

Denial of Entry arrangements in G20 DoEEN member states

Under the 2017/2018 Implementation Plan, G20 countries are to complete a survey on their approaches to denial of entry and relevant legal frameworks. Following the Denial of Entry Experts Network (DoEEN) meeting in July 2016, the UK Co-chair circulated a questionnaire designed to gather basic information from member states on their denial of entry arrangements such as the legal basis to deny entry to corrupt foreign nationals and published guidance on denial of entry.

Compilation of member state questionnaire responses

Argentina	1
Australia	1
China	4
European Commission (Schengen area)	5
France	6
Germany	6
India	8
Indonesia	8
Japan	8
Italy	9
Republic of Korea	9
Mexico	10
Russia	11
Saudi Arabia	12
Spain	12
Turkey	13
United Kingdom	13
United States	14

1. Legal basis to deny entry to corrupt foreign nationals.
2. Published guidance on denial of entry.

Argentina

1. Legal basis to deny entry to corrupt foreign nationals.

Argentina has the power to refuse a visa application or deny entry foreign nationals only with a criminal conviction. All persons convicted – either in Argentina or abroad- for an offence deserving –under Argentina’s criminal law- a penalty of three years of prison or more, are denied entry to Argentina’s territory (section c) of article 29, law 25871). There is no impediment for entry if the conviction corresponds to an offence that is not punishable in Argentina.

Corruption as such is not mentioned, but given the three-year penalty threshold, corruption cases would normally be included pursuant to section c) of article 29, law 25871.

2. Published guidance on denial of entry.

N/A

Australia

1. Legal basis to deny entry to corrupt foreign nationals.

Character provisions

Australian migration legislation was amended to expand the type of conduct that could be considered for possible visa cancellation or refusal on character grounds.

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5345

These amendments provide the ability to refuse visas to persons reasonably suspected of engaging in crimes of serious international concern (while this term is not defined under statute it enables Australia to capture a broad range of corrupt conduct noting that the wording of corruption offences can vary across international jurisdictions). The discretion to refuse or cancel a visa on these grounds can be exercised whether or not a conviction is recorded. However, decisions based on allegations must still be supported by logical and credible material.

The character provisions also provide that associates, including family members of criminals or criminal enterprises, can have visas refused or cancelled. Trivial associations are insufficient to enliven these powers – we need to have material to indicate that the associate or family member has or was involved in, or supported, the suspected criminal conduct.

501 'character' grounds -

http://www.austlii.edu.au/au/legis/cth/consol_act/ma1958118/s501.html

General cancellation provisions

There are general cancellation provisions that allow the cancellation of visas for various reasons:

http://www.austlii.edu.au/au/legis/cth/consol_act/ma1958118/s116.html

Specifically in regards to corrupt officials, 116(1)(e) of the Migration Act provides that the Minister may cancel a visa if the Minister is satisfied that the presence of the visa holder in Australia is, or may be, or would or might be, a risk to the health, safety or good order of the Australian community, or a segment of it, or to the health or safety of an individual or individuals. This ground for cancellation applies where the risk of harm is to an individual, or a segment of the Australian community, as well as to the broader Australian public where there is a possibility that the person may (or might upon their arrival in Australia) be a risk to the health, safety or good order of an individual or community in Australia, as well as where there is demonstrated to be an actual risk of harm.

Foreign policy interests: The Minister for Foreign Affairs has the authority to make a determination that a visa should not be granted or should be cancelled where the applicant is a person whose presence in Australia is, or would be, contrary to Australia's foreign policy interests. When the Minister makes such a determination, the Minister for Immigration and Border Protection must not issue a visa or must cancel the visa, whichever is relevant.

2. Published guidance on denial of entry.

<http://www.border.gov.au/about/corporate/information/fact-sheets/79character>

<http://www.border.gov.au/visas/Documents/ministerial-direction-65.pdf>

Brazil

1. Legal basis to deny entry to corrupt foreign nationals.

Brazil has recently updated its migration legislation, by adopting Law No. 13,445 of 24 May 2017 (http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13445.htm), which establishes the cases in which Brazilian authorities can deny entry to foreigners.

