

117TH CONGRESS
2D SESSION

H. R. 6706

To amend the Immigration and Nationality Act to repeal the diversity visa lottery, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2022

Mr. FALLON (for himself, Mr. DESJARLAIS, Mr. ELLZEY, Mr. BUDD, Mr. JACKSON, Mr. POSEY, Mr. HIGGINS of Louisiana, Mr. BISHOP of North Carolina, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to repeal the diversity visa lottery, 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 “Abolishing the Lottery
5 and Immigration Enforcement Now Act of 2022” or the
6 “ALIEN Act of 2022”.

7 **SEC. 2. REPEAL OF THE DIVERSITY VISA LOTTERY.**

8 Title II of the Immigration and Nationality Act (8
9 U.S.C. 1151 et seq.) is amended—

1 (1) in section 201(a)—

2 (A) in paragraph (1), by adding “and” at
3 the end;

4 (B) in paragraph (2), by striking “; and”
5 and inserting a period; and

6 (C) by striking paragraph (3);

7 (2) in section 203—

8 (A) by striking subsection (c); and

9 (B) in subsection (e)—

10 (i) by striking paragraph (2); and

11 (ii) by redesignating paragraph (3) as
12 paragraph (2); and

13 (3) in section 204(a)(1), by striking subpara-
14 graph (I).

15 **SEC. 3. PENALTIES FOR OVERSTAYING A VISA.**

16 (a) IN GENERAL.—Chapter 8 of the Immigration and
17 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
18 adding at the end the following new section:

19 **“SEC. 274E. PENALTIES FOR OVERSTAY OF VISA.**

20 “(a) PROHIBITED CONDUCT.—It is unlawful for any
21 alien to remain in the United States beyond the date on
22 which such alien’s visa or lawful status has expired.

23 “(b) CRIMINAL PENALTIES.—Any alien who violates
24 subsection (a) shall be fined under title 18, United States
25 Code, and imprisoned for not more than 1 year, or both.

1 “(c) CIVIL PENALTIES.—

2 “(1) IN GENERAL.—Any alien who violates sub-
3 section (a) shall pay a civil penalty of not more than
4 \$1000 per day to the Secretary of Homeland Secu-
5 rity for each day the alien remains in violation of
6 such subsection.

7 “(2) IMMIGRATION MATTERS.—

8 “(A) INADMISSIBILITY.—Any alien who
9 violates subsection (a) shall be—

10 “(i) inadmissible to enter the United
11 States for five years from the date on
12 which an alien is found to have violated
13 subsection (a);

14 “(ii) ineligible for relief from removal
15 for 10 years from the date on which an
16 alien is found to have violated subsection
17 (a); and

18 “(iii) ineligible to apply for legal per-
19 manent residency for 15 years from the
20 date on which an alien is found to have
21 violated subsection (a).

22 “(3) TWO STRIKES WITH RESPECT TO OVER-
23 STAY OF VISA.—Any alien who violates subsection
24 (a) shall be removed from the United
25 States. If such alien again enters the United States

1 on a visa and is found to violate subsection (a), the
 2 alien shall be removed from the United States and
 3 is permanently inadmissible to the United States.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
 5 tion may be construed to diminish or qualify any other
 6 penalty for which an alien may be subject to for activities
 7 described under section 243(a), section 274D, or under
 8 any other section of this Act.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 for the Immigration and Nationality Act (8 U.S.C. 1101
 11 note) is amended by adding after the item relating to sec-
 12 tion 274D the following:

“Sec. 274E. Penalties for overstay of visa.”.

13 **SEC. 4. MEMBERSHIP IN PARTICULAR SOCIAL GROUP.**

14 Section 101(a) of the Immigration and Nationality
 15 Act (8 U.S.C. 1101(a)) is amended by inserting at the
 16 end the following new paragraph:

17 “(53) The term ‘particular social group’ means
 18 a group that is based on an immutable or funda-
 19 mental characteristic, is defined with particularity,
 20 and is recognized as socially distinct from other
 21 members of society at question. Such a particular
 22 social group cannot be defined exclusively by the al-
 23 leged persecutory acts or harm and must also have
 24 existed independently of the alleged persecutory acts
 25 or harm that forms the basis of the claim. The Sec-

1 retary, in general, may not favorably adjudicate
2 claims of aliens who claim a fear of persecution on
3 account of membership in a particular social group
4 consisting of or defined by the following cir-
5 cumstances—

6 “(A) past or present criminal activity or
7 association (including gang membership);

8 “(B) presence in a country with general-
9 ized violence or a high crime rate;

10 “(C) being the subject of a recruitment ef-
11 fort by criminal, terrorist, or persecutory
12 groups;

13 “(D) the targeting of the applicant for
14 criminal activity for financial gain based on per-
15 ceptions of wealth or affluence;

16 “(E) interpersonal disputes of which gov-
17 ernmental authorities in the relevant society or
18 region were unaware or uninvolved;

19 “(F) private criminal acts of which govern-
20 mental authorities in the relevant society or re-
21 gion were unaware or uninvolved;

22 “(G) past or present terrorist activity or
23 association;

24 “(H) past or present persecutory activity
25 or association; or

1 “(I) status as an alien returning from the
 2 United States.”.

3 **SEC. 5. PROHIBITION ON INADMISSIBILITY WAIVERS.**

4 Section 212 of the Immigration and Nationality Act
 5 (8 U.S.C. 1182(a)) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking subpara-
 8 graph (B);

9 (B) in paragraph (2), by striking subpara-
 10 graph (F);

11 (C) in paragraph (6)—

12 (i) by striking subparagraph (C)(iii);

13 (ii) by striking subparagraph (E)(iii);

14 and

15 (iii) by striking subparagraph (F) and
 16 inserting the following:

17 “(F) SUBJECT OF CIVIL PENALTY.—An
 18 alien who is the subject of a final order for vio-
 19 lation of section 274C is inadmissible.”;

20 (D) in paragraph (7)—

21 (i) by striking subparagraph (A)(ii);

22 and

23 (ii) by striking subparagraph (B)(ii);

24 and

- 1 (E) in paragraph (9), by striking subpara-
- 2 graph (B)(v); and
- 3 (2) by striking subsection (h).

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