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To improve student and exchange visitor visa programs.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on ____________

A BILL

To improve student and exchange visitor visa programs.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Student Visa Integrity Act”.

SEC. 2. DEFINITIONS.

In this Act:

(2) SEVP.—The term “SEVP” means the Student and Exchange Visitor Program of the Department of Homeland Security.

SEC. 3. INCREASED CRIMINAL PENALTIES.

Section 1546(a) of title 18, United States Code, is amended by striking “10 years” and inserting “15 years (if the offense was committed by an owner, official, employee, or agent of an educational institution with respect to such institution’s participation in the Student and Exchange Visitor Program), 10 years”.

SEC. 4. ACCREDITATION REQUIREMENT.

Section 101(a)(52) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(52)) is amended to read as follows:

“(52) Except as provided in section 214(m)(4), the term ‘accredited college, university, or language training program’ means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.”.

SEC. 5. OTHER ACADEMIC INSTITUTIONS.

Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

“(3) The Secretary of Homeland Security shall require accreditation of an academic institution (except for
seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

“(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i); and

“(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation.

“(4) The Secretary of Homeland Security, in the Secretary’s discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an accredited college, university, or language training program if the academic institution—

“(A) is otherwise in compliance with the requirements of such section; and

“(B)(i) was, on the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a candidate for accreditation; or

“(ii) has been a candidate for accreditation after such date for at least 1 year and continues to progress toward accreditation by an accreditation agency recognized by the Secretary of Education.”.
SEC. 6. PENALTIES FOR FAILURE TO COMPLY WITH SEVIS REPORTING REQUIREMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(1) in subsection (c)(1)—

(A) by striking “institution,,” each place such term appears and inserting “institution,”;

and

(B) in subparagraph (D), by striking “and” at the end;

(2) in subsection (d)(2), by striking “fails to provide the specified information” and all that follows and inserting “does not comply with the reporting requirements set forth in this section, the Secretary of Homeland Security may—

“(A) impose a monetary fine on such institution in an amount to be determined by the Secretary; and

“(B) suspend the authority of such institution to issue a Form I–20 to any alien.”.

SEC. 7. VISA FRAUD.

(a) IMMEDIATE WITHDRAWAL OF SEVP CERTIFICATION.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.
1372(d)), as amended by section 6(2), is further amend-
ed—

(1) in paragraph (1)(A), by striking “institu-
tion,,” and inserting “institution,”; and

(2) by adding at the end the following:

“(3) Effect of reasonable suspicion of fraud.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a des-
ignated school official at, an approved institution of higher education, an other approved educational in-
stitution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, or if such owner or designated school official is indicted for such fraud, the Sec-
retary may immediately—

“(A) suspend such certification without prior notification; and

“(B) suspend such official’s or such school’s access to the Student and Exchange Visitor Information System (referred to in this subsection as ‘SEVIS’).”.

(b) Effect of conviction for visa fraud.—Sec-
tion 641(d) of the Illegal Immigration Reform and Immi-
grant Responsibility Act of 1996, as amended by this Act, is further amended by adding at the end the following:

“(4) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program (referred to in this subsection as ‘SEVP’)) shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role (including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution) in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).”.

SEC. 8. BACKGROUND CHECKS.

(a) IN GENERAL.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of
1996 (8 U.S.C. 1372(d)), as amended by this Act, is fur-
ther amended by adding at the end the following:

“(5) BACKGROUND CHECK REQUIREMENT.—

“(A) IN GENERAL.—An individual may not
serve as a designated school official or be grant-
ed access to SEVIS unless the individual is a
national of the United States or an alien law-
fully admitted for permanent residence and dur-
ing the most recent 3-year period—

“(i) the Secretary of Homeland Secu-

rity has—

“(I) conducted a thorough back-
ground check on the individual, in-
cluding—

“(aa) a review of the indi-

vidual’s criminal and sex offender
history; and

“(bb) the verification of the
individual’s immigration status;

and

“(II) determined that the indi-

vidual—

“(aa) has passed the back-
ground check required under sub-
clause (I);
“(bb) has not been convicted of any violation of United States immigration law; and

“(cc) is not a risk to the national security of the United States; and

“(ii) the individual has successfully completed an on-line training course on SEVP and SEVIS, which has been developed by the Secretary.

“(B) INTERIM DESIGNATED SCHOOL OFFICIAL.—

“(i) IN GENERAL.—An individual may serve as an interim designated school official during the period that the Secretary is conducting the background check required by subparagraph (A)(i)(I).

“(ii) REVIEWS BY THE SECRETARY.—If an individual serving as an interim designated school official under clause (i) does not successfully complete the background check required by subparagraph (A)(i)(I), the Secretary shall review each Form I–20 issued by such interim designated school official.
“(6) Fee.—The Secretary is authorized to collect a fee from an approved school for each background check conducted under paragraph (5)(A)(i). The amount of such fee shall be equal to the average amount expended by the Secretary to conduct such background checks.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 9. REVOCATION OF AUTHORITY TO ISSUE FORM I–20 OF FLIGHT SCHOOLS NOT CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION.

Immediately upon the enactment of this Act, the Secretary shall prohibit any flight school in the United States from accessing SEVIS or issuing a Form I–20 to an alien seeking a student visa pursuant to subparagraph (F)(i) or (M)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school has not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration pursuant to part 141 or part 142 of title 14, Code of Federal Regulations (or similar successor regulations).

SEC. 10. REVOCATION OF ACCREDITATION.

At the time an accrediting agency or association is required to notify the Secretary of Education and the ap-
propriate State licensing or authorizing agency of the final denial, withdrawal, suspension, or termination of accredi-
tation of an institution pursuant to section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b)—

(1) such accrediting agency or association shall notify the Secretary of Homeland Security of such determination; and

(2) the Secretary of Homeland Security shall immediately withdraw the school from the SEVP and prohibit the school from accessing SEVIS.

SEC. 11. REPORT ON RISK ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains the risk assessment strategy that will be employed by the Secretary to identify, investigate, and take appropriate action against schools and school officials that are facilitating the issuance of Form I-20 and the maintenance of student visa status in violation of the immigration laws of the United States.

SEC. 12. IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate
and the Committee on the Judiciary of the House of Representatives a report that describes—

(1) the process in place to identify and assess risks in the SEVP;

(2) a risk assessment process to allocate SEVP’s resources based on risk;

(3) the procedures in place for consistently ensuring a school’s eligibility, including consistently verifying in lieu of letters;

(4) how SEVP identified and addressed missing school case files;

(5) a plan to develop and implement a process to monitor State licensing and accreditation status of all SEVP-certified schools;

(6) whether all flight schools that have not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration have been removed from the program and have been restricted from accessing SEVIS;

(7) the standard operating procedures that govern coordination among SEVP, the Counterterrorism and Criminal Exploitation Unit, and U.S. Immigration and Customs Enforcement field offices; and
(8) the established criteria for referring cases of a potentially criminal nature from SEVP to the counterterrorism and intelligence community.

SEC. 13. IMPLEMENTATION OF SEVIS II.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the deployment of both phases of the second generation Student and Exchange Visitor Information System (commonly known as “SEVIS II”).