Article 45 of the aforementioned law allows Brazil to deny entry to a person who acted in a manner contrary to the principles established within the Federal Constitution or "whose name has been included in a list of restrictions through a judicial order or a commitment made by Brazil in an international forum". It also establishes that Brazil can deny entry to foreign nationals who have been convicted or prosecuted in another country for a crime which is extraditable under Brazilian law. Furthermore, this law provides for the matters of deportation, expulsion and extradition.

Brazil is a signatory to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which entered into force in Brazil through the Decree 3.678 (11/30/2000). The Convention provides that bribery of a foreign public official shall be considered an extraditable offense under the laws of the Parties and the extradition treaties between them (art. 10).

2. Published guidance on denial of entry.

N/A. For general information see

<http://www.pf.gov.br/institucional/carta-de-servicos/imigracao>

Canada

1. Legal basis to deny entry to corrupt foreign nationals.

The primary legislation is the Immigration and Refugee Protection Act:

<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-1.html>

Canada has immigration tools that can be applied on a case-by-case basis to manage access to Canada.

All foreign nationals seeking to enter Canada must not be inadmissible under the *Immigration and Refugee Protection Act* (IRPA). While the IRPA does not have a specific inadmissibility for corrupt individuals, a foreign national may be ineligible to obtain a visa/electronic travel authorization, or to enter Canada for a number of reasons, including inadmissibility for: security, human or international rights violations, criminality, organized criminality, health,

financial, misrepresentation, non-compliance, and inadmissible family members. In particular, activities of corrupt oligarchs and government officials may be captured under the “serious criminality” and “criminality” provisions of the IRPA.

Also, the Minister of Immigration, Refugees and Citizenship Canada may use his “negative discretion” authority to declare that a foreign national may not become a temporary resident, on the basis of public policy concerns, for a period up to three years. Guidelines outlining the types of behaviours and activities that may lead the Minister to exercise this authority are available on IRCC’s website: <http://www.cic.gc.ca/english/department/laws-policy/g-nda.asp>. Note that the guidelines include foreign nationals from sanctioned countries or a foreign national who is a politically exposed foreign person listed in the regulations to the *Freezing Assets of Corrupt Foreign Officials Act*. A list of current regulations made under the *Freezing Assets of Corrupt Foreign Officials Act*, including lists of politically exposed foreign persons, can be found at:

<http://laws.justice.gc.ca/eng/acts/F-31.6/>

2. Published guidance on denial of entry.

Evaluating Inadmissibility:

<http://www.cic.gc.ca/english/resources/manuals/enf/enf02-eng.pdf>

Guidelines for the Negative Discretion Authority:

<http://www.cic.gc.ca/english/department/laws-policy/g-nda.asp>

Ministerial interventions (Foreign convictions and charges (section 2.6, page 74)) and Political crime (section 2.7, page 75):

<http://www.cic.gc.ca/english/resources/manuals/enf/enf24-eng.pdf>

China

1. Legal basis to deny entry to corrupt foreign nationals.

Article 21 and 25, Exit and Entry Administration Law of the People’s Republic of China. (<http://cs.mfa.gov.cn/zlbg/flfg/crjxg/t1054650.shtml>).

2. Published guidance on denial of entry.

No special guidance. But the official website of Ministry of Foreign Affairs has publicized related legal stipulations.

European Commission (Schengen area)

1. Legal basis to deny entry to corrupt foreign nationals.

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (*OJ L 77, 23.3.2016, p. 1*)

Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (*OJ L 381, 28.12.2006, p. 4*)

As stipulated in Article 6.1 (d) of the Schengen Borders Code, the entry to Schengen area of third-country nationals can be refused on the basis of an alert that has been issued in the Schengen Information System (SIS) for the purposes of refusing entry.

