

U.S. VISA SANCTIONS UNDER SECTION 7031(C)

Under a recurring provision in annual U.S. appropriations laws, the U.S. government (USG) has a sanctions authority – often referred to as [Section 7031\(c\)](#) – to impose visa restrictions against foreign officials involved in “significant corruption” or “a gross violation of human rights” anywhere in the world.¹

These visa restrictions are in some ways more limited in scope and impact than the Global Magnitsky sanctions program. They do not impose an asset freeze or block financial transactions, they set slightly more restrictive standards for sanctionable abuse or corruption, are sometimes imposed confidentially, and directly cover only government officials. On the other hand, the State Department can use Section 7031(c) sanctions independently of other agencies, the sanctions can be used against the immediate family members of perpetrators, and there is no time limit within which the sanctionable offenses must have occurred. Additionally, the U.S. government is generally required, not just allowed, to impose these sanctions when presented with sufficient evidence of sanctionable acts.

History

In the 2008 annual appropriations law, Congress established a new visa restriction [authority](#) directing the State Department to restrict entry of foreign officials engaged in corruption related to natural resources. Since then, successive appropriations laws have contained (often at Section 7031(c)) more expansive versions of this authority. In 2012, the authority grew to cover foreign officials involved in “significant corruption” in relation to any type of public or private assets. Since 2014, the authority has also covered involvement in “a gross violation of human rights.” Additionally, since 2015, Section 7031(c) has permitted the State Department to name sanctioned individuals publicly, a rare feature among U.S. visa restriction authorities.²

Legal Criteria

Human Rights Abuses

These sanctions can be imposed on current or former officials of any foreign government who have been “directly or indirectly” involved in a “gross violation of human rights,” as well as their immediate family members.³

The similar term “gross violations of internationally recognized human rights,” which appears to be the standard the State Department applies through this program, is defined elsewhere in U.S. law to include:

¹ Most recently, [Section 7031\(c\) of the Consolidated Appropriations Act, 2023](#).

² See Congressional Research Service, “FY2020 Foreign Operations Appropriations: Targeting Foreign Corruption and Human Rights Violations,” [April 17, 2020](#).

³ Sec. 7031(c)(1). U.S. government practice suggests that “immediate family members” includes only a sanctioned person’s spouse or children. Such family members can be sanctioned regardless of their own conduct.

- “torture or cruel, inhuman, or degrading treatment or punishment”; “prolonged detention without charges and trial”; enforced disappearances; and “other flagrant denial of the right to life, liberty, or the security of person.”⁴

In practice, this is a more restrictive standard than the one the Global Magnitsky program and many other programs use (“serious human rights abuse”), in part because the U.S. government [generally interprets](#) “human rights violation” to refer only to acts committed by government officials acting in their official capacity and on their national territory.

Recent versions of Section 7031(c) also emphasize that the wrongful detention of locally employed staff of a U.S. diplomatic mission, or of a U.S. citizen or national, may qualify as a sanctionable violation.

Corruption

These visa restrictions can be imposed on officials of any foreign government who have been “directly or indirectly” involved in “significant corruption,” as well as their immediate family members.⁵

- “Significant corruption” is not further defined, but U.S. practice suggests the corruption must involve an improper exchange or provision of a benefit involving government actors or entities.
- The “significant” qualifier indicates a higher threshold than the corruption standard under Global Magnitsky, and likely excludes smaller corrupt schemes.
- “Corruption related to the extraction of natural resources” is listed as an illustrative example.

Timing Requirements

For either human rights abuse or corruption, Section 7031(c) sanctions can be imposed for acts that occurred longer ago than the five-year recency timeframe that the Treasury Department generally requires. These sanctions have been [imposed](#) for acts as many as 39 years before the sanctions.

Modes of Liability

A government official can only be sanctioned if they “have been involved, directly or indirectly,” in the violation or corruption. The statute does not define what it means to be “involved,” although past practice has shown those who directly commit the offenses, as well as those connected through a theory of command responsibility, have been found to qualify.

Process and Implementation

Penalties: These sanctions impose visa restrictions, such that designated persons generally cannot obtain or keep a U.S. visa. They do not include an asset freeze or other financial penalties.

Implementing agencies: The State Department implements these visa restrictions. By law, these measures are not discretionary; the USG *must* ban the entry of those who meet the above criteria, though there are many exceptions. The Secretary of State can waive restrictions if there is “a compelling national interest,” or if circumstances causing the ban “have changed sufficiently.”⁶ Persons whose entry

⁴ 22 U.S.C. § 2340(d)(1).

⁵ Sec. 7031(c)(1). As noted in footnote 3, this term includes a sanctioned person’s spouse or children, who can be sanctioned regardless of their own conduct.

⁶ Sec. 7031(c)(3).

