

117TH CONGRESS
2D SESSION

H. R. 8355

To amend the Immigration and Nationality Act to reform the asylum claim process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Mr. CRENSHAW (for himself, Mr. ELLZEY, Mr. FALLON, Mr. GIMENEZ, Ms. VAN DUYNE, Mr. WEBER of Texas, Mr. BABIN, Mr. BRADY, Ms. GRANGER, Mr. BURGESS, Mr. POSEY, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to reform the asylum claim process, 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. SHORT TITLE.**

4 This Act may be cited as the “Closing Loopholes and
5 Ending Asylum Abuse Act of 2022”.

6 **SEC. 2. REFORM ASYLUM CLAIM PROCESS.**

7 (a) CONFORMING AMENDMENTS.—The Immigration
8 and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

9 (1) in section 101(a)—

1 (A) in paragraph (42)—

2 (i) by inserting “by the government or
3 a governmental-affiliated entity” after
4 “fear of persecution” each place it ap-
5 pears;

6 (ii) by inserting “by the government
7 or a governmental-affiliated entity” after
8 “persecution of any person”;

9 (iii) by inserting “by the government
10 or a governmental-affiliated entity” after
11 “has been persecuted”;

12 (iv) by inserting “by the government
13 or a governmental-affiliated entity” after
14 “have been persecuted”; and

15 (v) by inserting “by the government
16 or a governmental-affiliated entity” after
17 “subject to persecution”;

18 (B) by adding at the end the following:

19 “(53) The term ‘governmental-affiliated entity’
20 means a person, ministry, bureau, department,
21 agency, government corporation, or any other en-
22 tity chartered, established, sponsored, or supported
23 by the government or a dominant political organiza-
24 tion.

1 “(54) The term ‘particular social group’ means
2 a group of individuals that is composed of immu-
3 table characteristics, socially distinct within the soci-
4 ety in question, and defined with particularity.

5 “(55) The term ‘immutable characteristic’
6 means a characteristic not capable of or susceptible
7 to change.

8 “(56) The term ‘socially distinct within the so-
9 ciety in question’ means there is societal differentia-
10 tion between people in a society who possess a
11 shared belief or trait and people in such society who
12 do not possess such shared belief or trait.

13 “(57) The term ‘defined with particularity’
14 means there are clear, well-defined boundaries be-
15 tween people who fall within a particular social
16 group and people who do not fall within such par-
17 ticular social group.”;

18 (2) in section 208—

19 (A) in subsection (a), by amending para-
20 graph (1) to read as follows:

21 “(1) ASYLUM PROCESS.—

22 “(A) PHYSICAL PRESENCE IN UNITED
23 STATES.—Any alien who is physically present in
24 the United States or who arrives at the United
25 States (at a designated port of entry and in-

1 including an alien who is brought to the United
2 States after having been interdicted in inter-
3 national or United States waters), irrespective
4 of such alien’s status, may apply for asylum in
5 accordance with this section or, where applica-
6 ble, section 235(b).

7 “(B) OUTSIDE OF UNITED STATES.—Any
8 alien who is physically present outside of the
9 United States, irrespective of such alien’s sta-
10 tus, may apply for asylum at a United States
11 diplomatic mission established under section
12 2(c) of the Closing Loopholes and Ending Asy-
13 lum Abuse Act of 2022.”; and

14 (B) in subsection (b)—

15 (i) in paragraph (1)—

16 (I) in subparagraph (B)(iii)—

17 (aa) by striking “whenever
18 made and whether or not under
19 oath” and inserting “which shall
20 be made under oath”; and

21 (bb) by inserting “and any
22 reports on country conditions
23 written by a law enforcement
24 agency in the United States or a
25 law enforcement agency in the

1 country the report describes”
2 after “country conditions”; and

3 (II) by adding at the end the fol-
4 lowing:

5 “(C) LOCATION OF CLAIM.—If an alien
6 passes through a country (other than the
7 United States or the country of citizenship, na-
8 tionality, or origin of such alien) that has a
9 United States diplomatic mission established
10 under section 2(c) of the Closing Loopholes and
11 Ending Asylum Abuse Act of 2022, such alien
12 shall make any application for asylum in ac-
13 cordance with this section in such country and
14 may not enter the United States unless such
15 claim is granted or other immigration benefit or
16 relief is awarded.”; and

17 (ii) in paragraph (2)(A)—

18 (I) in clause (v), by striking “or”
19 at the end;

20 (II) in clause (vi), by striking the
21 period at the end and inserting “; or”;
22 and

23 (III) by adding at the end the
24 following:

1 “(vii) the alien has violated section
2 275 (relating to entering the United States
3 improperly); or

4 “(viii) the alien has received a final
5 order of removal issued in absentia under
6 section 240(b)(5)(A).”; and

7 (3) in section 235(b)(1)(B)(v)—

8 (A) by striking “possibility” and inserting
9 “likelihood”; and

10 (B) by inserting “and the evidence pre-
11 sented” after “by the alien”.

