

117TH CONGRESS
1ST SESSION

H. R. 1901

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

Mr. BIGGS (for himself, Mr. JORDAN, Mr. McCLINTOCK, Ms. HERRELL, Mr. BUDD, Mr. DUNCAN, Mr. HICE of Georgia, Mr. GAETZ, Mr. ALLEN, Mr. BABIN, Mr. ROY, Mr. CLOUD, Mrs. MILLER of Illinois, Mr. ARRINGTON, Mr. ROSENDALE, Mr. NORMAN, Mrs. BOEBERT, Mr. PERRY, Mr. GOODEN of Texas, Mr. GOOD of Virginia, Mr. TIFFANY, Mr. STEUBE, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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

A BILL

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stopping Border Surges Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—UNACCOMPANIED ALIEN CHILDREN

Sec. 101. Repatriation of unaccompanied alien children.

Sec. 102. Clarification of standards for family detention.

Sec. 103. Special immigrant juvenile status for immigrants unable to reunite
 with either parent.

TITLE II—ASYLUM REFORM

Sec. 201. Credible fear interviews.

Sec. 202. Jurisdiction of asylum applications.

Sec. 203. Recording expedited removal and credible fear interviews.

Sec. 204. Safe third country.

Sec. 205. Renunciation of asylum status pursuant to return to home country.

Sec. 206. Notice concerning frivolous asylum applications.

Sec. 207. Anti-fraud investigative work product.

Sec. 208. Clarification of asylum eligibility.

Sec. 209. Application timing.

Sec. 210. Clarification of burden of proof.

Sec. 211. Additional exception.

Sec. 212. Clarification regarding employment eligibility.

Sec. 213. Penalties for asylum fraud.

Sec. 214. Statute of limitations for asylum fraud.

Sec. 215. Technical amendments.

3 **TITLE I—UNACCOMPANIED** 4 **ALIEN CHILDREN**

5 **SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-** 6 **DREN.**

7 (a) IN GENERAL.—Section 235 of the William Wil-
 8 berforce Trafficking Victims Protection Reauthorization
 9 Act of 2008 (8 U.S.C. 1232) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) by amending the heading to read
 13 as follows: “RULES FOR UNACCOMPANIED
 14 ALIEN CHILDREN.—”;

1 (ii) in subparagraph (A)—

2 (I) in the matter preceding clause
3 (i), by striking “who is a national or
4 habitual resident of a country that is
5 contiguous with the United States”;

6 (II) in clause (i), by inserting
7 “and” at the end;

8 (III) in clause (ii), by striking “;
9 and” and inserting a period; and

10 (IV) by striking clause (iii);

11 (iii) in subparagraph (B)—

12 (I) in the matter preceding clause
13 (i), by striking “(8 U.S.C. 1101 et
14 seq.) may—” and inserting “(8
15 U.S.C. 1101 et seq.)—”;

16 (II) in clause (i), by inserting be-
17 fore “permit such child to withdraw”
18 the following: “may”; and

19 (III) in clause (ii), by inserting
20 before “return such child” the fol-
21 lowing: “shall”; and

22 (iv) in subparagraph (C)—

23 (I) by amending the heading to
24 read as follows: “AGREEMENTS WITH
25 FOREIGN COUNTRIES.—”; and

1 (II) in the matter preceding
2 clause (i), by striking “The Secretary
3 of State shall negotiate agreements
4 between the United States and coun-
5 tries contiguous to the United States”
6 and inserting “The Secretary of State
7 may negotiate agreements between the
8 United States and any foreign country
9 that the Secretary determines appro-
10 priate”;

11 (B) by redesignating paragraphs (3)
12 through (5) as paragraphs (4) through (6), re-
13 spectively, and inserting after paragraph (2) the
14 following:

15 “(3) SPECIAL RULES FOR INTERVIEWING UNAC-
16 COMPANIED ALIEN CHILDREN.—An unaccompanied
17 alien child shall be interviewed by an immigration
18 officer with specialized training in interviewing child
19 trafficking victims.”; and

20 (C) in paragraph (6)(D) (as so redesign-
21 ated)—

22 (i) in the matter preceding clause (i),
23 by striking “, except for an unaccompanied
24 alien child from a contiguous country sub-
25 ject to exceptions under subsection (a)(2),”

