

117TH CONGRESS
1ST SESSION

S. 1070

To amend the Immigration and Nationality Act to modify provisions relating to asylum eligibility.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2021

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

A BILL

To amend the Immigration and Nationality Act to modify provisions relating to asylum eligibility.

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 “End the Border Crisis
5 Now Act”.

6 **SEC. 2. ASYLUM ELIGIBILITY FOR CERTAIN ALIENS LAW-**
7 **FULLY ADMITTED TO THE UNITED STATES.**

8 Section 208(a) of the Immigration and Nationality
9 Act (8 U.S.C. 1158(a)) is amended—

1 (1) in paragraph (1), by striking “is physically
2 present” and all that follows through “United States
3 waters)” and inserting “has been lawfully admitted
4 to the United States”; and

5 (2) in paragraph (2), by amending subpara-
6 graph (A) to read as follows:

7 “(A) SAFE THIRD COUNTRY.—Paragraph
8 (1) shall not apply to an alien if the Attorney
9 General or the Secretary of Homeland Security
10 determines that—

11 “(i) the alien may be removed, pursu-
12 ant to a bilateral or multilateral agree-
13 ment, to a country (other than the country
14 of the alien’s nationality or, in the case of
15 an alien having no nationality, the country
16 of the alien’s last habitual residence) in
17 which the alien’s life or freedom would not
18 be threatened on account of race, religion,
19 nationality, membership in a particular so-
20 cial group, or political opinion, and where
21 the alien would have access to a full and
22 fair procedure for determining a claim to
23 asylum or equivalent temporary protection,
24 unless the Attorney General or the Sec-
25 retary of Homeland Security finds that it

1 is in the public interest for the alien to re-
2 ceive asylum in the United States; or

3 “(ii) during the 180 days immediately
4 preceding the admission of the alien to the
5 United States, the alien was physically
6 present in a country described in clause
7 (i), unless the alien demonstrates, by clear
8 and convincing evidence, that—

9 “(I) the alien applied for asylum
10 or equivalent temporary protection in
11 such country and was denied asylum
12 or equivalent temporary protection; or

13 “(II) the conditions in the coun-
14 try of the alien’s nationality have sig-
15 nificantly changed for the worse since
16 the alien was physically present in a
17 country described in clause (i).”.

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