

116TH CONGRESS
1ST SESSION

H. R. 3775

To increase legal representation for certain aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2019

Mr. BROWN of Maryland (for himself, Mr. ESPAILLAT, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Ms. NORTON, Mr. RUSH, Mr. SOTO, and Mr. VARGAS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To increase legal representation for certain aliens, 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 “Equal Justice for Im-
5 migrants Act of 2019”.

6 **SEC. 2. VULNERABLE POPULATION DEFINED.**

7 In this Act, the term “vulnerable population” means,
8 with respect to an alien, that the alien—

9 (1) is an asylum seeker or victim of torture or
10 trafficking;

1 (2) has special religious, cultural, or spiritual
2 considerations;

3 (3) is pregnant or nursing;

4 (4) is younger than 21 years of age or older
5 than 60 years of age;

6 (5) identifies as gay, lesbian, bisexual, trans-
7 gender, or intersex;

8 (6) is a victim or witness of a crime;

9 (7) has a mental disorder or physical disability;

10 (8) is incapable of filling out forms in English;

11 or

12 (9) has been determined by an immigration
13 judge or the Secretary of Homeland Security to be
14 experiencing severe trauma or to be a survivor of
15 torture or gender-based violence, based on informa-
16 tion obtained during intake, from the individual's at-
17 torney or legal services provider, or through credible
18 self-reporting.

19 **TITLE I—AMENDMENTS TO THE**
20 **IMMIGRATION AND NATION-**
21 **ALITY ACT**

22 **SEC. 101. MIGRANT PROTECTION PROTOCOLS.**

23 (a) TREATMENT OF ALIENS ARRIVING FROM CON-
24 TIGUOUS TERRITORY.—Section 235(b)(2)(C) of the Immi-
25 gration and Nationality Act (8 U.S.C. 1225(b)(2)(C)) is

1 amended by inserting before the period at the end the fol-
 2 lowing: “with the affirmative consent of the alien”.

3 (b) INTERVIEW APPLICANTS.—In the case of an alien
 4 who is a member of a vulnerable population and applying
 5 for admission as a refugee under section 207 of the Immi-
 6 gration and Nationality Act, the Secretary of Homeland
 7 Security shall ensure that the number of interviews re-
 8 quired of such an alien is not overly burdensome.

9 (c) ASYLUM OFFICER DEFINED.—Section
 10 235(b)(1)(E) of the Immigration and Nationality Act (8
 11 U.S.C. 1225(b)(1)(E)) is amended—

12 (1) in clause (i), by striking “and” at the end;

13 (2) in clause (ii), by striking the period at the
 14 end and inserting the following: “, and”; and

15 (3) by adding at the end the following:

16 “(iii) is an employee of U.S. Citizen-
 17 ship and Immigration Services.”.

18 **TITLE II—IMMIGRATION** 19 **PROCEEDINGS**

20 **SEC. 201. IMMIGRATION JUDGE REQUIREMENTS.**

21 The Attorney General may not require an immigra-
 22 tion judge to adhere to a case production quota or any
 23 other time-based metric and may not evaluate the per-
 24 formance of an immigration judge using any such quota
 25 or time based metric.

1 **SEC. 202. REPRESENTATION.**

2 (a) RIGHT TO COUNSEL.—The Immigration and Na-
3 tionality Act (8 U.S.C. 1101 et seq.) is amended—

4 (1) in section 238(b)(4)(B), by striking “(at no
5 expense to the government)”;

6 (2) in section 240(b)(4)(A), by striking “, at no
7 expense to the Government,”; and

8 (3) by amending section 292 to read as follows:

9 “RIGHT TO COUNSEL

10 “SEC. 292.

11 “(a) IN GENERAL.—In any proceeding before an im-
12 migration judge and in any appeal proceeding before the
13 Attorney General from any such proceedings, the person
14 concerned, including an unaccompanied alien child or an
15 alien who is an individual with a disability (as such term
16 is defined in Section 7(20) of the Rehabilitation Act of
17 1973 (29 U.S.C. 705)), shall have the privilege of being
18 represented by such counsel, authorized to practice in such
19 proceedings, as the person shall choose.

20 “(b) INDIGENT ALIENS.—In the case of an indigent
21 alien, an immigration judge shall appoint, at the alien’s
22 request, counsel to represent the alien in any proceeding
23 described in subsection (a).”.

24 (b) ACCESS TO COUNSEL FOR UNACCOMPANIED
25 ALIEN CHILDREN.—Section 235(c)(5) of the William Wil-
26 berforce Trafficking Victims Protection Reauthorization

1 Act of 2008 (8 U.S.C. 1232(c)(5)) is amended by striking
 2 “to the greatest extent practicable and consistent with sec-
 3 tion 292 of the Immigration and Nationality Act (8 U.S.C.
 4 1362)”.

5 (c) COURT DATE.—Section 240(a) of the Immigra-
 6 tion and Nationality Act (8 U.S.C. 1229a(a)) is amended
 7 by adding at the end the following:

8 “(4) DEPORTATION.—An alien that is eligible
 9 for a removal proceeding under this Act may not be
 10 removed prior to the date of such proceeding.”.

11 **TITLE III—JUDICIAL REVIEW**

12 **SEC. 301. EXTENSION ON PETITION FOR REVIEW.**

13 Section 242(b) of the Immigration and Nationality
 14 Act (8 U.S.C. 1252(b)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “30 days” and inserting
 17 “60 days”; and

18 (B) by inserting before the period at the
 19 end the following: “, except that a court may
 20 extend the deadline for a period of not more
 21 than 30 days upon a showing of good cause or
 22 excusable neglect”; and

23 (2) in paragraph (3)(B)—

24 (A) by striking “does not” and inserting
 25 “shall”; and

1 (B) by striking “, unless the court orders
2 otherwise”.

3 **SEC. 302. NOTICE OF OPPORTUNITY TO APPEAL.**

4 (a) IN GENERAL.—Not later than 30 days after the
5 Board of Immigration Appeals affirms an order of removal
6 issued pursuant to section 240, the Attorney General shall
7 provide written notice of the right to appeal to the alien
8 (or, if personal service is not practicable, through service
9 by mail to the alien or to the alien’s counsel of record,
10 if any) specifying the deadline for seeking judicial review
11 under section 242 of the Immigration and Nationality Act
12 (8 U.S.C. 1252) and the appropriate court of appeals.

13 (b) REGULATIONS.—The Attorney General shall
14 amend such regulations as may be necessary to implement
15 subsection (a).

16 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
17 fect on the date that is 120 days after the date of enact-
18 ment of this Act.

19 **TITLE IV—MISCELLANEOUS**

20 **SEC. 401. VIDEO CONFERENCE TECHNOLOGY.**

21 Not later than 120 days after the date of enactment
22 of this Act, the Attorney General, acting through the Di-
23 rector of the Executive Office for Immigration Review,
24 shall submit to Congress a report on the effect of video
25 conference hearings on the outcome of such hearings.

1 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$726,200,000 for each of fiscal years 2020
4 through 2021.

