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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

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

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

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—

1 (1) in the matter preceding subparagraph (A),
2 by inserting “the Secretary of Homeland Security
3 or” before “the Attorney General”;

4 (2) in subparagraph (A), by striking “and of
5 the consequences, under paragraph (6), of knowingly
6 filing a frivolous application for asylum; and” and
7 inserting a semicolon;

8 (3) in subparagraph (B), by striking the period
9 and inserting “; and”; and

10 (4) by adding at the end the following:

11 “(C) ensure that a written warning ap-
12 pears on the asylum application advising the
13 alien of the consequences of filing a frivolous
14 application and serving as notice to the alien of
15 the consequence of filing a frivolous applica-
16 tion.”.

17 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1158(d)(6)) is amended by striking “If the” and all that
20 follows and inserting:

21 “(A) If the Secretary of Homeland Secu-
22 rity or the Attorney General determines that an
23 alien has knowingly made a frivolous applica-
24 tion for asylum and the alien has received the
25 notice under paragraph (4)(C), the alien shall

1 be permanently ineligible for any benefits under
2 this chapter, effective as the date of the final
3 determination of such an application.

4 “(B) An application is frivolous if the Sec-
5 retary of Homeland Security or the Attorney
6 General determines, consistent with subpara-
7 graph (C), that—

8 “(i) it is so insufficient in substance
9 that it is clear that the applicant know-
10 ingly filed the application solely or in part
11 to delay removal from the United States,
12 to seek employment authorization as an
13 applicant for asylum pursuant to regula-
14 tions issued pursuant to paragraph (2), or
15 to seek issuance of a Notice to Appear in
16 order to pursue Cancellation of Removal
17 under section 240A(b); or

18 “(ii) any of the material elements are
19 knowingly fabricated.

20 “(C) In determining that an application is
21 frivolous, the Secretary or the Attorney Gen-
22 eral, must be satisfied that the applicant, dur-
23 ing the course of the proceedings, has had suffi-
24 cient opportunity to clarify any discrepancies or
25 implausible aspects of the claim.

1 “(D) For purposes of this section, a find-
2 ing that an alien filed a frivolous asylum appli-
3 cation shall not preclude the alien from seeking
4 withholding of removal under section 241(b)(3)
5 or protection pursuant to the Convention
6 Against Torture.”.

7 **SEC. 2. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.**

8 (a) **ASYLUM CREDIBILITY DETERMINATIONS.**—Sec-
9 tion 208(b)(1)(B)(iii) of the Immigration and Nationality
10 Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting
11 after “all relevant factors” the following: “, including
12 statements made to, and investigative reports prepared by,
13 immigration authorities and other government officials”.

14 (b) **RELIEF FOR REMOVAL CREDIBILITY DETER-**
15 **MINATIONS.**—Section 240(c)(4)(C) of the Immigration
16 and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended
17 by inserting after “all relevant factors” the following: “,
18 including statements made to, and investigative reports
19 prepared by, immigration authorities and other govern-
20 ment officials”.