

116TH CONGRESS
1ST SESSION

H. R. 3857

To amend the Immigration and Nationality Act to reform asylum procedures related to the filing of frivolous applications, 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 related to the filing of frivolous applications, 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. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
4 **PLICATIONS.**

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

8 (1) in the matter preceding subparagraph (A),
9 by inserting “the Secretary of Homeland Security
10 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 General
19 must be satisfied that the applicant, during the
20 course of the proceedings, has had sufficient op-
21 portunity to clarify any discrepancies or implau-
22 sible 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. 2. 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”.

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