1 and inserting “who does not meet the cri-
2 teria listed in paragraph (2)(A)”;

3 (ii) in clause (i), by inserting before
4 the semicolon at the end the following: “,
5 which shall include a hearing before an im-
6 migration judge not later than 14 days
7 after being screened under paragraph (4)”;

8 (2) in subsection (b)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 before the semicolon the following: “be-
12 lieved not to meet the criteria listed in sub-
13 section (a)(2)(A)”;

14 (ii) in subparagraph (B), by inserting
15 before the period the following: “and does
16 not meet the criteria listed in subsection
17 (a)(2)(A)”;

18 (B) in paragraph (3), by striking “an un-
19 accompanied alien child in custody shall” and
20 all that follows, and inserting the following: “an
21 unaccompanied alien child in custody—

22 “(A) in the case of a child who does not
23 meet the criteria listed in subsection (a)(2)(A),
24 shall transfer the custody of such child to the
25 Secretary of Health and Human Services not

1 later than 30 days after determining that such
2 child is an unaccompanied alien child who does
3 not meet such criteria; or

4 “(B) in the case of child who meets the
5 criteria listed in subsection (a)(2)(A), may
6 transfer the custody of such child to the Sec-
7 retary of Health and Human Services after de-
8 termining that such child is an unaccompanied
9 alien child who meets such criteria.”; and

10 (3) in subsection (c)—

11 (A) in paragraph (3), by inserting at the
12 end the following:

13 “(D) INFORMATION ABOUT INDIVIDUALS
14 WITH WHOM CHILDREN ARE PLACED.—

15 “(i) INFORMATION TO BE PROVIDED
16 TO HOMELAND SECURITY.—Before placing
17 a child with an individual, the Secretary of
18 Health and Human Services shall provide
19 to the Secretary of Homeland Security, re-
20 garding the individual with whom the child
21 will be placed, the following information:

22 “(I) The name of the individual.

23 “(II) The social security number
24 of the individual, if available.

1 “(III) The date of birth of the in-
2 dividual.

3 “(IV) The location of the individ-
4 ual’s residence where the child will be
5 placed.

6 “(V) The immigration status of
7 the individual, if known.

8 “(VI) Contact information for
9 the individual.

10 “(ii) SPECIAL RULE.—In the case of a
11 child who was apprehended on or after the
12 effective date of this clause, and before the
13 date of the enactment of this subpara-
14 graph, who the Secretary of Health and
15 Human Services placed with an individual,
16 the Secretary shall provide the information
17 listed in clause (i) to the Secretary of
18 Homeland Security not later than 90 days
19 after such date of enactment.”; and

20 (B) in paragraph (5)—

21 (i) by inserting after “to the greatest
22 extent practicable” the following: “(at no
23 expense to the Government)”; and

1 (ii) by striking “have counsel to rep-
2 resent them” and inserting “have access to
3 counsel to represent them”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to any unaccompanied alien child
6 apprehended on or after the date of enactment.

7 **SEC. 102. CLARIFICATION OF STANDARDS FOR FAMILY DE-**
8 **TENTION.**

9 (a) IN GENERAL.—Section 235 of the William Wil-
10 berforce Trafficking Victims Protection Reauthorization
11 Act of 2008 (8 U.S.C. 1232) is amended by adding at
12 the end the following:

13 “(j) CONSTRUCTION.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, judicial determination, consent de-
16 cree, or settlement agreement, the detention of any
17 alien child who is not an unaccompanied alien child
18 shall be governed by sections 217, 235, 236, and
19 241 of the Immigration and Nationality Act (8
20 U.S.C. 1187, 1225, 1226, and 1231). There is no
21 presumption that an alien child who is not an unac-
22 companied alien child should not be detained, and all
23 such determinations shall be in the discretion of the
24 Secretary of Homeland Security.

1 “(2) RELEASE OF MINORS OTHER THAN UNAC-
2 COMPANIED ALIENS.—In no circumstances shall an
3 alien minor who is not an unaccompanied alien child
4 be released by the Secretary of Homeland Security
5 other than to a parent or legal guardian, who is law-
6 fully present in the United States.

