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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend section 292 of the Immigration and Nationality Act to require the Attorney General to appoint counsel for unaccompanied alien children and aliens with serious mental disabilities, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. JEFFRIES introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend section 292 of the Immigration and Nationality Act to require the Attorney General to appoint counsel for unaccompanied alien children and aliens with serious mental disabilities, 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—

5 (1) the “Vulnerable Immigrant Voice Act”; or

6 (2) the “VIVA Act”.

1 **SEC. 2. APPOINTMENT OF COUNSEL IN CERTAIN CASES.**

2 (a) APPOINTMENT OF COUNSEL FOR UNACCOM-  
3 PANIED ALIEN CHILDREN AND ALIENS WITH A SERIOUS  
4 MENTAL DISABILITY.—Section 292 of the Immigration  
5 and Nationality Act (8 U.S.C. 1362) is amended—

6 (1) by inserting “(a)” before “In any”;

7 (2) by striking “(at no expense to the Govern-  
8 ment)”;

9 (3) by striking “he shall” and inserting “the  
10 person shall”; and

11 (4) by adding at the end the following:

12 “(b) Except as provided in subsection (c), the Gov-  
13 ernment is not required to provide counsel to aliens under  
14 subsection (a).

15 “(c) Notwithstanding subsection (b), the Attorney  
16 General shall appoint counsel, at the expense of the Gov-  
17 ernment if necessary (to the extent provided in appropria-  
18 tions Acts), to represent an alien in a removal proceeding  
19 who—

20 “(1) has been determined by the Secretary to  
21 be an unaccompanied alien child (as defined in sec-  
22 tion 462 of the Homeland Security Act of 2002 (6  
23 U.S.C. 279(g))); or

24 “(2) is incompetent to represent himself or her-  
25 self due to a serious mental disability that would be

1 included in section 3(1) of the Americans with Dis-  
2 abilities Act of 1990 (42 U.S.C. 12102(1)).”.

3 (b) FUNDING.—There are authorized to be appro-  
4 priated such sums as may be necessary to carry out the  
5 amendments made by this section.