

[109H936]

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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

To provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud.

IN THE HOUSE OF REPRESENTATIVES

Mr. HONDA introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud.

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. IMMIGRATION RELIEF FOR INNOCENT VICTIMS**
4 **OF IMMIGRATION FRAUD.**

5 (a) IN GENERAL.—

6 (1) RELIEF UPON APPROVAL OF APPLICA-
7 TION.—If an alien, upon application to an appro-
8 priate immigration official, establishes to the satis-
9 faction of such official that such alien is an eligible

1 alien (as defined in subsection (b)) and is, but for
2 the specified immigration fraud, admissible to the
3 United States as an immigrant and is not removable
4 from the United States, such official shall provide
5 immigration relief for such alien under subsection
6 (c).

7 (2) RELIEF PENDING APPROVAL.—In the case
8 of an eligible alien, any pending proceedings pro-
9 viding for revocation of adjustment of status, revoca-
10 tion of naturalization, or removal with respect to
11 such eligible alien shall be suspended in order to
12 provide such alien with a reasonable opportunity to
13 apply for immigration relief under this section and
14 during the pendency of the application for such re-
15 lief.

16 (3) APPROPRIATE IMMIGRATION OFFICIAL.—
17 For purposes of this section, the term “appropriate
18 immigration official” means, in the case of an alien
19 in removal proceedings, the immigration judge who
20 is presiding over such proceedings, or otherwise the
21 Secretary of Homeland Security.

22 (b) ELIGIBLE ALIEN, SPECIFIED IMMIGRATION
23 FRAUD DEFINED.—For purposes of this section:

24 (1) ELIGIBLE ALIEN.—

1 (A) IN GENERAL.—The term “eligible
2 alien” means an alien—

3 (i) who obtained status as a non-
4 immigrant on or after January 1, 1980,
5 and who, at the time of obtaining such sta-
6 tus, was a national of the Republic of
7 Korea;

8 (ii) who applied, before January 1,
9 1999, through one or more immigration
10 brokers for adjustment of such status to
11 that of the status of an alien lawfully ad-
12 mitted to the United States for permanent
13 residence, and who applied through the
14 Immigration and Naturalization office lo-
15 cated in San Jose, California;

16 (iii) whose application for adjustment
17 of status described in clause (ii) was ap-
18 proved as a result of bribery by such immi-
19 gration brokers of a supervisor of the Im-
20 migration and Naturalization Service for
21 such office; and

22 (iv) who had no actual knowledge of
23 the specified immigration fraud at the time
24 of such adjustment.

1 (B) TREATMENT OF SPOUSES AND CHIL-
2 DREN.—Such term includes an alien who ob-
3 tained lawful permanent resident status as the
4 spouse or child of an eligible alien described in
5 paragraph (1).

6 (2) SPECIFIED IMMIGRATION FRAUD.—The
7 term “specified immigration fraud” means the brib-
8 ery described in paragraph (1)(A)(iii).

9 (c) FORM OF IMMIGRATION RELIEF.—

10 (1) IN GENERAL.—If an application of an eligi-
11 ble alien under subsection (a) is approved, then—

12 (A) the specified immigration fraud shall
13 not be considered in determining the admissi-
14 bility or removeability of such alien; and

15 (B) the alien’s status shall be restored as
16 if the original adjustment of status described in
17 subsection (b)(1)(C) had been lawful, in accord-
18 ance with the succeeding provisions of this sub-
19 section.

20 (2) RESTORATION OF STATUS TO LAWFUL PER-
21 MANENT RESIDENT; CANCELLATION OF ORDER OF
22 REMOVAL.—In the case of an approved application
23 for an alien whose adjustment of status to lawful
24 permanent resident status was rescinded or who was
25 ordered removed solely as a result of the specified

1 immigration fraud, such rescission shall be vitiated
2 or such order shall be cancelled and the status of
3 such alien shall be restored to that of an alien law-
4 fully admitted for permanent residence. Such res-
5 toration or cancellation shall be effective as of the
6 date of such rescission or order of removal.

7 (3) RESTORATION OF NATURALIZATION.—In
8 the case of an eligible alien who has been naturalized
9 as a citizen of the United States and whose natu-
10 ralization was revoked solely as a result of the speci-
11 fied immigration fraud, such revocation shall be viti-
12 ated and such alien's citizenship status shall be re-
13 stored. Such restoration shall be effective as of the
14 date of such revocation.

15 (4) TRAVEL TO AND PAROLE INTO THE UNITED
16 STATES FOR ELIGIBLE ALIENS WHO HAVE DE-
17 PARTED.—In the case of an eligible alien who has
18 been removed, or has voluntarily departed, from the
19 United States in connection with charges relating to
20 specified immigration fraud, the Secretary shall pa-
21 role such alien into the United States for the pur-
22 pose of filing an application for immigration relief
23 under this section. The Secretary of State shall pro-
24 vide such alien with appropriate travel documents in
25 order to travel to the United States for such parole.

1 (d) PROCEDURES AND DEFINITIONS.—

2 (1) PROCEDURES FOR APPLICATION.—An alien
3 seeking immigration relief under this section shall
4 submit an application at such time (consistent with
5 paragraph (3)), in such manner, and containing
6 such information as the Secretary shall require. No
7 fee shall be charged in connection with such applica-
8 tion.

9 (2) BURDEN OF PROOF.—For purposes of sub-
10 section (b)(1)(A)(iv), the alien shall be presumed not
11 to have actual knowledge of the specified immigra-
12 tion fraud and the Secretary shall have the burden
13 of proving such knowledge.

14 (3) DEADLINE FOR APPLICATION.—An applica-
15 tion under paragraph (1) shall be submitted not
16 later than the date that is five years after the date
17 of the enactment of this Act, except that the Sec-
18 retary may extend such deadline for an additional
19 period not to exceed five years.

20 (4) NO REDUCTION IN NUMBER OF IMMIGRANT
21 VISAS AVAILABLE.—The Secretary of State shall not
22 reduce the number of immigrant visas authorized to
23 be issued under the Immigration and Nationality
24 Act (8 U.S.C. 1101 et seq.) if an application of an

1 eligible alien for immigration relief under this sec-
2 tion is approved.

3 (5) APPLICATION OF OTHER DEFINITIONS.—

4 For purposes of this section and except as otherwise
5 specifically provided, the term “Secretary” means
6 the Secretary of Homeland Security and the defini-
7 tions contained in the Immigration and Nationality
8 Act shall apply in the administration of this section.
9 Nothing in this section shall be construed to repeal,
10 amend, alter, modify, affect, or restrict the powers,
11 duties, functions, or authority of the Secretary in
12 the administration and enforcement of such Act or
13 any other law relating to immigration, nationality, or
14 naturalization. The fact that an alien may be eligible
15 for immigration relief under this section shall not
16 preclude such alien from seeking immigration relief
17 under any other provision of law for which such
18 alien may be eligible.