7 “(3) FAMILY DETENTION.—The Secretary of
8 Homeland Security shall—

9 “(A) maintain the care and custody of an
10 alien, during the period during which the
11 charges described in clause (i) are pending,
12 who—

13 “(i) is charged only with a mis-
14 demeanor offense under section 275(a) of
15 the Immigration and Nationality Act (8
16 U.S.C. 1325(a)); and

17 “(ii) entered the United States with
18 the alien’s child who has not attained 18
19 years of age; and

20 “(B) detain the alien with the alien’s
21 child.”.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the amendments in this section to section 235
24 of the William Wilberforce Trafficking Victims Protection
25 Reauthorization Act of 2008 (8 U.S.C. 1232) are intended

1 to satisfy the requirements of the Settlement Agreement
2 in *Flores v. Meese*, No. 85–4544 (C.D. Cal) as approved
3 by the court on January 28, 1997, with respect to its in-
4 terpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864
5 (C.D. Cal. 2015), that the agreement applies to accom-
6 panied minors.

7 (c) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect on the date of the enact-
9 ment of this Act and shall apply to all actions that occur
10 before, on, or after the date of the enactment of this Act.

11 (d) PREEMPTION OF STATE LICENSING REQUIRE-
12 MENTS.—Notwithstanding any other provision of law, ju-
13 dicial determination, consent decree, or settlement agree-
14 ment, no State may require that an immigration detention
15 facility used to detain children who have not attained 18
16 years of age, or families consisting of one or more of such
17 children and the parents or legal guardians of such chil-
18 dren, that is located in that State, be licensed by the State
19 or any political subdivision thereof.

20 **SEC. 103. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**
21 **MIGRANTS UNABLE TO REUNITE WITH EI-**
22 **THER PARENT.**

23 Section 101(a)(27)(J) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

1 (1) in clause (i), by striking “, and whose reuni-
 2 fication with 1 or both of the immigrant’s parents
 3 is not viable due to abuse, neglect, abandonment, or
 4 a similar basis found under State law”; and

5 (2) in clause (iii)—

6 (A) by striking “and” at the end of sub-
 7 clause (I);

8 (B) by inserting “and” at the end of sub-
 9 clause (II); and

10 (C) by adding at the end the following:

11 “(III) an alien may not be grant-
 12 ed special immigrant juvenile status
 13 under this subparagraph if his or her
 14 reunification with any one parent or
 15 legal guardian is not precluded by
 16 abuse, neglect, abandonment, or any
 17 similar cause under State law;”.

18 **TITLE II—ASYLUM REFORM**

19 **SEC. 201. CREDIBLE FEAR INTERVIEWS.**

20 Section 235(b)(1)(B)(v) of the Immigration and Na-
 21 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
 22 striking “claim” and all that follows, and inserting “claim,
 23 as determined pursuant to section 208(b)(1)(B)(iii), and
 24 such other facts as are known to the officer, that the alien
 25 could establish eligibility for asylum under section 208,

1 and it is more probable than not that the statements made
2 by, and on behalf of, the alien in support of the alien's
3 claim are true.".

4 **SEC. 202. JURISDICTION OF ASYLUM APPLICATIONS.**

5 Section 208(b)(3) of the Immigration and Nationality
6 Act (8 U.S.C. 1158) is amended by striking subparagraph
7 (C).

8 **SEC. 203. RECORDING EXPEDITED REMOVAL AND CRED-**
9 **IBLE FEAR INTERVIEWS.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-
11 rity shall establish quality assurance procedures and take
12 steps to effectively ensure that questions by employees of
13 the Department of Homeland Security exercising expe-
14 dited removal authority under section 235(b) of the Immi-
15 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
16 in a uniform manner, to the extent possible, and that both
17 these questions and the answers provided in response to
18 them are recorded in a uniform fashion.

19 (b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The
20 Secretary of Homeland Security shall provide a checklist
21 of standard questions and concepts to be addressed in all
22 interviews under section 235(b) to immigration officers ex-
23 ercising decision-making authority in such interviews.
24 Such checklists shall be routinely updated to include rel-
25 evant changes to law and procedures and shall, at a min-

1 imum, require that all immigration officers utilizing such
2 checklists provide concise justifications of their decision
3 regardless of whether credible fear was or was not estab-
4 lished.

