

117TH CONGRESS
1ST SESSION

H. R. 2647

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2021

Mr. COURTNEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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) VIOLENT FELONY.—The term “violent fel-
20 ony” means a crime of violence that is classified as
21 a felony in the convicting jurisdiction, excluding
22 State or local offenses for which an essential element
23 was the alien’s immigration status.

1 **SEC. 3. REMEDIES FOR SYSTEMATIC REFUSAL OF REPATRI-**
2 **ATION.**

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

10 (1) have been ordered removed from the United
11 States; and

12 (2)(A) have been convicted of a violent felony;
13 or

14 (B) are a threat to national security or public
15 safety.

16 (b) REQUIREMENTS FOR INCLUSION ON REFUSAL OR
17 DELAY LIST.—A country shall be deemed to systemati-
18 cally and unreasonably refuse or delay the repatriation of
19 its nationals if—

20 (1) the country refuses—

21 (A) to repatriate an individual described in
22 subsection (a) who has been ordered removed
23 notwithstanding the designation of such country
24 as the place to which the individual is to be re-
25 moved by the United States under section

1 241(b) of the Immigration and Nationality Act
2 (8 U.S.C. 1231(b)); and

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

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

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

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

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

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

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

5 (B) notify such representatives that the
6 United States may discontinue issuance of visas
7 to nationals of such country under section
8 243(d) of the Immigration and Nationality Act
9 (8 U.S.C. 1253(d)).

10 (d) DISCONTINUANCE OF VISAS.—In furtherance of
11 section 243(d) of the Immigration and Nationality Act (8
12 U.S.C. 1253) and except as provided under subsection (e),
13 if a country described in subsection (c) continues to sys-
14 tematically and unreasonably refuse or delay the repatri-
15 ation of its nationals described in subsection (a) after re-
16 ceiving notification under subsection (c)(2)(B)—

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

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

23 (e) EXCEPTION.—If the Secretary of Homeland Se-
24 curity determines that it is not in the interests of the
25 United States to discontinue the issuance of visas to na-

tionals of a country described in subsection (d), the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report documenting the reasons for such determination.

(f) PUBLIC DISSEMINATION OF INFORMATION.—The Secretary of Homeland Security and the Secretary of State shall list countries that systematically and unreasonably refuse or delay repatriation of their nationals described in subsection (a) on the Web sites of their respective departments.

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

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

(2) describes the actions taken by the Secretary of Homeland Security and the Secretary of State after determining that a country met the criteria developed pursuant to subsection (a);

(3) identifies the countries included in the notifications described in subsections (c) and (d) and the actions taken by the Secretary of State as a result 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 nationals; 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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