Conditions for issuing alerts on refusal of entry or stay of third-country nationals are enshrined in Article 24 of the SIS II Regulation. Refusal of entry alert to Schengen area can be issued based on a threat to public policy, public security or national security or on the basis that the third-country national has not complied with national regulations on the entry or residence of third-country nationals, which would normally include individuals who overstayed the allowed 90 days period in the Schengen area.

As regard refusal of entry alerts based on a threat to public security, policy or national security, these alerts can be issued for:

- Article 24.2 (a) a third-country national who has been convicted in a Member State of an offence carrying a penalty involving deprivation of liberty of at least one year;
- Article 24.2 (b) a third-country national in respect of whom there are serious grounds for believing that he has committed a serious criminal offence or in respect of whom there are clear indications of an intention to commit such an offence in the territory of a Member State.

It has to be noted that as provided for in paragraph 1 or Article 24 of the SIS II Regulation, such alert can be issued only the basis of the national alert which results from a decision taken by the competent administrative authorities and courts in accordance to the national law of a Member State.

Consequently, the refusal of entry alert to Schengen area on corrupt third-country national could in principal be issued if a person has been convicted in the EU Member State for criminal offences related to corruption (deprived of liberty at least one year) or the EU Member State has serious grounds to believe that a person will commit corruption related offences in the territory of a Member State. It will always however be based on a national decision by competent authority.

2. **Published guidance on denial of entry.**

N/A

France

1. **Legal basis to deny entry to corrupt foreign nationals.**

The EU has set up a common visa policy for short stays, i.e. stays up to three months, which is applied through the delivery of "Schengen visas" (see above "European Commission"). Long-stay visas remain under national competence. For long stays visas, the relevant set of rules are compiled under the "Code de l'entrée et du séjour des étrangers et du droit d'asile en France" (Code on aliens entry, stay and asylum).

2. **Published guidance on denial of entry.**

N/A. For information on legislation see French Code on aliens entry, stay and asylum:

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>

See EU Directorate General for Migration and Home Affairs website:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm

Germany

1. **Legal basis to deny entry to corrupt foreign nationals.**

The issuance of Schengen visas is governed by Regulation (EC) no. 810/2009 (Visa Code); the carrying out of border controls on persons entering Germany/the Schengen area is governed by Regulation (EU) no. 2016/399 (Schengen Borders Code). Entry may be denied to persons suspected of corruption for whom an alert has been issued in the SIS for the purposes of refusing entry (Article 6 (1) (d) Schengen Borders Code) or who are considered to be a threat to public policy, internal security, public health or international relations (Article 6 (1) (e) Schengen Borders Code).

In the Visa Code, the grounds for denying a visa application include alerts in the Schengen Information System (SIS) for the purpose of refusing entry (Article 21

(3) (c)) and threats to public policy, internal security, public health or the international relations of a Member States (Article 21 (3) (d)).

Allegations of corruption are not automatically considered a ground for refusing entry pursuant to Article 6 (1) (e) of the Schengen Borders Code or Article 21 (3) (d) of the Visa Code, especially if the alleged act was committed in a third state and there is no connection to Germany or to another Member State.

However, the visa or entry will be denied if an alert has been issued in the Schengen Information System for the purpose of refusing entry to the person concerned. The requirements for issuing such alerts are stipulated in Article 24 (1) and (2) of Regulation (EC) no. 1987/2006. Pursuant thereto, the presence of the third-country national in the territory of an EU Member State must pose a threat to the Member State's public policy or public security or its national security. The assessment as to whether these requirements are met must be made on a case-by-case basis.

If the requirements for refusing entry pursuant to Article 6 of the Schengen Borders Code are met, the person concerned may be refused entry at the border pursuant to section 15 (2) no. 2 of the German Residence Act (*Aufenthaltsgesetz*). The same applies in the event that the foreigner tries to enter without a visa (cf. section 15 (1) in conjunction with section 14 (1) no. 2 *Aufenthaltsgesetz*).

