

117TH CONGRESS 1ST SESSION H.R. 2022

To require asylum officers at United States embassies and consulates to conduct credible fear screenings before aliens seeking asylum may be permitted to enter the United States to apply for asylum, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 18, 2021

Mr. Hern (for himself and Mr. Cole) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require asylum officers at United States embassies and consulates to conduct credible fear screenings before aliens seeking asylum may be permitted to enter the United States to apply for asylum, 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 the "Asylum Abuse Reduc-
- 5 tion Act".

1 SEC. 2. ASYLUM INTERVIEWS.

2	(a) Border Crossings.—Notwithstanding section
3	235(b)(1) of the Immigration and Nationality Act (8
4	U.S.C. 1225(b)(1)), if an alien who is seeking asylum in
5	the United States attempts to enter the United States
6	from Canada or Mexico at a land port of entry without
7	a valid visa or other appropriate entry document, the im-
8	migration officer who is inspecting the alien—
9	(1) may not admit or parole the alien into the
10	United States; and
11	(2) shall advise the alien to schedule an asylum
12	hearing with the most convenient United States em-
13	bassy or consulate in Canada or Mexico.
14	(b) Credible Fear Screenings.—An alien de-
15	scribed in subsection (a) may only be permitted to enter
16	the United States to apply for asylum if an asylum officer
17	stationed at a United States embassy or consulate—
18	(1) has conducted an in-person or telephonic
19	interview with the alien; and
20	(2) as a result of such interview, has concluded
21	that the alien—
22	(A)(i) has been persecuted in the alien's
23	country of nationality on account of the alien's
24	race, religion, nationality, membership in a par-
25	ticular social group, or political opinion;

1	(ii) has a credible fear of persecution (as
2	defined in section 235(b)(1)(B) of the Immigra-
3	tion and Nationality Act (8 U.S.C.
4	1225(b)(1)(B)) if the alien returned to such
5	country; or
6	(iii) would be subject to torture by a gov-
7	ernment or public official acting under the color
8	of law if the alien returned to his or her coun-
9	try of nationality; and
10	(B) is otherwise eligible for asylum under
11	section 208(a) of that Act (8 U.S.C. 1158(a)).
12	SEC. 3. ASYLUM INELIGIBILITY.
13	Section 208(a)(2) of the Immigration and Nationality
14	Act (8 U.S.C. 1158(a)(2)) is amended by adding at the
15	end the following:
16	"(F) Transit through third coun-
17	TRY.—
18	"(i) In general.—Except as pro-
19	vided in clause (ii), paragraph (1) shall not
20	apply to any alien who, on or after the
21	date of the enactment of this subpara-
22	graph, enters, attempts to enter, or arrives
23	in the United States through the Southern
24	land border after transiting through, on
25	the way to the United States, one or more

1	countries other than the country of citizen-
2	ship, nationality, or last lawful habitual
3	residence of the alien.
4	"(ii) Exceptions.—Clause (i) shall
5	not apply if—
6	"(I)(aa) the alien demonstrates
7	that he or she applied for protection
8	from persecution or torture in one or
9	more countries (other than the coun-
10	try of citizenship, nationality, or last
11	lawful habitual residence of the alien)
12	through which the alien transited on
13	the way to the United States; and
14	"(bb) the alien received a final
15	judgment denying the alien protection
16	in such country;
17	"(II) the alien demonstrates that
18	he or she is or has been subject to a
19	severe form of trafficking in persons;
20	or
21	"(III) the one or more countries
22	through which the alien transited on
23	the way to the United States were
24	not, at the time of the transit, parties
25	to—

"(aa) the Convention Relat-1 2 ing to the Status of Refugees, 3 done at Geneva July 28, 1951 4 (as made applicable by the Protocol Relating to the Status of 6 Refugees, done at New York 7 January 31, 1967 (19)UST 8 6223)); or "(bb) 9 the Convention 10 against Torture and Other Cruel, 11 Inhuman or Degrading Treat-12 ment or Punishment, done at 13 New York December 10, 1984. 14 "(G) Internal relocation.—Paragraph 15 (1) shall not apply to an alien interviewed by an 16 asylum officer under section 2(b) of the Asylum 17 Abuse Reduction Act if the asylum officer 18 makes a determination that the alien may avoid 19 purported persecution or torture in the alien's 20 country of nationality by relocating to another 21 part of such country.". 22 SEC. 4. CRIMINAL BENCH WARRANTS. 23 (a) Issuance.—Each Federal judicial district shall appoint at least 1 magistrate or district court judge who, upon a showing of probable cause, shall issue a warrant

- 1 of arrest for a violation of section 243(a)(1) of the Immi-
- 2 gration and Nationality Act (8 U.S.C. 1253(a)(1)).
- 3 (b) Probable Cause.—An order of removal issued
- 4 under any provision of the Immigration and Nationality
- 5 Act (8 U.S.C. 1101 et seq.) that has been in existence
- 6 90 days or more shall constitute prima facie evidence of
- 7 probable cause to issue a warrant under subsection (a).
- 8 SEC. 5. INAPPLICABILITY OF FLORES SETTLEMENT AGREE-
- 9 MENT TO ALIENS SUBJECT TO DETENTION.
- The stipulated settlement agreement filed in the
- 11 United States District Court for the Central District of
- 12 California on January 17, 1997 (CV 85–4544–RJK)
- 13 (commonly known as the "Flores settlement agreement"),
- 14 shall not apply to the detention and custody of aliens sub-
- 15 ject to detention in the United States under the Immigra-
- 16 tion and Nationality Act (8 U.S.C. 1101 et seq.).

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