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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fight Notario Fraud Act of 2020”.

SEC. 2. FRAUD PROHIBITED.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:
“§ 1041. Schemes to defraud persons in any matter arising under immigration laws

“(a) FRAUD.—Any person who knowingly executes a scheme or artifice, in connection with any matter authorized by or arising under the immigration laws, or any matter that such person claims or represents is authorized by or arises under the immigration laws to—

“(1) defraud any other person; or

“(2) obtain or receive money or anything else of value from any other person by means of false or fraudulent pretenses, representations, or promises,

shall be fined under this title, imprisoned not more than 1 year, or both.

“(b) MISREPRESENTATION.—Any person who knowingly makes a false representation that such person is an attorney or an accredited representative (as such term is defined under section 1292.1(a)(4) of title 8, Code of Federal Regulations (or any successor regulation)) in any matter arising under the immigration laws shall be fined under this title, imprisoned not more than 1 year, or both.

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

“(1) threatens to report another person to Federal authorities or State law enforcement authorities working in conjunction with or pursuant to Federal authority;
“(2) acts to adversely affect another person’s immigration status, perceived immigration status, or attempts to secure immigration status that—

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

“(B) leads to the loss of immigration status; or

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

“(3) demands or retains money or anything else of value for services fraudulently performed or not performed or withholds or threatens to withhold services promised to be performed,

shall be fined under this title, imprisoned not more than 1 year, or both.

“(d) GRAVITY OF OFFENSE.—

“(1) CUMULATIVE LOSS.—Any person who violates subsection (a), (b), or (c) such that the cumulative loss to all victims exceeds $10,000 may be imprisoned not more than 3 years, fined under this title, or both.
“(2) Retaliation.—Any person who violates subsection (a) or (b) and causes the harm described in subsection (c)(2) may be imprisoned not more than 3 years, fined under this title, or both.

“(e) Information Sharing and Enforcement.—

“(1) In general.—The Immigrant and Employee Rights Section of the Civil Rights Division of the Department of Justice—

“(A) shall have primary enforcement responsibility for this section and shall be consulted prior to a United States Attorney initiating an action under this section;

“(B) shall establish procedures to receive and investigate complaints of fraudulent immigration schemes from the public that are consistent with the procedures for receiving and investigating complaints of unfair immigration-related employment practices; and

“(C) shall maintain and publish on the internet, information aimed at protecting consumers from fraudulent immigration schemes, as well as a list of individuals who have been convicted of unlawful conduct under this section or have been found by a State or Federal agen-
cy to have unlawfully provided immigration services.

“(2) SPECIAL UNITED STATES ATTORNEYS.—
The Attorney General shall establish no fewer than 15 Special United States Attorney positions in districts the Attorney General determines, after analyzing data following each decennial census, to be most affected by the fraud described in subsections (a), (b), and (e).

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

“(f) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of this section and the application of the remaining provisions of this section to any person or circumstance shall not be affected thereby.

“(g) IMMIGRATION LAWS.—In this section, the term ‘immigration laws’ has the meaning given that term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).”.
(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

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