

116TH CONGRESS
1ST SESSION

H. R. 4030

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 to clarify that aliens transiting through third countries on the way to the United States are ineligible for asylum, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. KEVIN HERN of Oklahoma introduced the following bill; which was referred to the Committee on the Judiciary

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 to clarify that aliens transiting through third countries on the way to the United States are ineligible for asylum, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Asylum Abuse Reduc-
3 tion Act”.

4 **SEC. 2. ASYLUM INTERVIEWS.**

5 (a) **BORDER CROSSINGS.**—If an alien who is seeking
6 asylum in the United States attempts to enter the United
7 States from Canada or Mexico at a land port of entry
8 without a valid visa or other appropriate entry documents,
9 the immigration officer who is inspecting such alien—

10 (1) may not admit such alien into the United
11 States; and

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

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

19 (1) has conducted an in-person interview with
20 the alien; and

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

23 (A) has been persecuted in the alien’s
24 country of origin on account of the alien’s race,
25 religion, nationality, membership in a particular

1 social group, or political opinion if the alien re-
2 turned to such country; or

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

5 **SEC. 3. CRIMINAL BENCH WARRANTS.**

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

11 (b) PROBABLE CAUSE.—A warrant of removal issued
12 under any provision of the Immigration and Nationality
13 Act (8 U.S.C. 1101 et seq.) that has been in existence
14 90 days or more shall constitute prima facie evidence of
15 probable cause to issue a warrant under subsection (a).

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

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

1 (b) REQUIREMENTS.—An alien may not participate
2 in the pilot program established under subsection (a) un-
3 less the alien—

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

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

10 (3) signs a privacy waiver.

11 (c) CONSEQUENCES OF BREACH.—An alien who fails
12 to comply with the requirements under subsection (b) may
13 be subject to a warrant of arrest, detention, and expedited
14 removal proceedings.

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

23 (1) absconsion rate;

24 (2) arrest rate;

1 (3) rate of completion of immigration case, in-
2 clude removal; and

3 (4) other metrics that the Secretary determines
4 are related to compliance with performance stand-
5 ards.

6 (e) PENALTIES.—If an organization that has entered
7 into a contract pursuant to subsection (a) fails to comply
8 with the performance standards required by such contract,
9 the Secretary may—

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

12 (2) terminate the contract with the organiza-
13 tion; or

14 (3) impose any other penalty authorized by the
15 contract.

16 (f) REPORT.—The Secretary of Homeland Security
17 shall submit to the Committee on the Judiciary and the
18 Committee on Homeland Security and Governmental Af-
19 fairs of the Senate and the Committee on the Judiciary
20 and the Committee on Homeland Security of the House
21 of Representatives a report on the implementation of the
22 alternatives to detention pilot program established under
23 this section.

1 **SEC. 5. ASYLUM INELIGIBILITY FOR ALIENS TRANSITING**
2 **THROUGH THIRD COUNTRY.**

3 Section 208(a)(2) of the Immigration and Nationality
4 Act (8 U.S.C. 1158(a)(2)) is amended by adding at the
5 end the following:

6 “(F) TRANSIT THROUGH THIRD COUN-
7 TRY.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii), paragraph (1) shall not
10 apply to any alien who, on or after date of
11 the enactment of this subparagraph, en-
12 ters, attempts to enter, or arrives in the
13 United States through the Southern land
14 border after transiting through, on the way
15 to the United States, one or more coun-
16 tries other than the country of citizenship,
17 nationality, or last lawful habitual resi-
18 dence of the alien.

19 “(ii) EXCEPTIONS.—Clause (i) shall
20 not apply if—

21 “(I)(aa) the alien demonstrates
22 that he or she applied for protection
23 from persecution or torture in one or
24 more countries (other than the coun-
25 try of citizenship, nationality, or last
26 lawful habitual residence of the alien)

1 through which the alien transited on
2 the way to the United States; and

3 “(bb) the alien received a final
4 judgment denying the alien protection
5 in such country;

6 “(II) the alien demonstrates that
7 he or she is or has been subject to a
8 severe form of trafficking in persons;
9 or

10 “(III) the one or more countries
11 through which the alien transited on
12 the way to the United States were
13 not, at the time of the transit, parties
14 to—

15 “(aa) the Convention Relat-
16 ing to the Status of Refugees,
17 done at Geneva July 28, 1951
18 (as made applicable by the Pro-
19 tocol Relating to the Status of
20 Refugees, done at New York
21 January 31, 1967 (19 UST
22 6223); or

23 “(bb) the Convention
24 against Torture and Other Cruel,
25 Inhuman or Degrading Treat-

1
2

ment or Punishment, done at
New York December 10, 1984.”.

○