

115TH CONGRESS
1ST SESSION

H. R. 391

To modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Mr. CHAFFETZ (for himself, Mrs. BLACK, Mr. BROOKS of Alabama, Mr. CARTER of Georgia, Mr. CARTER of Texas, Mr. CHABOT, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mr. GOSAR, Mr. GOWDY, Mr. JODY B. HICE of Georgia, Mr. LANCE, Mr. PITTENGER, Mr. SMITH of Texas, Mr. WEBSTER of Florida, Mr. ZELDIN, and Mr. HUDSON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, 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 “Asylum Reform and
5 Border Protection Act of 2017”.

1 **SEC. 2. CLARIFICATION OF INTENT REGARDING TAXPAYER-**
2 **PROVIDED COUNSEL.**

3 Section 292 of the Immigration and Nationality Act
4 (8 U.S.C. 1362) is amended—

5 (1) by striking “(at no expense to the Govern-
6 ment)”; and

7 (2) by adding at the end the following:

8 “Notwithstanding any other provision of law, in no in-
9 stance shall the Government bear any expense for counsel
10 for any person in removal proceedings or in any appeal
11 proceedings before the Attorney General from any such
12 removal proceedings.”.

13 **SEC. 3. SPECIAL IMMIGRANT JUVENILE VISAS.**

14 Section 101(a)(27)(J)(i) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by
16 striking “and whose reunification with one or both of the
17 immigrant’s parents is not viable due” and inserting “and
18 who cannot be reunified with either of the immigrant’s
19 parents due”.

20 **SEC. 4. CREDIBLE FEAR INTERVIEWS.**

21 Section 235(b)(1)(B)(v) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
23 striking “208.” and inserting “208, and it is more prob-
24 able than not that the statements made by the alien in
25 support of the alien’s claim are true.”.

1 **SEC. 5. RECORDING EXPEDITED REMOVAL AND CREDIBLE**
2 **FEAR INTERVIEWS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall establish quality assurance procedures and take
5 steps to effectively ensure that questions by employees of
6 the Department of Homeland Security exercising expe-
7 dited removal authority under section 235(b) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
9 in a uniform manner, and that both these questions and
10 the answers provided in response to them are recorded in
11 a uniform fashion.

12 (b) FACTORS RELATING TO SWORN STATEMENTS.—
13 Where practicable, any sworn or signed written statement
14 taken of an alien as part of the record of a proceeding
15 under section 235(b)(1)(A) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
17 panied by a recording of the interview which served as the
18 basis for that sworn statement.

19 (c) INTERPRETERS.—The Secretary shall ensure that
20 a competent interpreter, not affiliated with the govern-
21 ment of the country from which the alien may claim asy-
22 lum, is used when the interviewing officer does not speak
23 a language understood by the alien and there is no other
24 Federal, State, or local government employee available
25 who is able to interpret effectively, accurately, and impar-
26 tially.

1 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—
 2 Recordings of interviews of aliens subject to expedited re-
 3 moval shall be included in the record of proceeding and
 4 shall be considered as evidence in any further proceedings
 5 involving the alien.

6 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this
 7 section shall be construed to create any right, benefit,
 8 trust, or responsibility, whether substantive or procedural,
 9 enforceable in law or equity by a party against the United
 10 States, its departments, agencies, instrumentalities, enti-
 11 ties, officers, employees, or agents, or any person, nor does
 12 this section create any right of review in any administra-
 13 tive, judicial, or other proceeding.

14 **SEC. 6. PAROLE REFORM.**

15 (a) IN GENERAL.—Paragraph (5) of section 212(d)
 16 (8 U.S.C. 1182(d)) is amended to read as follows:

17 “(5) HUMANITARIAN AND PUBLIC INTEREST
 18 PAROLE.—

19 “(A) IN GENERAL.—Subject to the provi-
 20 sions of this paragraph and section 214(f)(2),
 21 the Secretary of Homeland Security, in the sole
 22 discretion of the Secretary of Homeland Secu-
 23 rity, may on a case-by-case basis parole an alien
 24 into the United States temporarily, under such

1 conditions as the Secretary of Homeland Secu-
2 rity may prescribe, only—

3 “(i) for an urgent humanitarian rea-
4 son (as described under subparagraph
5 (B)); or

6 “(ii) for a reason deemed strictly in
7 the public interest (as described under sub-
8 paragraph (C)).