Applications for the issuance of a national visa may be denied if a ground for expulsion applies (section 5 (1) no. 2 in conjunction with section 54 *Aufenthaltsgesetz*) or – insofar as there is no entitlement to the granting of a visa – if the foreigner's residence would compromise or jeopardise the interests of the Federal Republic of Germany for any other reason (section 5 (1) no. 3 *Aufenthaltsgesetz*). Where third-country nationals are suspected of corruption, the visa may, in individual cases, be denied in accordance with *Aufenthaltsgesetz* section 54 (1) no. 1 (final sentence to a prison term or a term of youth custody of at least two years for offences committed intentionally, or order for placement in preventive detention); section 54 (2) no. 1 (final sentence to a prison term of at least one year for offences committed intentionally); or section 54 (2) no. 9 (breaches of legal provisions which are neither isolated nor minor).

2. Published guidance on denial of entry.

For information on the visa regulations, visit:

[http://www.auswaertiges-
amt.de/DE/EinreiseUndAufenthalt/Visabestimmungen_node.html](http://www.auswaertiges-
amt.de/DE/EinreiseUndAufenthalt/Visabestimmungen_node.html)

For information on entry and residence, visit:

[http://www.bmi.bund.de/EN/Topics/Migration-Integration/Law-
Foreigners/entry-residence/entry-residence_node.html](http://www.bmi.bund.de/EN/Topics/Migration-Integration/Law-
Foreigners/entry-residence/entry-residence_node.html)

India

1. Legal basis to deny entry to corrupt foreign nationals.

The foreigners Act, 1946

<http://mha1.nic.in/pdfs/The%20Foreigners%20Act,%201946.pdf>

2. Published guidance on denial of entry.

Document detailing the procedure for placing the names of foreign nationals in the negative list is a classified document and is not placed in the public domain.

Indonesia

1. Legal basis to deny entry to corrupt foreign nationals.

The main legal basis or legislations that regulate denial of entry mechanism in Indonesia are Law Number 6 Year 2011 concerning Immigration and Government Regulation Number 31 Year 2013 concerning the Implementation of Law Number 6 Year 2011.

2. Published guidance on denial of entry.

The legislation that regulates denial of entry mechanism (Law Number 6 Year 2011 concerning Immigration and Government Regulation Number 31 Year 2013 concerning the Implementation of Law Number 6 Year 2013) are accessible for public on <http://www.imigrasi.go.id/index.php/en/policies/law>

Japan

1. Legal basis to deny entry to corrupt foreign nationals.

The main primary legislation concerning the regulation of entry into and stay in Japan is the Immigration Control and Refugee Recognition Act (Immigration Act). Article 5 of the Immigration Act sets out general grounds for denial of entry of foreign nationals to Japan including public security and public health. Corrupt officials or those who corrupt them do not fall under Article 5 but those have been sentenced to imprisonment with or without work for 1 year or more, or to equivalent penalty in relation to corrupt offences will be denied entry to Japan.

(Immigration Act)

Article 5 (1) Any foreign national who falls under any of the following items shall be denied permission to land in Japan.

(iv) A person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and has been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty. However, this shall not apply to those convicted of a political offense.

(Please refer to the URL below for Article 5 of Immigration Act.

<http://www.immi-moj.go.jp/english/hourei/index.html>).

2. **Published guidance on denial of entry.**

<http://www.immi-moj.go.jp/english/tetuduki/kanri/kyohi.html>

Italy

1. **Legal basis to deny entry to corrupt foreign nationals.**

Both the [Visa Code](#) (art. 21) and the [Schengen Borders Code](#) (art. 5) include a legal basis to deny the entry to undesirable individuals.

In both legal acts there are two possibilities for the denial of entry:

- The applicant is a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry.
- The individual is considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States.