“would further important U.S. law enforcement objectives” may also be exempt.⁷ It is not clear what procedures the State Department has in place to ensure the timely review of potential visitors under these standards.

Publicity: Unlike most visa sanctions, the U.S. government can—but does not have to—publicly identify individuals it designates under Section 7031(c).

Congressional oversight and involvement: The State Department is required to report to Congress all visa restrictions imposed, publicly or confidentially, as well as any exceptions used or waivers issued. It posts the public designations in periodic [reports](#) and submits the other information in classified reports. The Section 7031(c) authority only applies to a single fiscal year and would expire if Congress does not renew it.

NGO consultation: The State Department welcomes recommendations from civil society groups for this program, which can be submitted in tandem with sanctions recommendations for consideration under Treasury-led programs like Global Magnitsky. An NGO or other party may be able to trigger a mandatory review by submitting credible information about an alleged perpetrator, e.g., in advance of their traveling to the United States.

Patterns of Past Use⁸

As of December 12, 2023, 496 individuals from 60 countries have been publicly designated under Section 7031(c). Of this total, 312 persons have been designated in connection with corruption, 177 for human rights abuses, and 7 for both. The State Department has not disclosed how many individuals it has designated confidentially.

U.S. practice suggests that it prioritizes targeting similar acts under this program as under Global Magnitsky. Human rights abuses often targeted include violent acts (e.g., extrajudicial killing, torture and other cruel, inhuman or degrading treatment, enforced disappearances) and arbitrary imprisonment, while corrupt acts frequently targeted include bribery and misappropriation of state assets.

Perpetrators: The USG has publicly designated 270 perpetrators for their own sanctionable acts, and 226 additional individuals who are immediate family members of the perpetrators.

Region: Designations have targeted actors in nearly all regions, with the greatest number in Eastern Europe and Latin America.

Pace and timing: The USG did not issue its first public designation under this program until 2018. Since then, the number of annual public designations has ranged from 77 to 104.

Examples

Human Rights Abuse

Cuba: In 2019, [Raul Castro](#), First Secretary of the Central Committee of the Cuban Communist Party, Interior Minister [Julio Cesar Gandarilla Bermejo](#), and [Leopoldo Cintra Frias](#), Minister of Cuba’s Revolutionary Armed Forces, were designated for their support to the Maduro regime in Venezuela and involvement in gross human rights violations there, including torture and cruel, inhuman, or degrading

⁷ Sec. 7031(c)(2).

⁸ The State Department has [sometimes](#) imposed Section 7031(c) sanctions against individuals who are also being sanctioned under Global Magnitsky.

treatment. Castro and Gandarilla Bermejo were also designated for their involvement in arbitrary arrests and detentions in Cuba, including of political prisoners. Eight family members were also sanctioned.

China: In December 2022, the USG publicly designated [Zhang Hongbo](#), the director of the Tibetan Public Security Bureau, for his involvement in gross violations of human rights, namely arbitrary detention of Tibetans. In his role, Zhang worked to advance the People's Republic of China's goals and policies in the Tibetan Autonomous Region. This designation highlights that Section 7031(c) covers arbitrary detention as well as more violent abuses.

Sri Lanka: The USG in 2020 sanctioned [Shavendra Silva](#), then-Commander of the Sri Lanka Army and Acting Chief of Defense Staff, for his involvement in 2009 in extrajudicial killings committed by the 58th Division of the Sri Lanka Army during the final phase of Sri Lanka's civil war. These sanctions reached conduct much further in the past (11 years at the time) than Treasury Department sanctions usually reach.

Corruption

Panama: In January 2023, the USG designated former President of Panama, [Ricardo Alberto Martinelli Berrocal](#), for his involvement in significant corruption. Martinelli accepted bribes in exchange for improperly awarding government contracts during his tenure. This designation highlights that the USG can use Section 7031(c) for acts of government officials at the most senior levels.

Moldova: [Vladimir Plahotniuc](#), former Moldovan official and oligarch, was designated in 2020 for his involvement in "corrupt acts that undermined the rule of law and severely compromised the independence of democratic institutions in Moldova." Three family members were also sanctioned. This State Department action took place nearly three years before the Treasury Department placed financial [sanctions](#) on Plahotniuc on similar grounds.

Serbia: In January 2023, the USG designated former Serbian National Assembly Representatives [Verica Radeta and Petar Jojić](#) for their involvement in significant corruption. Radeta and Jojić were designated for bribing and intimidating witnesses scheduled to appear before the UN's war crimes tribunal for the former Yugoslavia. The sanctionable acts appear to have taken place [at least nine years](#) before the designation.

Ukraine: In December 2022, the State Department sanctioned [Pavlo Vovk](#), a senior Ukrainian judge, for "soliciting bribes in return for interfering in judicial and other public processes." Within days, the Ukrainian legislature [passed](#) long-stalled legislation to reform the notorious court that Vovk chaired.