5 (c) FACTORS RELATING TO SWORN STATEMENTS.—

6 Where practicable, any sworn or signed written statement
7 taken of an alien as part of the record of a proceeding
8 under section 235(b)(1)(A) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
10 panied by a recording of the interview which served as the
11 basis for that sworn statement.

12 (d) INTERPRETERS.—The Secretary shall ensure that
13 a competent interpreter, not affiliated with the govern-
14 ment of the country from which the alien may claim asy-
15 lum, is used when the interviewing officer does not speak
16 a language understood by the alien.

17 (e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—

18 There shall be an audio or audio visual recording of inter-
19 views of aliens subject to expedited removal. The recording
20 shall be included in the record of proceeding and shall be
21 considered as evidence in any further proceedings involv-
22 ing the alien.

23 (f) NO PRIVATE RIGHT OF ACTION.—Nothing in this

24 section shall be construed to create any right, benefit,
25 trust, or responsibility, whether substantive or procedural,

1 enforceable in law or equity by a party against the United
2 States, its departments, agencies, instrumentalities, enti-
3 ties, officers, employees, or agents, or any person, nor does
4 this section create any right of review in any administra-
5 tive, judicial, or other proceeding.

6 **SEC. 204. SAFE THIRD COUNTRY.**

7 Section 208(a)(2)(A) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

9 (1) by striking “if the Attorney General deter-
10 mines” and inserting “if the Attorney General or the
11 Secretary of Homeland Security determines—”;

12 (2) by striking “that the alien may be removed”
13 and inserting:

14 “(i) that the alien may be removed”;

15 (3) by striking “removed, pursuant to a bilat-
16 eral or multilateral agreement, to” and inserting
17 “removed to”;

18 (4) by inserting “, on a case by case basis,” be-
19 fore “finds that”;

20 (5) by striking the period at the end and insert-
21 ing “; or”; and

22 (6) by adding at the end the following:

23 “(ii) that the alien entered, attempted to enter,
24 or arrived in the United States after transiting
25 through at least one country outside the alien’s

1 country of citizenship, nationality, or last lawful ha-
2 bitual residence en route to the United States, un-
3 less—

4 “(I) the alien demonstrates that he or she
5 applied for protection from persecution or tor-
6 ture in at least one country outside the alien’s
7 country of citizenship, nationality, or last lawful
8 habitual residence through which the alien
9 transited en route to the United States, and the
10 alien received a final judgement denying the
11 alien protection in each country;

12 “(II) the alien demonstrates that he or she
13 was a victim of a severe form of trafficking in
14 which a commercial sex act was induced by
15 force, fraud, or coercion, or in which the person
16 induced to perform such act was under the age
17 of 18 years; or in which the trafficking included
18 the recruitment, harboring, transportation, pro-
19 vision, or obtaining of a person for labor or
20 services through the use of force, fraud, or coer-
21 cion for the purpose of subjection to involuntary
22 servitude, peonage, debt bondage, or slavery,
23 and was unable to apply for protection from
24 persecution in all countries that alien transited

en route to the United States as a result of
such severe form of trafficking; or

“(III) the only countries through which the
alien transited en route to the United States
were, at the time of the transit, not parties to
the 1951 United Nations Convention relating to
the Status of Refugees, the 1967 Protocol Re-
lating to the Status of Refugees, or the United
Nations Convention against Torture and Other
Cruel, Inhuman or Degrading Treatment or
Punishment.”.

**SEC. 205. RENUNCIATION OF ASYLUM STATUS PURSUANT
TO RETURN TO HOME COUNTRY.**

(a) IN GENERAL.—Section 208(c) of the Immigration
and Nationality Act (8 U.S.C. 1158(c)) is amended by
adding at the end the following new paragraph:

“(4) RENUNCIATION OF STATUS PURSUANT TO
RETURN TO HOME COUNTRY.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), any alien who is granted
asylum status under this Act, who, absent
changed country conditions, subsequently re-
turns to the country of such alien’s nationality
or, in the case of an alien having no nationality,
returns to any country in which such alien last

1 habitually resided, and who applied for such
 2 status because of persecution or a well-founded
 3 fear of persecution in that country on account
 4 of race, religion, nationality, membership in a
 5 particular social group, or political opinion,
 6 shall have his or her status terminated.