2. **Published guidance on denial of entry.**

N/A

Republic of Korea

1. **Legal basis to deny entry to corrupt foreign nationals**

The main primary legislation concerning the regulation of entry into, stay in, and depart from the Republic of Korea is the **Immigration Control Act**.

The purpose of this Act is to provide for matters concerning safe border controls through the immigration control of all nationals and foreigners who enter or depart from the Republic of Korea, control over the sojourn of foreigners who stay in the Republic of Korea, and procedures, etc. for the recognition of refugees.

Article 11(1) of this Act, provides grounds for refusal. Corrupt individuals may be prohibited from entering the Republic of Korea if they fall under following categories:

1. A person deemed highly likely to commit any act detrimental to the interests of the Republic of Korea or public safety (subparagraph 3);
2. A person deemed highly likely to commit any act detrimental to the economic or social order or the good morals (subparagraph 4);
3. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order (subparagraph 6);
4. A person comparable to any of those under subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice (subparagraph 8)

Article 11(2) provides another notable ground for refusal: “If the home country of a foreigner who intends to enter the Republic of Korea refuses the entry of a national of the Republic of Korea for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such foreigner for the same reason.”

Enforcement Decree of the Immigration Control Act sets out the procedure of request for and revocation of entry prohibition and data management of prohibited persons etc.

The abovementioned Act and Decree as well as Enforcement Rule are available on our **National Law Information Centre** website (<http://www.law.go.kr/eng/engMain.do>). (Note: Act and Decree are available in both Korean and English, while Rule is only available in Korean)

2. Published guidance on denial of entry.

N/A. For legislation see <http://www.law.go.kr/eng/engMain.do>

Mexico

1. Legal basis to deny entry to corrupt foreign nationals.

Migration Act and Regulations

<http://www.diputados.gob.mx/LeyesBiblio/ref/Imigra.htm>

Furthermore, according to the section IX of the article 82 of the Regulation of the Organic Law of the Attorney General’s Office, the General Direction of International Police Affairs and INTERPOL has among its functions to coordinate actions with the National Institute of Migration to achieve, in the internal

migration filters or migrant stations, the location and detection of persons on whom cooperation was requested through the INTERPOL, or that have any pending judicial or ministerial order from the national authority.

This includes the search and location of persons for the commission of offenses associated with transnational organized crime and other offenses, including corruption.

Additionally, INTERPOL has among its tools, a system of notifications, which are made public with specific purposes. These are classified by the following colour system:

- Red Notification: Sought persons
- Blue notification: Persons of interest regarding an offense
- Yellow Notification: Disappeared persons
- Green Notification: Notice and police information on dangerous criminals
- Black Notification: Non-identified bodies
- Orange Notification: Dangerous materials, criminal acts or facts that pose a possible threat for the public safety.
- Purple Notification: Objects, devices or hiding places used by criminals.
- INTERPOL Special Notification and the United Nations Security Council: Persons or entities subject to sanctions imposed by the Security Council.

By means of these notifications, INTERPOL Mexico cooperates internationally in the search and location of fugitives and their international extradition.

2. Published guidance on denial of entry.

The Migration Act provides in general that if a foreigner has a criminal record outside of Mexico, their entry to the country will be refused.

<http://www.diputados.gob.mx/LeyesBiblio/ref/Imigra.htm>

Russia

1. Legal basis to deny entry to corrupt foreign nationals.

Articles 25.10, 26, 27, 28 of the Federal Law №114-FZ «On the procedure for Exit from the Russian Federation and Entry into the Russian Federation» of August 15, 1996;

Decree of the Government of the Russian Federation №199 «On approval of the procedure for adopting a decision on the undesirability of a foreign citizen`s or stateless person`s stay (residence) in the Russian Federation and a list of the federal executive bodies authorized to make such decisions» of April 7, 2003;

Decree of the Government of the Russian Federation №12 «On procedure for adopting a decision on the denial of entry into the Russian Federation in respect of a foreign citizen or stateless person» of January 14, 2015.

