

117TH CONGRESS
1ST SESSION

H. R. 90

To amend the Immigration and Nationality Act to penalize aliens who overstay their visas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. DUNCAN (for himself, Mr. BROOKS, Mr. NORMAN, Mr. BUDD, Mr. WEBER of Texas, Mr. GAETZ, and Mr. WILLIAMS of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to penalize aliens who overstay their visas, 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 “Visa Overstay Enforce-
5 ment Act of 2021”.

6 **SEC. 2. VISA OVERSTAYS CRIMINALIZED.**

7 (a) IN GENERAL.—The Immigration and Nationality
8 Act is amended by inserting after section 274D the fol-
9 lowing:

1 **“SEC. 274E. VISA OVERSTAYS.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), any alien who remains in the United States for any
4 period of time after the date on which any visa or status
5 under which the alien is lawfully present has expired
6 shall—

7 “(1) for the first commission of any such of-
8 fense, be fined under title 18, United States Code,
9 or imprisoned no more than 6 months, or both; and

10 “(2) for a subsequent commission of any such
11 offense, be fined under title 18, United States Code,
12 or imprisoned not more than 2 years, or both.

13 “(b) EXCEPTION.—If the Secretary of Homeland Se-
14 curity determines on an individual case-by-case basis that,
15 because of reasons of a medical necessity, public safety,
16 or national security, the alien violated subsection (a), the
17 alien shall not be subject to the penalties under subsection
18 (a).

19 “(c) LIMITATION ON REENTRY.—

20 “(1) FIRST OFFENDERS.—Any alien convicted
21 of a violation of subsection (a)(1)—

22 “(A) may not be admitted to the United
23 States for a period of 5 years, beginning on the
24 date of the conviction; and

1 “(B) may not be granted a visa for a pe-
 2 riod of 10 years, beginning on the date of the
 3 conviction.

4 “(2) SUBSEQUENT OFFENSES.—Any alien con-
 5 victed of a violation of subsection (a)(2)—

6 “(A) may not be admitted to the United
 7 States; and

8 “(B) may not be granted a visa.

9 “(d) DISCLOSURE OF PENALTIES.—In the case of
 10 any application or petition by or on behalf of an alien for
 11 admission to the United States, the Secretary of State or
 12 the Secretary of Homeland Security shall provide the alien
 13 with notice of the penalties under this section and section
 14 275 on receipt of the application or petition, and again
 15 at the time of admission.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
 17 of the Immigration and Nationality Act is amended by in-
 18 serting after the item relating to section 274D the fol-
 19 lowing:

“274E. Visa overstays.”.

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