

S 577 IS

111th CONGRESS

1st Session

S. 577

To amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes.

IN THE SENATE OF THE UNITED STATES**March 12, 2009**

Mrs. FEINSTEIN (for herself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Immigration Fraud Prevention Act of 2009'.

SEC. 2. SCHEMES TO DEFRAUD ALIENS.

(a) Amendments to Title 18-

(1) IN GENERAL- Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

'Sec. 1041. Schemes to defraud aliens

'(a) In General- Any person who willfully and knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender willfully and knowingly claims or represents is authorized by or arises under Federal immigration laws, to--

'(1) defraud any person; or

'(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 5 years, or both.

'(b) Misrepresentation- Any person who willfully, knowingly, and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations or any successor regulation to such section) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 5 years, or both.'

(2) CLERICAL AMENDMENT- The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item related to section 1040 the following:

'1041. Schemes to defraud aliens.'

(b) Investigation of Schemes to Defraud Aliens- The Attorney General and the Secretary of Homeland Security

shall use the Executive Office of Immigration Review to detect and investigate individuals who are in violation of section 1041 of title 18, United States Code, as added by subsection (a)(1).

SEC. 3. NOTICE AND OUTREACH.

(a) Notice to Aliens in Immigration Proceedings-

(1) IN GENERAL- Subparagraph (E) of section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)) is amended to read as follows:

`(E)(i) The alien may be represented by counsel and the alien will be provided--

`(I) a period of time to secure counsel under subsection (b)(1); and

`(II) a current list of counsel prepared under subsection (b)(2).

`(ii) A description of who may represent the alien in the proceedings, including a notice that immigration consultants, visa consultants, and other unauthorized individuals may not provide that representation.'.

(2) LIST OF DISCIPLINED PRACTITIONERS- Subsection (b) of section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended--

(A) by redesignating paragraph (3) as paragraph (6); and

(B) by inserting after paragraph (2) the following new paragraphs:

`(3) LIST OF DISCIPLINED PRACTITIONERS- The Attorney General shall provide for lists (updated no less often than quarterly) of persons who are prohibited for providing representation in immigration proceedings.

`(4) FOREIGN LANGUAGE MATERIALS- The materials required to be provided to an alien under this subsection shall be provided in appropriate languages, including English and Spanish.

`(5) ORAL NOTIFICATION- At the earliest possible opportunity, an immigration judge shall orally advise an alien in a removal proceeding of the information described in paragraphs (2) and (3).'

(b) Outreach to Immigrant Communities-

(1) AUTHORITY TO CONDUCT- The Attorney General, through the Director of the Executive Office for Immigration Review, and the Secretary of Homeland Security shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE- The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY- The Attorney General and the Secretary of Homeland Security shall make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available--

(A) at appropriate offices that provide services or information to aliens; and

(B) through Internet websites that are--

(i) maintained by the Attorney General or the Secretary; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS- Any educational materials used to carry out the program authorized under paragraph (1) shall be made available to immigrant communities in appropriate languages, including English and Spanish.

END

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