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U.S. GOVERNMENT
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111TH CONGRESS
2D SESSION

S. 3077

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2010

Mr. CORNYN (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

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 ''Secure Visas Act''.

SEC. 2. VISA REFUSAL AND REVOCATION.

(a) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

"(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

"(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

"(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

"(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revoca-

tion is necessary or advisable in the security interests of the United States.

"(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

"(A) shall take effect immediately; and

"(B) shall automatically cancel any other valid visa that is in the alien's possession.

"(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no United States court has jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa.

"(c) EFFECT OF VISA APPROVAL BY THE SECRETARY OF STATE.—

"(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse or revoke a visa to an alien if the Secretary determines that such refusal or revocation is necessary or advisable in the foreign policy interests of the United States.

"(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary under subsection (b).".

(b) ISSUANCE OF VISAS AT DESIGNATED CONSULAR POSTS AND EMBASSIES.—

(1) IN GENERAL.—Section 428(i) of the Homeland Security Act (6 U.S.C. 236(i)) is amended to read as follows:

''(i) VISA ISSUANCE AT DESIGNATED CONSULAR POSTS AND EMBASSIES.—Notwithstanding any other provision of law, the Secretary of Homeland Security—

''(1) shall conduct an on-site review of all visa applications and supporting documentation before adjudication at all visa-issuing posts in Algeria; Canada; Colombia; Egypt; Germany; Hong Kong, China; India; Indonesia; Iraq; Jerusalem, Israel; Tel Aviv, Israel; Jordan; Kuwait; Lebanon; Kuala Lumpur, Malaysia; Mexico; Morocco; Nigeria; Pakistan; the Philippines; Saudi Arabia; South Africa; Syria; Turkey; United Arab Emirates; the United Kingdom; Venezuela; and Yemen; and

''(2) is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued unless, in the Secretary's sole and unreviewable discretion, the Secretary determines that such an assignment at a particular post would not promote national or homeland security.''.

(2) EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.—The Secretary of State shall accommodate and ensure—

(A) not later than 180 days after the date of the enactment of this Act, that Department of Homeland Security personnel assigned by the Secretary of Homeland Security under section 428(i)(1) of the Homeland Security Act have been stationed at post; and

(B) not later than 180 days after the date on which the Secretary of Homeland Security designates an additional consular post or embassy for personnel under section 428(i)(2) of the Homeland Security Act that the Department of Homeland Security personnel assigned to such post or embassy have been stationed at post.

(3) APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for each of the fiscal years 2010 and 2011, which shall be used to expedite the implementation of section 428(i) of the Homeland Security Act, as amended by this subsection.

(c) VISA REVOCATION.—

(1) INFORMATION.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by adding at the end the following:

''(j) VISA REVOCATION INFORMATION.—If the Secretary of Homeland Security or the Secretary of State revokes a visa—

''(1) the relevant consular, law enforcement, and terrorist screening databases shall be immediately updated on the date of the revocation; and

''(2) look-out notices shall be posted to all Department of Homeland Security port inspectors and Department of State consular officers.''.

(2) EFFECT OF VISA REVOCATION.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking '', except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).'' and inserting ''. A revocation under this subsection shall take effect immediately and shall automatically cancel any other valid visa that is in the alien's possession.''.

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