2. Published guidance on denial of entry.

N/A

Saudi Arabia

1. Legal basis to deny entry to corrupt foreign nationals.

Saudi Residency Law

<http://www.gdp.gov.sa/sites/pgd/ar-SA/TravelDocuments/IqamSystem/Pages/default.aspx>

2. Published guidance on denial of entry.

N/A

Spain

1. Legal basis to deny entry to corrupt foreign nationals.

Non-Spanish nationals

- The Aliens Act 2000. This has been amended over the years.

Non-EU nationals and Family members of EU nationals from non-Member States

- Schengen Borders Code

It is necessary to differentiate between denial of entry (at border crossing points) and an entry ban.

2. Published guidance on denial of entry

N/A . Included in the legislation above mentioned

Turkey

1. Legal basis to deny entry to corrupt foreign nationals.

Foreigners' entry into, stay in and exit from Turkey, and the extent of the protection provided to the foreigners demanding protection from Turkey shall be determined with the Law No. 6458 on Foreigners and International Protection.

Article 7 of the Law No. 6458 regulates the "Foreigners who shall be refused to enter into Turkey" and the Article 9 regulates the "Entry ban to Turkey".

It has been regulated in the Article 7 of the Law that foreigners, who do not hold a passport, a travel document, a visa or, a residence or a work permit or, such documents or permits has been obtained deceptively or, such documents or permits are false and whose passport or travel document expires sixty days prior to the expiry date of the visa, visa exemption or the residence permit, shall be refused to enter into Turkey.

Article 9 of the Law authorises that Directorate General of Migration Management, when necessary and upon consultation with relevant public institutions and organizations, may impose entry ban against foreigners whose entry into Turkey is objectionable for public order, public security or public health reasons. The duration of the ban shall be for five years. However, in cases where there is a serious public order or public security threat, this period may be extended for a maximum of an additional ten years by the Directorate General.

2. Published guidance on denial of entry.

http://www.goc.gov.tr/icerik/law-on-foreigners-and-international-protection-lfip_913_975

United Kingdom

1. Legal basis to deny entry to corrupt foreign nationals.

Non-European Economic Area (non-EEA) nationals

The main primary legislation concerning the regulation of entry into and stay in the UK is the [Immigration Act 1971](#). This has been amended over the years.

The UK's [Immigration Rules](#) set out the practice to be followed in the administration of the Immigration Acts for regulating entry into or stay in the UK. These include the requirements a person must meet if applying to come to the UK in a particular migration route, for example as a visitor, a student, to take employment or to join family. Part 9 of the Immigration Rules additionally sets out the "general grounds for refusal", which apply more broadly to various categories of migrant.

If it is considered conducive to the public good to prevent a person from entering the UK, an entry clearance officer can decide to refuse a visa or a Border Force Officer can refuse entry in accordance with paragraph 320(19) of the [Immigration Rules](#). They may consider it undesirable to let a person enter the UK based for example on that individual's conduct, character or associations.

In some cases a Secretary of State, normally the Home Secretary, can personally instruct that a non-EEA national be excluded from the UK, if that person's exclusion from the UK is considered conducive to the public good. This is a non-statutory power that is personally held by the Secretary of State.

Where the Secretary of State has personally decided that a person's exclusion from the United Kingdom is conducive to the public good, it is required, under paragraph 320(6) of the [Immigration Rules](#), to refuse the person an entry clearance (visa) or leave to enter the UK.

European Economic Area (EEA) nationals

The relevant legislation in EEA cases is the [Immigration \(EEA\) Regulations 2006 \(as amended\)](#)

An EEA national or the family member of an EEA national can be refused admission to the UK on grounds of public policy, public security or public health. In the case of a corrupt individual refusal would most likely be on public policy grounds.

If a case is considered particularly serious the Secretary of State can make an exclusion order against an EEA national or their family member on the grounds of public policy, public security or public health.