9 “(B) HUMANITARIAN PAROLE.—The Sec-
10 retary of Homeland Security may parole an
11 alien based on an urgent humanitarian reason
12 described in this subparagraph only if—

13 “(i) the alien has a medical emergency
14 and the alien cannot obtain necessary
15 treatment in the foreign state in which the
16 alien is residing or the medical emergency
17 is life-threatening and there is insufficient
18 time for the alien to be admitted through
19 the normal visa process;

20 “(ii) the alien is needed in the United
21 States in order to donate an organ or
22 other tissue for transplant into a close
23 family member;

24 “(iii) the alien has a close family
25 member in the United States whose death

1 is imminent and the alien could not arrive
2 in the United States in time to see such
3 family member alive if the alien were to be
4 admitted through the normal visa process;

5 “(iv) the alien is a lawful applicant
6 for adjustment of status under section
7 245; or

8 “(v) the alien was lawfully granted
9 status under section 208 or lawfully admit-
10 ted under section 207.

11 “(C) PUBLIC INTEREST PAROLE.—The
12 Secretary of Homeland Security may parole an
13 alien based on a reason deemed strictly in the
14 public interest described in this subparagraph
15 only if the alien has assisted the United States
16 Government in a matter, such as a criminal in-
17 vestigation, espionage, or other similar law en-
18 forcement activity, and either the alien’s pres-
19 ence in the United States is required by the
20 Government or the alien’s life would be threat-
21 ened if the alien were not permitted to come to
22 the United States.

23 “(D) LIMITATION ON THE USE OF PAROLE
24 AUTHORITY.—The Secretary of Homeland Se-
25 curity may not use the parole authority under

1 this paragraph to permit to come to the United
2 States aliens who have applied for and have
3 been found to be ineligible for refugee status or
4 any alien to whom the provisions of this para-
5 graph do not apply.

6 “(E) PAROLE NOT AN ADMISSION.—Parole
7 of an alien under this paragraph shall not be
8 considered an admission of the alien into the
9 United States. When the purposes of the parole
10 of an alien have been served, as determined by
11 the Secretary of Homeland Security, the alien
12 shall immediately return or be returned to the
13 custody from which the alien was paroled and
14 the alien shall be considered for admission to
15 the United States on the same basis as other
16 similarly situated applicants for admission.

17 “(F) REPORT TO CONGRESS.—Not later
18 than 90 days after the end of each fiscal year,
19 the Secretary of Homeland Security shall sub-
20 mit a report to the Committees on the Judici-
21 ary of the House of Representatives and the
22 Senate describing the number and categories of
23 aliens paroled into the United States under this
24 paragraph. Each such report shall contain in-
25 formation and data concerning the number and

1 categories of aliens paroled, the duration of pa-
2 role, and the current status of aliens paroled
3 during the preceding fiscal year.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on the first day of the first
6 month beginning more than 60 days after the date of the
7 enactment of this Act.

8 **SEC. 7. REPORT TO CONGRESS ON PAROLE PROCEDURES**
9 **AND STANDARDIZATION OF PAROLE PROCE-**
10 **DURES.**

11 (a) IN GENERAL.—The Attorney General and the
12 Secretary of Homeland Security shall jointly conduct a re-
13 view, and report to the Judiciary Committees of the House
14 of Representatives and the Senate, not later than 180 days
15 after the date of the enactment of this Act, and annually
16 thereafter, regarding the effectiveness of parole and cus-
17 tody determination procedures applicable to aliens who
18 have established a credible fear of persecution and are
19 awaiting a final determination regarding their asylum
20 claim by the immigration courts. The report shall include
21 the following:

22 (1) An analysis of the rate at which release
23 from detention (including release on parole) is grant-
24 ed to aliens who have established a credible fear of
25 persecution and are awaiting a final determination

1 regarding their asylum claim by the immigration
2 courts throughout the United States, and any dis-
3 parity that exists between locations or geographical
4 areas, including explanation of the reasons for this
5 disparity and what actions are being taken to have
6 consistent and uniform application of the standards
7 for granting parole.

8 (2) An analysis of the effect of the procedures
9 and policies applied with respect to parole and cus-
10 tody determinations both by the Attorney General
11 and the Secretary on the alien's pursuit of their asy-
12 lum claim before an immigration court.

13 (3) An analysis of the effectiveness of the pro-
14 cedures and policies applied with respect to parole
15 and custody determinations both by the Attorney
16 General and the Secretary in securing the alien's
17 presence at the immigration court proceedings.

18 (b) RECOMMENDATIONS.—The report should include
19 recommendations with respect to whether the existing pa-
20 role and custody determination procedures applicable to
21 aliens who have established a credible fear of persecution
22 and are awaiting a final determination regarding their
23 asylum claim by the immigration courts both respect the
24 interests of aliens and ensure the presence of the aliens
25 at the immigration court proceedings. The report should

1 include an assessment on corresponding failure to appear
2 rates, inabsentia orders, and absconders.