7 “(B) WAIVER.—The Secretary has discre-
 8 tion to waive subparagraph (A) if it is estab-
 9 lished to the satisfaction of the Secretary that
 10 the alien had a compelling reason for the re-
 11 turn. The waiver may be sought prior to depar-
 12 ture from the United States or upon return.”.

13 (b) CONFORMING AMENDMENT.—Section 208(c)(3)
 14 of the Immigration and Nationality Act (8 U.S.C.
 15 1158(c)(3)) is amended by inserting after “paragraph
 16 (2)” the following: “or (4)”.

17 **SEC. 206. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
 18 **PLICATIONS.**

19 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
 20 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
 21 amended—

22 (1) in the matter preceding subparagraph (A),
 23 by inserting “the Secretary of Homeland Security
 24 or” before “the Attorney General”;

1 (2) in subparagraph (A), by striking “and of
2 the consequences, under paragraph (6), of knowingly
3 filing a frivolous application for asylum; and” and
4 inserting a semicolon;

5 (3) in subparagraph (B), by striking the period
6 and inserting “; and”; and

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

8 “(C) ensure that a written warning ap-
9 pears on the asylum application advising the
10 alien of the consequences of filing a frivolous
11 application and serving as notice to the alien of
12 the consequence of filing a frivolous applica-
13 tion.”.

14 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1158(d)(6)) is amended by striking “If the” and all that
17 follows and inserting:

18 “(A) If the Secretary of Homeland Secu-
19 rity or the Attorney General determines that an
20 alien has knowingly made a frivolous applica-
21 tion for asylum and the alien has received the
22 notice under paragraph (4)(C), the alien shall
23 be permanently ineligible for any benefits under
24 this chapter, effective as the date of the final
25 determination of such an application.

1 “(B) An application is frivolous if the Sec-
2 retary of Homeland Security or the Attorney
3 General determines, consistent with subpara-
4 graph (C), that—

5 “(i) it is so insufficient in substance
6 that it is clear that the applicant know-
7 ingly filed the application solely or in part
8 to delay removal from the United States,
9 to seek employment authorization as an
10 applicant for asylum pursuant to regula-
11 tions issued pursuant to paragraph (2), or
12 to seek issuance of a Notice to Appear in
13 order to pursue Cancellation of Removal
14 under section 240A(b); or

15 “(ii) any of the material elements are
16 knowingly fabricated.

17 “(C) In determining that an application is
18 frivolous, the Secretary or the Attorney Gen-
19 eral, must be satisfied that the applicant, dur-
20 ing the course of the proceedings, has had suffi-
21 cient opportunity to clarify any discrepancies or
22 implausible aspects of the claim.

23 “(D) For purposes of this section, a find-
24 ing that an alien filed a frivolous asylum appli-
25 cation shall not preclude the alien from seeking

1 withholding of removal under section 241(b)(3)
2 or protection pursuant to the Convention
3 Against Torture.”.

4 **SEC. 207. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.**

5 (a) ASYLUM CREDIBILITY DETERMINATIONS.—Sec-
6 tion 208(b)(1)(B)(iii) of the Immigration and Nationality
7 Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting
8 after “all relevant factors” the following: “, including
9 statements made to, and investigative reports prepared by,
10 immigration authorities and other government officials”.

11 (b) RELIEF FOR REMOVAL CREDIBILITY DETER-
12 MINATIONS.—Section 240(c)(4)(C) of the Immigration
13 and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended
14 by inserting after “all relevant factors” the following: “,
15 including statements made to, and investigative reports
16 prepared by, immigration authorities and other govern-
17 ment officials”.

18 **SEC. 208. CLARIFICATION OF ASYLUM ELIGIBILITY.**

19 (a) IN GENERAL.—Section 208(b)(1)(A) of the Im-
20 migration and Nationality Act (8 U.S.C. 1158(b)(1)(A))
21 is amended by inserting after “section 101(a)(42)(A)” the
22 following: “and is eligible to apply for asylum under sub-
23 section (a)”.

1 (b) PLACE OF ARRIVAL.—Section 208(a)(1) of the
2 Immigration and Nationality Act (8 U.S.C. 1158(a)(1))
3 is amended—

4 (1) by striking “or who arrives in the United
5 States (whether or not at a designated port of ar-
6 rival and including an alien who is brought to the
7 United States after having been interdicted in inter-
8 national or United States waters),”; and

9 (2) by inserting after “United States” the fol-
10 lowing: “and has arrived in the United States at a
11 port of entry,”.

