

2

AMENDMENT TO H.R. 2431
OFFERED BY MR. JOHANSON

Page 183, line 3, strike “by adding at the end” and inserting the following:

1 (1) by adding at the end

Page 183, line 11, strike the period at the end and insert a semicolon.

Page 183, insert after line 11 the following:

2 (2) in paragraph (4)—

3 (A) in subparagraph (A)—

4 (i) by striking “, at no expense to the
5 Government,”; and

6 (ii) by striking the comma at the end
7 and inserting a semicolon;

8 (B) by redesignating subparagraphs (B)
9 and (C) as subparagraphs (D) and (E) respec-
10 tively;

11 (C) by inserting after subparagraph (A)
12 the following:

13 —“(B) the Attorney General may appoint or
14 provide counsel, at Government expense, to
15 aliens in immigration proceedings;

1 “(C) the alien shall, at the beginning of
2 the proceedings or as expeditiously as possible,
3 automatically receive a complete copy of all rel-
4 evant documents in the possession of the De-
5 partment of Homeland Security, including all
6 documents (other than documents protected
7 from disclosure by privilege, including national
8 security information referred to in subpara-
9 graph (D), law enforcement sensitive informa-
10 tion, and information prohibited from disclosure
11 pursuant to any other provision of law) con-
12 tained in the file maintained by the Government
13 that includes information with respect to all
14 transactions involving the alien during the im-
15 migration process, and all documents pertaining
16 to the alien that the Department of Homeland
17 Security has obtained or received from other
18 government agencies, unless the alien waives
19 the right to receive such documents by exe-
20 cuting a knowing and voluntary written waiver
21 in a language that he or she understands flu-
22 ently;” and

23 (D) in subparagraph (D), as redesignated,
24 by striking “, and” and inserting “; and”; and

1 (3) by inserting after paragraph (8) (as added
2 by paragraph (1) of this section) the following:

3 “(9) FAILURE TO PROVIDE REQUIRED DOCU-
4 MENTS TO ALIEN.—In the absence of a waiver under
5 paragraph (4)(C), a removal proceeding may not
6 proceed until the alien has received the documents
7 as required under such paragraph; and has been
8 provided meaningful time to review and assess such
9 documents.”.

Add, at the end of the bill, the following (and con-
form the table of contents accordingly):

10 **SEC. 617. RIGHT TO COUNSEL.**

11 Section 292 of the Immigration and Nationality Act
12 (8 U.S.C. 1362) is amended—

13 (1) By striking “In any” and inserting “(a) IN
14 GENERAL.—In any proceeding conducted under any
15 section of this Act, including in any”;

16 (2) by striking “(at no expense to the Govern-
17 ment)”;

18 (3) by striking “he shall” and inserting “the
19 person shall”;

20 (4) by inserting after “choose.” the following:
21 “The Attorney General may appoint or provide
22 counsel to aliens in any proceeding conducted under
23 any section of this Act, including in any removal

1 proceedings before an immigration judge and in any
2 appeal proceedings before the Attorney General from
3 any such removal proceedings. The Secretary of
4 Homeland Security shall ensure that aliens have ac-
5 cess to counsel inside all immigration detention and
6 border facilities.”; and

7 (5) by adding at the end the following:

8 “(b) CHILDREN AND VULNERABLE ALIENS.—The
9 Attorney General shall appoint counsel, at the expense of
10 the Government if necessary, at the beginning of the pro-
11 ceedings or as expeditiously as possible, to represent in
12 such proceedings any alien who is detained in a facility
13 under the supervision of U.S. Immigration and Customs
14 Enforcement or of U.S. Customs and Border Protection
15 or who has been determined by the Secretary of Homeland
16 Security or the Attorney General to be—

17 “(1) a child (as defined in section 101(b)(1) of
18 this Act);

19 “(2) a particularly vulnerable individual, such
20 as—

21 “(A) a person with a disability (as such
22 term is defined in section 3 of the Americans
23 with Disabilities Act of 1990); or

24 “(B) a victim of abuse, torture, or violence;

25 or

1 “(3) an individual whose circumstances are
2 such that the appointment of counsel is necessary to
3 help ensure fair resolution and efficient adjudication
4 of the proceedings.”.

