

115TH CONGRESS
2D SESSION

H. R. 6089

To require the Secretary of Homeland Security to impose e-bonding requirements on certain nonimmigrant visa applicants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2018

Mr. KING of Iowa (for himself and Mr. GOSAR) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To require the Secretary of Homeland Security to impose e-bonding requirements on certain nonimmigrant visa applicants, 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 “E-bonding for Immi-
5 gration Integrity Act of 2018”.

6 **SEC. 2. REQUIREMENT OF BOND.**

7 (a) BOND REQUIRED.—Prior to arriving at a port of
8 entry of the United States, an alien seeking admission to
9 the United States shall post a bond, in accordance with
10 subsection (d), in an amount determined by the Secretary

1 if such alien seeks admission to the United States as a
2 nonimmigrant in a category—

3 (1) described under subparagraph (B), (F),
4 (H)(i)(b), (H)(ii)(b), or (K) of section 101(a)(15) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(15)); or

7 (2) identified by the Secretary, in accordance
8 with section 3, to have a visa overstay rate that is
9 more than 1.5 percent.

10 (b) AMOUNT OF BOND.—Not later than 1 year after
11 the date of the enactment of this section, the Secretary
12 shall, by rule, establish the amount of the bond required
13 by subsection (a) for each visa category under subsection
14 (a)(1) and each visa category identified by the Secretary
15 under section 3, which amount shall—

16 (1) be not less than \$2,500 and not more than
17 \$10,000; and

18 (2) be determined based on the Secretary's as-
19 sessment of the level of risk of visa overstays for
20 that category.

21 (c) ADJUSTMENT OF AMOUNT OF BOND.—On an an-
22 nual basis, the Secretary shall review, and, as appropriate,
23 adjust the amounts of the bonds described in subsection
24 (b).

1 (d) PAYMENT OF BOND.—An alien required to post
2 the bond under subsection (a) shall post such bond—

3 (1) in electronic form; and

4 (2) with a bonding agent designated by the Sec-
5 retary as qualified to hold such bond.

6 (e) RELEASE OF BOND.—The Secretary shall author-
7 ize a bonding agent to release a bond—

8 (1) to an alien required to post such bond—

9 (A) after receiving a notification from the
10 United States embassy or consulate in the
11 alien’s country of origin that such alien de-
12 parted the United States and returned to such
13 country of origin; or

14 (B) if such alien changed or adjusted their
15 status to an immigration status not required to
16 post a bond under this section; and

17 (2) to the E-bond Enforcement Fund under
18 section 4 upon a determination by the Secretary that
19 an alien—

20 (A) overstayed their visa; or

21 (B) did not return to their country of ori-
22 gin following the termination of their visa.

23 (f) CHANGE OF STATUS.—An alien who has been ad-
24 mitted to the United States and who is required to post
25 a bond under subsection (a) may be required to post an

1 additional bond if such alien changes their status to that
2 of a nonimmigrant in a category required to pay a higher
3 bond under this section.

4 (g) COLLECTION OF RECORDS RELATING TO
5 BONDS.—The United States Embassy or United States
6 consular office in the alien’s country of origin shall collect
7 any records necessary to carry out this section.

8 (h) EFFECTIVE DATE.—This section shall take effect
9 on the date that is 120 calendar days after the enactment
10 of this Act.

11 **SEC. 3. VISA OVERSTAY RATE CATEGORIES.**

12 The Secretary shall identify—

13 (1) the visa overstay rate for each category of
14 nonimmigrant aliens described under section
15 101(a)(15) of the Immigration and Nationality Act
16 (8 U.S.C. 1101(a)(15)) in the previous year; and

17 (2) each category of nonimmigrant aliens de-
18 scribed under such section that had a visa overstay
19 rate in the previous year that was more than 1.5
20 percent.

21 **SEC. 4. E-BOND ENFORCEMENT FUND.**

22 (a) IN GENERAL.—There is established in the general
23 fund of the Treasury a separate account, which shall be
24 known as the “E-bond Enforcement Fund” (in this sub-
25 section referred to as the “Fund”).

1 (b) DEPOSITS.—There shall be deposited as offset-
2 ting receipts into the Fund all amounts released under
3 section 2(e)(2) of this Act.

4 (c) USE OF AMOUNTS.—Amounts deposited into the
5 Fund shall remain available until expended and shall be
6 refunded out of the Fund by the Secretary of the Treas-
7 ury, to the Secretary of Homeland Security to—

- 8 (1) ensure compliance with this Act; and
- 9 (2) administer enforcement programs.

10 **SEC. 5. REPORT.**

11 Not later than 120 days after the date of the enact-
12 ment of this Act, and each year thereafter, the Secretary
13 shall submit to the committees of appropriate jurisdiction
14 a report that includes—

15 (1) the visa overstay rate for each category of
16 nonimmigrant alien described under section
17 101(a)(15) of the Immigration and Nationality Act
18 (8 U.S.C. 1101(a)(15)) in the previous year;

19 (2) the categories that had a visa overstay rate
20 in the previous year that was more than 1.5 percent,
21 as determined by the Secretary in accordance with
22 section 3;

23 (3) the amounts of the bonds, as determined by
24 the Secretary in accordance with section 2;

1 (4) information relating to the Fund under sec-
2 tion 4; and

3 (5) any other information determined appro-
4 priate by the Secretary.

5 **SEC. 6. DEFINITIONS.**

6 In this Act:

7 (1) COMMITTEES OF APPROPRIATE JURISDIC-
8 TION.—The term “committees of appropriate juris-
9 diction” means—

10 (A) the Committee on the Judiciary of the
11 House of Representatives;

12 (B) the Committee on the Judiciary of the
13 Senate;

14 (C) the Committee on Homeland Security
15 of the House of Representatives; and

16 (D) the Committee on Homeland Security
17 and Governmental Affairs of the Senate.

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of Homeland Security, unless other-
20 wise provided.

21 (3) VISA OVERSTAY RATE.—The term “visa
22 overstay rate” means the ratio of, for each category
23 of nonimmigrant aliens described in section
24 101(a)(15) of the Immigration and Nationality Act
25 (8 U.S.C. 1101 (a)(15))—

1 (A) the number of aliens admitted to the
2 United States for each such category whose pe-
3 riod of authorized stays ended during a fiscal
4 year but who remained unlawfully in the United
5 States beyond such period; to

6 (B) the total number of aliens admitted to
7 the United States for each such category during
8 that fiscal year.

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