

112TH CONGRESS
1ST SESSION

H. R. 3590

To allow certain Indonesian citizens to file a motion to reopen their asylum claims.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2011

Mrs. MALONEY (for herself, Mr. PALLONE, Mr. GUTIERREZ, Ms. BORDALLO, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. GRIJALVA, and Mr. POLIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To allow certain Indonesian citizens to file a motion to reopen their asylum claims.

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 “Indonesian Family
5 Refugee Protection Act”.

6 **SEC. 2. MOTION TO REOPEN ASYLUM CLAIMS.**

7 (a) IN GENERAL.—Notwithstanding subparagraphs
8 (B) and (C) of section 208(a)(2) of the Immigration and
9 Nationality Act (8 U.S.C. 1158(a)(2)) and section

1 240(c)(7) of such Act (8 U.S.C. 1229a(c)(7)), and not-
2 withstanding any other provision of law on motions to re-
3 open removal or deportation proceedings, an alien may file
4 one motion to reopen an asylum claim during the 2-year
5 period beginning on the date of the enactment of this Act
6 if the alien—

7 (1) is a citizen of Indonesia;

8 (2) entered the United States after January 1,
9 1997, and before November 30, 2002;

10 (3) filed an application for asylum that was de-
11 nied asylum based solely upon a failure to meet the
12 1-year application filing deadline;

13 (4) is not subject to the safe third country ex-
14 ception under section 208(a)(2)(A) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1158(a)(2)(A));
16 and

17 (5) is not subject to a bar from seeking asylum
18 under section 208(b)(2) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1158(b)(2)).

20 (b) APPLICATION FROM ABROAD.—The motion to re-
21 open referred to in subsection (a) may be filed in the
22 United States or from outside the United States.

23 (c) RETURN OF APPLICANTS ABROAD.—An alien who
24 meets the requirements under subsection (a) may be ad-
25 mitted or otherwise authorized to enter the United States

1 solely to prosecute a motion to reopen under this section
2 or otherwise to pursue relief under this section. Hearings
3 pursuant to this section may be held in the United States
4 or abroad, with the alien appearing in person or by video
5 phone or similar device.

6 (d) DEFINITIONS.—For purposes of this Act, the
7 terms used in this Act shall have the same meanings given
8 such terms in section 101(a) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1101(a)).

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