12 **SEC. 209. APPLICATION TIMING.**

13 Section 208(a)(2)(B) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1158(a)(2)(B)) is amended by striking
15 “1 year” and inserting “6 months”.

16 **SEC. 210. CLARIFICATION OF BURDEN OF PROOF.**

17 Section 208(b)(1)(B)(i) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1158(b)(1)(B)(i)) is amended by
19 striking “at least one” and inserting “the”.

20 **SEC. 211. ADDITIONAL EXCEPTION.**

21 Section 208(b)(2)(A) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

23 (1) in clause (v), by striking “or” at the end;

24 (2) in clause (vi), by striking the period and in-
25 serting “; or”; and

1 (3) by adding at the end the following:

2 “(vii) there are reasonable grounds for
3 concluding the alien could avoid persecu-
4 tion by relocating to another part of the
5 alien’s country of nationality or, if state-
6 less, another part of the alien’s country of
7 last habitual residence.”.

8 **SEC. 212. CLARIFICATION REGARDING EMPLOYMENT ELI-**
9 **GIBILITY.**

10 Section 208(d)(2) of the Immigration and Nationality
11 Act (8 U.S.C. 1158(d)(2)) is amended—

12 (1) by striking “180 days’” and inserting “1
13 year”; and

14 (2) by inserting “and the authorization shall ex-
15 pire 6 months after the date of issuance” before the
16 period at the end.

17 **SEC. 213. PENALTIES FOR ASYLUM FRAUD.**

18 Section 1001 of title 18, United States Code, is
19 amended by inserting at the end of the paragraph—

20 “(d) Whoever, in any matter before the Secretary of
21 Homeland Security or the Attorney General pertaining to
22 asylum under section 208 of the Immigration and Nation-
23 ality Act or withholding of removal under section
24 241(b)(3) of such Act, knowingly and willfully—

1 “(1) makes any materially false, fictitious, or
2 fraudulent statement or representation; or

3 “(2) makes or uses any false writings or docu-
4 ment knowing the same to contain any materially
5 false, fictitious, or fraudulent statement or entry,
6 shall be fined under this title or imprisoned not more than
7 10 years, or both.”.

8 **SEC. 214. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.**

9 Section 3291 of title 18, United States Code, is
10 amended—

11 (1) by striking “1544,” and inserting “1544,
12 and section 1546,”; and

13 (2) by striking “offense.” and inserting “of-
14 fense or within 10 years after the fraud is discov-
15 ered.”.

16 **SEC. 215. TECHNICAL AMENDMENTS.**

17 Section 208 of the Immigration and Nationality Act
18 (8 U.S.C. 1158) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2)(D), by inserting
21 “Secretary of Homeland Security or the” before
22 “Attorney General”; and

23 (B) in paragraph (3), by inserting “Sec-
24 retary of Homeland Security or the” before
25 “Attorney General”;

1 (2) in subsection (b)(2), by inserting “Secretary
2 of Homeland Security or the” before “Attorney Gen-
3 eral” each place such term appears;

4 (3) in subsection (c)—

5 (A) in paragraph (1), by striking “Attor-
6 ney General” each place such term appears and
7 inserting “Secretary of Homeland Security”;

8 (B) in paragraph (2), in the matter pre-
9 ceeding subparagraph (A), by inserting “Sec-
10 retary of Homeland Security or the” before
11 “Attorney General”; and

12 (C) in paragraph (3), by inserting “Sec-
13 retary of Homeland Security or the” before
14 “Attorney General”; and

15 (4) in subsection (d)—

16 (A) in paragraph (1), by inserting “Sec-
17 retary of Homeland Security or the” before
18 “Attorney General” each place such term ap-
19 pears;

20 (B) in paragraph (2), by striking “Attor-
21 ney General” and inserting “Secretary of
22 Homeland Security”; and

23 (C) in paragraph (5)—

- 1 (i) in subparagraph (A), by striking
2 “Attorney General” and inserting “Sec-
3 retary of Homeland Security”; and
4 (ii) in subparagraph (B), by inserting
5 “Secretary of Homeland Security or the”
6 before “Attorney General”.

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