

1 “(2) SCOPE OF ASSISTANCE.—The Secretary of
2 Homeland Security shall—

3 “(A) provide the covered individual a
4 meaningful opportunity to consult (including
5 consultation via telephone) with counsel and an
6 interested party not later than one hour after
7 the secondary inspection process commences
8 and as necessary throughout the remainder of
9 the inspection process, including, as applicable,
10 during deferred inspection;

11 “(B) allow counsel and an interested party
12 to advocate on behalf of the covered individual,
13 including by providing to the examining immi-
14 gration officer information, documentation, and
15 other evidence in support of the covered indi-
16 vidual; and

17 “(C) to the greatest extent practicable, ac-
18 commodate a request by the covered individual
19 for counsel or an interested party to appear in-
20 person at the secondary or deferred inspection
21 site.

22 “(3) SPECIAL RULE FOR LAWFUL PERMANENT
23 RESIDENTS.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the Secretary of Homeland

1 Security may not accept a Form I-407 Record
2 of Abandonment of Lawful Permanent Resident
3 Status (or a successor form) from a lawful per-
4 manent resident subject to secondary or de-
5 ferred inspection without first providing such
6 lawful permanent resident a meaningful oppor-
7 tunity to seek advice from counsel.

8 “(B) EXCEPTION.—The Secretary of
9 Homeland Security may accept Form I-407
10 Record of Abandonment of Lawful Permanent
11 Resident Status (or a successor form) from a
12 lawful permanent resident subject to secondary
13 or deferred inspection if such lawful permanent
14 resident knowingly, intelligently, and voluntarily
15 waives, in writing, the opportunity to seek ad-
16 vice from counsel.

17 “(4) DEFINITIONS.—In this section:

18 “(A) COUNSEL.—The term ‘counsel’
19 means—

20 “(i) an attorney who is a member in
21 good standing of the bar of any State, the
22 District of Columbia, or a territory or a
23 possession of the United States and is not
24 under an order suspending, enjoining, re-

1 straining, disbarring, or otherwise restrict-
2 ing the attorney in the practice of law; or

3 “*(ii)* an individual accredited by the
4 Attorney General, acting as a representa-
5 tive of an organization recognized by the
6 Executive Office for Immigration Review,
7 to represent a covered individual in immi-
8 gration matters.

9 “(B) COVERED INDIVIDUAL.—The term
10 ‘covered individual’ means an individual subject
11 to secondary or deferred inspection who is—

12 “*(i)* a national of the United States;

13 “*(ii)* an immigrant, lawfully admitted
14 for permanent residence, who is returning
15 from a temporary visit abroad;

16 “*(iii)* an alien seeking admission as an
17 immigrant in possession of a valid unex-
18 pired immigrant visa;

19 “*(iv)* an alien seeking admission as a
20 nonimmigrant in possession of a valid un-
21 expired nonimmigrant visa;

22 “*(v)* a refugee;

23 “*(vi)* a returning asylee; or

24 “*(vii)* an alien who has been approved
25 for parole under section 212(d)(5)(A), in-

1 cluding an alien who is returning to the
2 United States in possession of a valid ad-
3 vance parole document.

4 “(C) INTERESTED PARTY.—The term ‘in-
5 terested party’ means—

6 “(i) a relative of the covered indi-
7 vidual;

8 “(ii) in the case of a covered indi-
9 vidual to whom an immigrant or a non-
10 immigrant visa has been issued, the peti-
11 tioner or sponsor thereof (including an
12 agent of such petitioner or sponsor); or

13 “(iii) a person, organization, or entity
14 in the United States with a bona fide con-
15 nection to the covered individual.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect 180 days after the date
18 of the enactment of this Act.

19 (c) SAVINGS PROVISION.—Nothing in this Act, or in
20 any amendment made by this Act, may be construed to
21 limit a right to counsel or any right to appointed counsel
22 under—

23 (1) section 240(b)(4)(A) (8 U.S.C.
24 1229a(b)(4)(A));

1 (2) section 292 of the Immigration and Nation-
2 ality Act (8 U.S.C. 1362); or
3 (3) any other provision of law, including any
4 final court order securing such rights,
5 as in effect on the day before the date of the enactment
6 of this Act.

Amend the title so as to read: “A bill to clarify the rights of certain persons who are held or detained at a port of entry or at any facility overseen by U.S. Customs and Border Protection.”.