3 **SEC. 8. UNACCOMPANIED ALIEN CHILD DEFINED.**

4 Section 462(g)(2) of the Homeland Security Act of
5 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

6 “(2) The term ‘unaccompanied alien child’—

7 “(A) means an alien who—

8 “(i) has no lawful immigration status
9 in the United States;

10 “(ii) has not attained 18 years of age;

11 and

12 “(iii) with respect to whom—

13 “(I) there is no parent or legal
14 guardian in the United States;

15 “(II) no parent or legal guardian
16 in the United States is available to
17 provide care and physical custody; or

18 “(III) no sibling over 18 years of
19 age, aunt, uncle, grandparent, or
20 cousin over 18 years of age is avail-
21 able to provide care and physical cus-
22 tody; except that

23 “(B) such term shall cease to include an
24 alien if at any time a parent, legal guardian,
25 sibling over 18 years of age, aunt, uncle, grand-

1 parent, or cousin over 18 years of age of the
2 alien is found in the United States and is avail-
3 able to provide care and physical custody (and
4 the Secretary of Homeland Security and the
5 Secretary of Health and Human Services shall
6 revoke accordingly any prior designation of the
7 alien under this paragraph).”.

8 **SEC. 9. MODIFICATIONS TO PREFERENTIAL AVAILABILITY**
9 **FOR ASYLUM FOR UNACCOMPANIED ALIEN**
10 **MINORS.**

11 Section 208 of the Immigration and Nationality Act
12 (8 U.S.C. 1158) is amended—

13 (1) by striking subsection (a)(2)(E); and

14 (2) by striking subsection (b)(3)(C).

15 **SEC. 10. NOTIFICATION AND TRANSFER OF CUSTODY RE-**
16 **GARDING UNACCOMPANIED ALIEN MINORS.**

17 Section 235(b) of the William Wilberforce Trafficking
18 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
19 1232(b)) is amended—

20 (1) in paragraph (2), by striking “48 hours”
21 and inserting “7 days”; and

22 (2) in paragraph (3), by striking “72 hours”
23 and inserting “30 days”.

1 **SEC. 11. INFORMATION SHARING BETWEEN DEPARTMENT**
2 **OF HEALTH AND HUMAN SERVICES AND DE-**
3 **PARTMENT OF HOMELAND SECURITY.**

4 Section 235(b) of the William Wilberforce Trafficking
5 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
6 1232(b)) is amended by adding at the end the following:

7 “(5) INFORMATION SHARING.—The Secretary
8 of Health and Human Services shall share with the
9 Secretary of Homeland Security any information re-
10 quested on a child who has been determined to be
11 an unaccompanied alien child and who is or has
12 been in the custody of the Secretary of Health and
13 Human Services, including the location of the child
14 and any person to whom custody of the child has
15 been transferred, for any legitimate law enforcement
16 objective, including enforcement of the immigration
17 laws.”.

18 **SEC. 12. SAFE THIRD COUNTRY.**

19 Section 208(a)(2)(A) of the Immigration and Nation-
20 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

21 (1) by striking “Attorney General” and insert-
22 ing “Secretary of Homeland Security”; and

23 (2) by striking “removed, pursuant to a bilat-
24 eral or multilateral agreement, to” and inserting
25 “removed to”.

1 **SEC. 13. ADDITIONAL IMMIGRATION JUDGES AND ICE**
2 **PROSECUTORS.**

3 (a) EXECUTIVE OFFICE FOR IMMIGRATION RE-
4 VIEW.—Subject to the availability of appropriations, in
5 each of fiscal years 2015 through 2017, the Attorney Gen-
6 eral shall increase by not less than 50 the number of posi-
7 tions for full-time immigration judges within the Executive
8 Office for Immigration Review above the number of such
9 positions for which funds were allotted for fiscal year
10 2014.

11 (b) IMMIGRATION AND CUSTOMS ENFORCEMENT OF-
12 FICE OF THE PRINCIPAL LEGAL ADVISOR.—Subject to
13 the availability of appropriations, in each of fiscal years
14 2015 through 2017, the Secretary of Homeland Security
15 shall increase by not less than 60 the number of positions
16 for full-time trial attorneys within the Immigration and
17 Customs Enforcement Office of the Principal Legal Advi-
18 sor above the number of such positions for which funds
19 were allotted for fiscal year 2014.

20 **SEC. 14. MINORS IN DEPARTMENT OF HEALTH AND HUMAN**
21 **SERVICES CUSTODY.**

22 Section 235(c)(2)(A) of the William Wilberforce
23 Trafficking Victims Protection Reauthorization Act of
24 2008 (8 U.S.C. 1232(c)(2)(A)) is amended by striking the
25 last two sentences.