An EEA national has a right of appeal against a decision to make an exclusion order against them, but this right of appeal can generally only be exercised outside of the UK.

2. Published guidance on denial of entry.

Visit www.GOV.UK for information on the [General grounds for refusal](#)

United States

1. Legal basis to deny entry to corrupt foreign nationals.

Immigration and Nationality Act (INA) section 212(f):

<https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-2006.html>

Presidential Proclamation 7750:

<https://www.gpo.gov/fdsys/pkg/FR-2004-01-14/pdf/04-957.pdf>

Section 7031(c) of the 2017 Consolidated Appropriations Act:

<https://www.congress.gov/bill/114th-congress/senate-bill/3117/text>

Global Magnitsky Human Rights Accountability Act:

<https://www.congress.gov/bill/114th-congress/senate-bill/2943/text>

The Immigration and Nationality Act (INA), Title II, Chapter 2, Section 212(f), 8 USC 1182(f), permits the President of the United States to “suspend entry” or impose restrictions on travel by aliens to the U.S. by proclamation:

[W]henever the President finds that the entry of an aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or non-immigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Pursuant to the Presidential authority provided by INA section 212(f), in 2004 President George W. Bush issued Presidential Proclamation 7750, which suspends the entry into the United States, as immigrants or non-immigrants:

(a) Public officials or former public officials whose solicitation or acceptance of any article of monetary value, or other benefit, in exchange for any act or omission in the performance of their public functions has or had serious adverse effects on the national interests of the United States.

(b) Persons whose provision of or offer to provide any article of monetary value or other benefit to any public official in exchange for any act or omission in the performance of such official’s public functions has or had serious adverse effects on the national interests of the United States.

(c) Public officials or former public officials whose misappropriation of public funds or interference with the judicial, electoral, or other public processes has or had serious adverse effects on the national interests of the United States.

(d) The spouses, children, and dependent household members of persons described in paragraphs (a), (b), and (c) above, who are beneficiaries of any articles of monetary value or other benefits obtained by such persons.

Sec. 2. Section 1 of this proclamation shall not apply with respect to any person otherwise covered by section 1 where entry of the person into the United States would not be contrary to the interests of the United States.

Sec. 3. Persons covered by sections 1 and 2 of this proclamation shall be identified by the Secretary of State or the Secretary’s designee, in his or her sole discretion, pursuant to such standards and procedures as the Secretary may establish.

Sec. 4. For purposes of this proclamation, “serious adverse effects on the national interests of the United States” means serious adverse effects on the international economic activity of U.S. businesses, U.S. foreign assistance goals, the security of

the United States against transnational crime and terrorism, or the stability of democratic institutions and nations.

Sec. 5. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 6. The Secretary of State shall have responsibility for implementing this proclamation pursuant to such procedures as the Secretary may, in the Secretary's discretion, establish.

Sec. 7. This proclamation is effective immediately.

Sec. 8. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

FY 2017 Consolidated Appropriations Act, section 7031(c):

<https://www.congress.gov/bill/115th-congress/house-bill/244/text>

The 2017 version of this law, which has been enacted in some form since 2008, provides that:

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS -

(1)(A) INELIGIBILITY - Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States. (B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa..

(1) EXCEPTION - Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfil its obligations under the United Nations Headquarters Agreement: Provided, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(2) WAIVER - The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(3) REPORT - Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committee on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months

pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(4) POSTING OF REPORT - Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State Web site.

(5) CLARIFICATION - For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

Global Magnitsky Human Rights Accountability Act:

<https://www.congress.gov/bill/114th-congress/senate-bill/2943/text>

The President may impose visa sanctions on foreign person the President determines is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, a corrupt activity.

The sanctions are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

In addition to the four primary corruption-related authorities described above, certain other country specific or conduct specific authorities may bar the entry of corrupt actors.

2. Published guidance on denial of entry.

See URLs linking to specific legal authorities in legislation section above.