12 (b) CLAIMS FOR ASYLUM ABROAD.—Chapter 4 of the
13 Immigration and Nationality Act (8 U.S.C. 1221 et seq.)
14 is amended by inserting after section 235A the following:

15 **“SEC. 235B. CLAIMS FOR ASYLUM OUTSIDE OF UNITED**
16 **STATES.**

17 “(a) SCREENING.—An alien outside of the United
18 States who indicates an intention to apply for asylum at
19 a diplomatic mission established under section 2(c) of the
20 Closing Loopholes and Ending Asylum Abuse Act of 2022,
21 shall be examined, assessed, and referred to an asylum
22 officer for an interview to determine if such alien has a
23 credible fear of persecution in accordance with section
24 235(b)(1)(B).

1 “(b) ADMISSION.—If an alien described in subsection
2 (a) is found to have a credible fear of persecution, the
3 alien shall be admitted to the United States for the pur-
4 pose of further consideration of their application for asy-
5 lum as directed by the Secretary of Homeland Security.

6 “(c) NO CREDIBLE FEAR FOUND.—If an alien de-
7 scribed in subsection (a) is found to not have a credible
8 fear of persecution—

9 “(1) the alien shall not be eligible to apply for
10 asylum in the United States unless such alien can
11 demonstrate a chance in circumstance with respect
12 to their credible fear of persecution; and

13 “(2) the asylum officer shall prepare a written
14 record of a determination, including a summary of
15 the material facts as stated by the alien, any addi-
16 tional facts relied upon by the officer, and the offi-
17 cer’s analysis of why, in the light of such facts, the
18 alien has not established a credible fear of persecu-
19 tion, and a copy of the officer’s interview notes.

20 “(d) RULES.—The Secretary of Homeland Security
21 shall establish all necessary processes, rules, and proce-
22 dures to store, maintain, access, and share information re-
23 lated to an alien applying for asylum outside of the United
24 States.”.

1 (c) AUTHORIZATION TO ESTABLISH ASYLUM OF-
2 FICES ABROAD.—

3 (1) ESTABLISHMENT.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Homeland Security, in coordination with
6 the Secretary of State and the Attorney General,
7 shall establish United States diplomatic missions at
8 a United States embassy or consulate in accordance
9 with this subsection to review an application for asy-
10 lum under section 208 of the Immigration and Na-
11 tionality Act (8 U.S.C. 1158).

12 (2) LOCATION.—A United States diplomatic
13 mission established pursuant to paragraph (1) may
14 be located at any of the following:

15 (A) The United States Embassy in Mexico
16 City.

17 (B) The United States Consulate General
18 in Ciudad Juarez.

19 (C) The United States Consulate General
20 in Matamoros.

21 (D) The United States Consulate General
22 in Monterrey.

23 (E) The United States Consulate General
24 in Nogales.

1 (F) The United States Consulate General
2 in Tijuana.

3 (G) Any other United States embassy or
4 consulate the Secretary of Homeland Security,
5 in coordination with the Secretary of State and
6 Attorney General, recommends pursuant to sub-
7 section (c)(5).

8 (3) STAFF.—The Secretary of Homeland Secu-
9 rity, in coordination with the Secretary of State and
10 the Attorney General, shall provide necessary facili-
11 ties and staff to serve the United States diplomatic
12 missions established pursuant to paragraph (1).

13 (d) REPORTING.—Not later than 1 year after the
14 date of the enactment of this Act, and every year there-
15 after, the Secretary of Homeland Security, in coordination
16 with the Secretary of State and the Attorney General,
17 shall submit to the relevant congressional committees a
18 report on the United States diplomatic missions estab-
19 lished pursuant to subsection (b)(1), including the fol-
20 lowing:

21 (1) The number of applications for asylum re-
22 viewed at each United States diplomatic mission.

23 (2) The number of asylum seekers found to
24 have a credible fear of persecution.

1 (3) The number of staff employed at each
2 United States diplomatic mission.

3 (4) An assessment of the effectiveness of re-
4 viewing applications for asylum at the United States
5 diplomatic missions.

6 (5) Recommendations on where to establish ad-
7 ditional United States diplomatic missions as nec-
8 essary based on migrant flows.

9 (6) Any other matter the Secretary of Home-
10 land Security, in coordination with the Secretary of
11 State and the Attorney General, determines appro-
12 priate.

13 (e) RELEVANT CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “relevant congressional
15 committees” means—

16 (1) the Committee on Foreign Affairs, the
17 Committee on Homeland Security, and the Com-
18 mittee on the Judiciary of the House of Representa-
19 tives; and

20 (2) the Committee on Foreign Relations, the
21 Committee on Homeland Security and Governmental
22 Affairs, and the Committee on the Judiciary of the
23 Senate.

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