

115TH CONGRESS  
2D SESSION

# S. 3372

To require asylum officers to conduct credible fear screenings before admitting aliens seeking asylum into the United States, to direct the Secretary of Homeland Security to establish an alternatives to detention pilot program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 23, 2018

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require asylum officers to conduct credible fear screenings before admitting aliens seeking asylum into the United States, to direct the Secretary of Homeland Security to establish an alternatives to detention pilot program, 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.**—If an alien who is seeking  
3 asylum in the United States attempts to enter the United  
4 States from Canada or Mexico at a land port of entry  
5 without a valid visa or other appropriate entry documents,  
6 the immigration officer who is inspecting such alien—

7 (1) may not admit such alien into the United  
8 States; and

9 (2) shall advise such alien to schedule an asy-  
10 lum hearing with the most convenient United States  
11 embassy or consulate in Canada or Mexico.

12 (b) **CREDIBLE FEAR SCREENINGS.**—An alien de-  
13 scribed in subsection (a) may not be admitted into the  
14 United States unless an asylum officer stationed at a  
15 United States embassy or consulate—

16 (1) has conducted an in-person interview with  
17 the alien; and

18 (2) as a result of the interview conducted under  
19 paragraph (1), has concluded that the alien—

20 (A) has been persecuted in the alien's  
21 country of origin on account of the alien's race,  
22 religion, nationality, membership in a particular  
23 social group, or political opinion if the alien re-  
24 turned to such country; or

25 (B) would be subject to torture if the alien  
26 returned to his or her country of origin.

1 **SEC. 3. CRIMINAL BENCH WARRANTS.**

2 (a) ISSUANCE.—Each Federal judicial district shall  
3 appoint at least 1 magistrate or district court judge who,  
4 upon a showing of probable cause, shall issue a warrant  
5 of arrest for a violation of section 243(a)(1) of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1253(a)(1)).

7 (b) PROBABLE CAUSE.—A warrant of removal issued  
8 under any provision of the Immigration and Nationality  
9 Act (8 U.S.C. 1101 et seq.) that has been in existence  
10 90 days or more shall constitute prima facie evidence of  
11 probable cause to issue a warrant under subsection (a).

12 **SEC. 4. ALTERNATIVES TO DETENTION PILOT PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary of Homeland  
14 Security, in consultation with the Director of U.S. Immi-  
15 gration and Customs Enforcement, shall establish an al-  
16 ternatives to detention pilot program in which aliens may  
17 be released to the supervision of a qualified organization  
18 that has entered into a contract with the Federal Govern-  
19 ment to facilitate the compliance of such aliens with all  
20 stages of the immigration proceedings.

21 (b) REQUIREMENTS.—An alien may not participate  
22 in the pilot program established under subsection (a) un-  
23 less the alien—

24 (1) certifies that he or she will comply with all  
25 stages of the immigration proceedings, including re-  
26 moval, if ordered;

1           (2) acknowledges that he or she is only entitled  
2           to a single appeal of a decision by an immigration  
3           judge; and

4           (3) signs a privacy waiver.

5           (c) CONSEQUENCES OF BREACH.—An alien who fails  
6           to comply with the requirements under subsection (b) may  
7           be subjected to a warrant of arrest, detention, and expe-  
8           dited removal proceedings.

9           (d) PERFORMANCE METRICS.—The Secretary of  
10          Homeland Security, in consultation with the Director of  
11          U.S. Immigration and Customs Enforcement, shall de-  
12          velop performance metrics to ensure that organizations  
13          that enter into a contract pursuant to subsection (a) are  
14          complying with performance standards. Such metrics  
15          should include, with respect to aliens released to the super-  
16          vision of an organization—

17               (1) absconsion rate;

18               (2) arrest rate;

19               (3) rate of completion of immigration case, in-  
20          clude removal; and

21               (4) other metrics that the Secretary determines  
22          are related to compliance with performance stand-  
23          ards.

24          (e) PENALTIES.—If an organization that has entered  
25          into a contract pursuant to subsection (a) fails to comply

1 with the performance standards required by such contract,  
2 the Secretary may—

3           (1) require funds paid to the organization for  
4           any period of noncompliance to be returned;

5           (2) terminate the contract with the organiza-  
6           tion; or

7           (3) impose any other penalty authorized by the  
8           contract.

9           (f) REPORT.—The Secretary of Homeland Security  
10 shall submit a report to the Committee on the Judiciary  
11 of the Senate, the Committee on Homeland Security and  
12 Governmental Affairs of the Senate, the Committee on the  
13 Judiciary of the House of Representatives, and the Com-  
14 mittee on Homeland Security of the House of Representa-  
15 tives on the implementation of the alternatives to deten-  
16 tion pilot program established under this section.

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