

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.

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## 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

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

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