

## S 901

### FAIR Proceedings Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Immigration

**Introduced:** Mar 23, 2021

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Mar 23, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/901>

### Sponsor

**Name:** Sen. Gillibrand, Kirsten E. [D-NY]

**Party:** Democratic • **State:** NY • **Chamber:** Senate

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Mar 23, 2021
Sen. Booker, Cory A. [D-NJ]	D · NJ		Mar 23, 2021
Sen. Kaine, Tim [D-VA]	D · VA		Mar 23, 2021
Sen. Klobuchar, Amy [D-MN]	D · MN		Mar 23, 2021
Sen. Markey, Edward J. [D-MA]	D · MA		Mar 23, 2021
Sen. Merkley, Jeff [D-OR]	D · OR		Mar 23, 2021
Sen. Padilla, Alex [D-CA]	D · CA		Mar 23, 2021
Sen. Warren, Elizabeth [D-MA]	D · MA		Mar 23, 2021
Sen. Sanders, Bernard [I-VT]	I · VT		Mar 25, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Mar 23, 2021

### Subjects & Policy Tags

#### Policy Area:

Immigration

### Related Bills

Bill	Relationship	Last Action
117 HR 9685	Related bill	Dec 22, 2022: Referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, the Budget, Foreign Affairs, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
117 S 5353	Related bill	Dec 21, 2022: Read twice and referred to the Committee on the Judiciary.

## **Funding Attorneys for Indigent Removal Proceedings Act or the FAIR Proceedings Act**

This bill expands access to counsel for aliens in immigration proceedings and provides for protections related to such proceedings.

An alien shall have the privilege of being represented by counsel in any immigration proceeding, whereas currently this privilege is statutorily provided for only in removal proceedings.

Similarly, the Department of Justice (DOJ) may provide counsel at government expense to aliens in any immigration proceeding, whereas currently DOJ is statutorily authorized to provide counsel to aliens only in removal proceedings and at no expense to the government.

Under this bill, DOJ shall provide counsel to children and vulnerable individuals in such proceedings, at government expense if necessary. If DOJ fails to do so, certain limits on filing a motion to reopen removal proceedings (such as the time limit for filing) shall not apply, and the alien's removal shall be stayed upon the motion's filing.

The Department of Homeland Security (DHS) shall provide each alien, generally at the beginning of proceedings, a complete copy of the alien's case file in DHS possession, unless the alien waives this right in writing. Failure to provide such documents shall delay the alien's removal proceeding.

DHS shall facilitate for all detained aliens access to counsel and programs that inform such aliens of their immigration-related rights and obligations.

### **Actions Timeline**

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- **Mar 23, 2021:** Introduced in Senate
- **Mar 23, 2021:** Read twice and referred to the Committee on the Judiciary.