

116TH CONGRESS
2D SESSION

H. R. 8225

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2020

Ms. MUCARSEL-POWELL (for herself and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, 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 “Fight Notario Fraud
5 Act of 2020”.

6 **SEC. 2. FRAUD PROHIBITED.**

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

1 **“§ 1041. Schemes to defraud persons in any matter**
2 **arising under immigration laws**

3 “(a) FRAUD.—Any person who knowingly executes a
4 scheme or artifice, in connection with any matter author-
5 ized by or arising under the immigration laws, or any mat-
6 ter that such person claims or represents is authorized by
7 or arises under the immigration laws to—

8 “(1) defraud any other person; or

9 “(2) obtain or receive money or anything else of
10 value from any other person by means of false or
11 fraudulent pretenses, representations, or promises,
12 shall be fined under this title, imprisoned not more than
13 1 year, or both.

14 “(b) MISREPRESENTATION.—Any person who know-
15 ingly makes a false representation that such person is an
16 attorney or an accredited representative (as such term is
17 defined under section 1292.1(a)(4) of title 8, Code of Fed-
18 eral Regulations (or any successor regulation)) in any
19 matter arising under the immigration laws shall be fined
20 under this title, imprisoned not more than 1 year, or both.

21 “(c) THREATS AND RETALIATION.—Any person who
22 violates subsection (a) and knowingly—

23 “(1) threatens to report another person to Fed-
24 eral authorities or State law enforcement authorities
25 working in conjunction with or pursuant to Federal
26 authority;

1 “(2) acts to adversely affect another person’s
2 immigration status, perceived immigration status, or
3 attempts to secure immigration status that—

4 “(A) impacts or results in the removal of
5 the person from the United States;

6 “(B) leads to the loss of immigration sta-
7 tus; or

8 “(C) causes the person seeking to apply for
9 an immigration benefit to lose an opportunity
10 to apply for such an immigration benefit that
11 would have provided immigration status and for
12 which a person was prima facie eligible; or

13 “(3) demands or retains money or anything else
14 of value for services fraudulently performed or not
15 performed or withholds or threatens to withhold
16 services promised to be performed,
17 shall be fined under this title, imprisoned not more than
18 1 year, or both.

19 “(d) GRAVITY OF OFFENSE.—

20 “(1) CUMULATIVE LOSS.—Any person who vio-
21 lates subsection (a), (b), or (c) such that the cumu-
22 lative loss to all victims exceeds \$10,000 may be im-
23 prisoned not more than 3 years, fined under this
24 title, or both.

1 “(2) RETALIATION.—Any person who violates
2 subsection (a) or (b) and causes the harm described
3 in subsection (c)(2) may be imprisoned not more
4 than 3 years, fined under this title, or both.

5 “(e) INFORMATION SHARING AND ENFORCEMENT.—

6 “(1) IN GENERAL.—The Immigrant and Em-
7 ployee Rights Section of the Civil Rights Division of
8 the Department of Justice—

9 “(A) shall have primary enforcement re-
10 sponsibility for this section and shall be con-
11 sulted prior to a United States Attorney initi-
12 ating an action under this section;

13 “(B) shall establish procedures to receive
14 and investigate complaints of fraudulent immi-
15 gration schemes from the public that are con-
16 sistent with the procedures for receiving and in-
17 vestigating complaints of unfair immigration-re-
18 lated employment practices; and

19 “(C) shall maintain and publish on the
20 internet, information aimed at protecting con-
21 sumers from fraudulent immigration schemes,
22 as well as a list of individuals who have been
23 convicted of unlawful conduct under this section
24 or have been found by a State or Federal agen-

1 cy to have unlawfully provided immigration
2 services.

3 “(2) SPECIAL UNITED STATES ATTORNEYS.—

4 The Attorney General shall establish no fewer than
5 15 Special United States Attorney positions in dis-
6 tricts the Attorney General determines, after ana-
7 lyzing data following each decennial census, to be
8 most affected by the fraud described in subsections
9 (a), (b), and (c).

10 “(3) RESTITUTION.—There shall be deposited
11 in the Crime Victims Fund established under section
12 1402 of the Victims of Crime Act of 1984 (34
13 U.S.C. 20101) any restitution ordered for an offense
14 under this section if the victim of such offense can-
15 not reasonably be located.

16 “(f) SEVERABILITY.—If any provision of this section,
17 or the application of such a provision to any person or
18 circumstance, is held to be unconstitutional, the remainder
19 of this section and the application of the remaining provi-
20 sions of this section to any person or circumstance shall
21 not be affected thereby.

22 “(g) IMMIGRATION LAWS.—In this section, the term
23 ‘immigration laws’ has the meaning given that term in sec-
24 tion 101(a)(17) of the Immigration and Nationality Act
25 (8 U.S.C. 1101(a)(17)).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 47 of title 18, United States Code, is amended
3 by adding at the end the following:

“1041. Schemes to defraud persons in any matter arising under immigration
laws.”.

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