

116TH CONGRESS
1ST SESSION

H. R. 3855

To amend the Immigration and Nationality Act to reform asylum procedures,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2019

Mrs. LESKO introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to reform
asylum procedures, 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. CREDIBLE FEAR INTERVIEWS.**

4 Section 235(b)(1)(B)(v) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
6 striking “claim” and all that follows, and inserting “claim,
7 as determined pursuant to section 208(b)(1)(B)(iii), and
8 such other facts as are known to the officer, that the alien
9 could establish eligibility for asylum under section 208,
10 and it is more probable than not that the statements made

1 by, and on behalf of, the alien in support of the alien's
2 claim are true.".

3 **SEC. 2. JURISDICTION OF ASYLUM APPLICATIONS.**

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

7 **SEC. 3. RECORDING EXPEDITED REMOVAL AND CREDIBLE**
8 **FEAR INTERVIEWS.**

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

18 (b) FACTORS RELATING TO SWORN STATEMENTS.—
19 Where practicable, any sworn or signed written statement
20 taken of an alien as part of the record of a proceeding
21 under section 235(b)(1)(A) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
23 panied by a recording of the interview which served as the
24 basis for that sworn statement.

1 (c) INTERPRETERS.—The Secretary shall ensure that
2 a competent interpreter, not affiliated with the govern-
3 ment of the country from which the alien may claim asy-
4 lum, is used when the interviewing officer does not speak
5 a language understood by the alien.

6 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—
7 There shall be an audio or audio visual recording of inter-
8 views of aliens subject to expedited removal. The recording
9 shall be included in the record of proceeding and shall be
10 considered as evidence in any further proceedings involv-
11 ing the alien.

12 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this
13 section shall be construed to create any right, benefit,
14 trust, or responsibility, whether substantive or procedural,
15 enforceable in law or equity by a party against the United
16 States, its departments, agencies, instrumentalities, enti-
17 ties, officers, employees, or agents, or any person, nor does
18 this section create any right of review in any administra-
19 tive, judicial, or other proceeding.

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