa Security
21 Program;

22 (2) the number of aliens inadmissible to or re-
23 moved from the United States for violating section
24 116 of title 18, United States Code (relating to fe-
25 male genital mutilation); and

1 (3) the number of aliens inadmissible to or re-
2 moved from the United States as terrorists, human
3 rights violators, persecutors, or national security
4 threats.

5 **SEC. 7. U.S. CITIZENSHIP AND IMMIGRATION SERVICES AC-**
6 **CESS TO CRIMINAL HISTORY RECORDS.**

7 (a) IN GENERAL.—In addition to any other access
8 to criminal history records authorized for noncriminal jus-
9 tice purposes under the National Criminal History Access
10 and Child Protection Act (34 U.S.C. 40311 et seq.), the
11 Attorney General and the Director of the Federal Bureau
12 of Investigation shall provide the Secretary of Homeland
13 Security, for purposes relating to immigration and natu-
14 ralization matters, with—

15 (1) direct access to criminal history records
16 without submission of positive identification, includ-
17 ing name check access to the Interstate Identifica-
18 tion Index System; and

19 (2) access to sealed record information and any
20 other criminal history information on the same
21 terms as are provided to an agency performing a
22 criminal justice or law enforcement purpose.

23 (b) RULE OF CONSTRUCTION.—Terms used in sub-
24 section (a) shall have the meanings provided under section

- 1 213 of the National Criminal History Access and Child
- 2 Protection Act (34 U.S.C. 40312).

