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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. BROWN of Maryland introduced the following bill; which was referred to
the Committee on _____

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—

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

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

5 (3) is pregnant or nursing;

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

8 (5) identifies as gay, lesbian, bisexual,
9 transgender, or intersex;

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

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

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

13 or

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

1 **TITLE I—AMENDMENTS TO THE**
2 **IMMIGRATION AND NATION-**
3 **ALITY ACT**

4 **SEC. 101. MIGRANT PROTECTION PROTOCOLS.**

5 (a) TREATMENT OF ALIENS ARRIVING FROM CON-
6 TIGUOUS TERRITORY.—Section 235(b)(2)(C) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1225(b)(2)(C)) is
8 amended by inserting before the period at the end the fol-
9 lowing: “with the affirmative consent of the alien”.

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

16 (c) ASYLUM OFFICER DEFINED.—Section
17 235(b)(1)(E) of the Immigration and Nationality Act (8
18 U.S.C. 1225(b)(1)(E)) is amended—

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

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

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

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

1 **TITLE II—IMMIGRATION**
2 **PROCEEDINGS**

3 **SEC. 201. IMMIGRATION JUDGE REQUIREMENTS.**

4 The Attorney General may not require an immigra-
5 tion judge to adhere to a case production quota or any
6 other time-based metric and may not evaluate the per-
7 formance of an immigration judge using any such quota
8 or time based metric.

9 **SEC. 202. REPRESENTATION.**

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

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

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

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

17 “RIGHT TO COUNSEL

18 “SEC. 292.

19 “(a) **IN GENERAL.**—In any proceeding before an im-
20 migration judge and in any appeal proceeding before the
21 Attorney General from any such proceedings, the person
22 concerned, including an unaccompanied alien child or an
23 alien who is an individual with a disability (as such term
24 is defined in Section 7(20) of the Rehabilitation Act of
25 1973 (29 U.S.C. 705)), shall have the privilege of being

1 represented by such counsel, authorized to practice in such
2 proceedings, as the person shall choose.

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

7 (b) ACCESS TO COUNSEL FOR UNACCOMPANIED
8 ALIEN CHILDREN.—Section 235(c)(5) of the William Wil-
9 berforce Trafficking Victims Protection Reauthorization
10 Act of 2008 (8 U.S.C. 1232(c)(5)) is amended by striking
11 “to the greatest extent practicable and consistent with sec-
12 tion 292 of the Immigration and Nationality Act (8 U.S.C.
13 1362)”.

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

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

20 **TITLE III—JUDICIAL REVIEW**

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

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

24 (1) in paragraph (1)—

1 (A) by striking “30 days” and inserting
2 “60 days”; and

3 (B) by inserting before the period at the
4 end the following: “, except that a court may
5 extend the deadline for a period of not more
6 than 30 days upon a showing of good cause or
7 excusable neglect”; and

8 (2) in paragraph (3)(B)—

9 (A) by striking “does not” and inserting
10 “shall”; and

11 (B) by striking “, unless the court orders
12 otherwise”.

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

14 (a) **IN GENERAL.**—Not later than 30 days after the
15 Board of Immigration Appeals affirms an order of removal
16 issued pursuant to section 240, the Attorney General shall
17 provide written notice of the right to appeal to the alien
18 (or, if personal service is not practicable, through service
19 by mail to the alien or to the alien’s counsel of record,
20 if any) specifying the deadline for seeking judicial review
21 under section 242 of the Immigration and Nationality Act
22 (8 U.S.C. 1252) and the appropriate court of appeals.

23 (b) **REGULATIONS.**—The Attorney General shall
24 amend such regulations as may be necessary to implement
25 subsection (a).

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

4 **TITLE IV—MISCELLANEOUS**

5 **SEC. 401. VIDEO CONFERENCE TECHNOLOGY.**

6 Not later than 120 days after the date of enactment
7 of this Act, the Attorney General, acting through the Di-
8 rector of the Executive Office for Immigration Review,
9 shall submit to Congress a report on the effect of video
10 conference hearings on the outcome of such hearings.

11 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

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