

112TH CONGRESS  
1ST SESSION

# S. 1336

To prevent immigration fraud and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 7, 2011

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prevent immigration fraud 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 “Immigration Fraud  
5 Prevention Act of 2011”.

6 **SEC. 2. MISREPRESENTATION.**

7 (a) IN GENERAL.—Chapter 47 of title 18, United  
8 States Code, is amended by inserting at the end the fol-  
9 lowing:

10 **“§ 1041. Misrepresentation**

11 “Any person who knowingly and falsely represents  
12 that such person is, or holds himself or herself out as,

1 an attorney, an accredited representative, or any person  
 2 authorized to represent any other person before any court  
 3 or agency of the United States in any removal proceeding  
 4 or any other case or matter arising under the immigration  
 5 laws (as defined in section 101(a)(17) of the Immigration  
 6 and Nationality Act (8 U.S.C. 1101(a)(17))) shall be fined  
 7 under this title, imprisoned not more than 5 years, or  
 8 both.”.

9 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
 10 sections for chapter 47 of title 18, United States Code,  
 11 is amended by adding after the item relating to section  
 12 1040 the following:

“Sec. 1041. Misrepresentation.”.

13 **SEC. 3. IMMIGRATION SCHEMES TO DEFRAUD ALIENS.**

14 (a) IN GENERAL.—Chapter 63 of title 18, United  
 15 States Code, is amended by inserting at the end the fol-  
 16 lowing:

17 **“§ 1352. Immigration schemes to defraud aliens**

18 “Any person who, in connection with any matter aris-  
 19 ing under the immigration laws (as defined in section  
 20 101(a)(17) of the Immigration and Nationality Act (8  
 21 U.S.C. 1101(a)(17))) or any matter the offender claims  
 22 or represents to arise under such immigration laws, know-  
 23 ingly executes a scheme or artifice to—

24 “(1) defraud any person; or

1           “(2) obtain or receive money or anything else of  
2           value from any person by means of false or fraudu-  
3           lent pretenses, representations, or promises,  
4 shall be fined under this title, imprisoned not more than  
5 5 years, or both.”.

6           (b) TABLE OF SECTIONS AMENDMENT.—The table of  
7 sections for chapter 63 of title 18, United States Code,  
8 is amended by adding at the end the following:

“Sec. 1352. Immigration schemes to defraud aliens.”.

9 **SEC. 4. LISTS OF COUNSEL FOR ALIENS.**

10           Section 239(b)(2) of the Immigration and Nationality  
11 Act (8 U.S.C. 1229(b)(2)) is amended to read as follows:

12           “(2) CURRENT LISTS OF COUNSEL.—The Attor-  
13           ney General shall compile and update, not less fre-  
14           quently than quarterly, lists of persons who, during  
15           the most recent 12 months, have provided pro bono  
16           representation of aliens in proceedings under section  
17           240 that—

18                   “(A) include a description of who may rep-  
19                   resent the alien in the proceedings, including a  
20                   notice that immigration consultants, visa con-  
21                   sultants, and other unauthorized individuals  
22                   may not provide such representation; and

23                   “(B) shall be provided in accordance with  
24                   subsection (a)(1)(E) and otherwise made gen-  
25                   erally available.”.

1 **SEC. 5. LIMITATION ON REPRESENTATION.**

2 Section 239(b) of the Immigration and Nationality  
3 Act (8 U.S.C. 1229(b)) is amended—

4 (1) by redesignating paragraph (3) as para-  
5 graph (4); and

6 (2) by inserting after paragraph (2) the fol-  
7 lowing:

8 “(3) LIST OF PROHIBITIONS.—The Attorney  
9 General shall—

10 “(A) compile a list of specific individuals,  
11 organizations, and practices that the Attorney  
12 General has determined are prohibited in the  
13 provision of representation in immigration pro-  
14 ceedings, including individuals who have been  
15 convicted for a violation of section 1041 or  
16 1352 of title 18, United States Code;

17 “(B) update the list compiled pursuant to  
18 subparagraph (A) not less frequently than  
19 quarterly; and

20 “(C) make such list available to the gen-  
21 eral public.”.