1 **SEC. 15. FOREIGN ASSISTANCE FOR REPATRIATION.**

2 (a) SUSPENSION OF FOREIGN ASSISTANCE.—The
3 Secretary of State shall immediately suspend all foreign
4 assistance, including under United States Agency for
5 International Development programs, the Central Amer-
6 ican Regional Security Initiative, or the International Nar-
7 cotic Control Law Enforcement program, to any large
8 sending country that—

9 (1) refuses to negotiate an agreement under
10 section 235(a)(2) of the William Wilberforce Traf-
11 ficking Victims Protection Reauthorization Act of
12 2008 (8 U.S.C. 1232(a)(2)); or

13 (2) refuses to accept from the United States re-
14 patriated unaccompanied alien children (as defined
15 in section 462(g)(2) of the Homeland Security Act
16 of 2002 (6 U.S.C. 279(g))) who are nationals or
17 residents of the sending country.

18 (b) USE OF FOREIGN ASSISTANCE FOR REPATRI-
19 ATION.—The Secretary of State shall provide any addi-
20 tional foreign assistance from the United States that such
21 Secretary determines is needed to implement an agree-
22 ment under section 235(a)(2) of the William Wilberforce
23 Trafficking Victims Protection Reauthorization Act of
24 2008 (8 U.S.C. 1232(a)(2)) or safely to repatriate or re-
25 integrate nationals or residents of a large sending country
26 without increasing the total quantity of foreign assistance

1 to such country. Such country may use any earlier foreign
2 assistance for the purpose of repatriation or implementa-
3 tion of any agreement under such section 235(a)(2).

4 (c) DEFINITION OF LARGE SENDING PROGRAM.—
5 For purposes of this section, the term “large sending
6 country” means—

7 (1) any country which was the country of na-
8 tionality or last habitual residence for 1,000 or more
9 unaccompanied alien children (as defined in section
10 462(g)(2) of the Homeland Security Act of 2002 (6
11 U.S.C. 279(g))) who entered the United States in a
12 single fiscal year in any of the prior 3 fiscal years;
13 and

14 (2) any other country which the Secretary of
15 Homeland Security deems appropriate.

16 (d) EFFECTIVE DATE.—This section shall take effect
17 on the date of the enactment of this Act and shall apply
18 with respect to any unaccompanied alien child (as defined
19 in section 462(g)(2) of the Homeland Security Act of 2002
20 (6 U.S.C. 279(g))) apprehended on or after such date.

21 **SEC. 16. REPORTS.**

22 (a) IN GENERAL.—Not later than 6 months after the
23 date of the enactment of this Act, and annually thereafter,
24 the Secretary of State and the Secretary of Health and
25 Human Services, with assistance from the Secretary of

1 Homeland Security, shall submit a report to the Com-
2 mittee on the Judiciary of the Senate and the Committee
3 on the Judiciary of the House of Representatives on ef-
4 forts to improve repatriation programs for unaccompanied
5 alien children (as defined in section 462(g)(2) of the
6 Homeland Security Act of 2002 (6 U.S.C. 279(g))). Such
7 reports shall include the following:

8 (1) The average time that such a child is de-
9 tained after apprehension until removal.

10 (2) The number of such children detained im-
11 properly beyond the required time periods under
12 paragraphs (2) and (3) of section 235(b) of the Wil-
13 liam Wilberforce Trafficking Victims Protection Re-
14 authorization Act of 2008 (8 U.S.C. 1232(b)).

15 (3) A statement of the funds used to effectuate
16 the repatriation of such children, including any
17 funds that were reallocated from foreign assistance
18 accounts as of the date of the enactment of this Act.

19 (b) EFFECTIVE DATE.—This section shall take effect
20 on the date of the enactment of this Act and shall apply
21 with respect to any unaccompanied alien child (as defined
22 in section 462(g)(2) of the Homeland Security Act of 2002
23 (6 U.S.C. 279(g))) apprehended on or after such date.

1 **SEC. 17. WITHHOLDING OF REMOVAL.**

2 (a) IN GENERAL.—Section 241(b)(3) (8 U.S.C.
3 1231(b)(3)) is amended—

4 (1) by adding at the end of subparagraph (A)
5 the following:

6 “The burden of proof shall be on the alien to
7 establish that the alien’s life or freedom would
8 be threatened in that country, and that race,
9 religion, nationality, membership in a particular
10 social group, or political opinion would be at
11 least one central reason for such threat.”; and

12 (2) in subparagraph (C), by striking “In deter-
13 mining whether an alien has demonstrated that the
14 alien’s life or freedom would be threatened for a rea-
15 son described in subparagraph (A),” and inserting
16 “For purposes of this paragraph,”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect as if enacted on May 11,
19 2005, and shall apply to applications for withholding of
20 removal made on or after such date.

21 **SEC. 18. GROSS VIOLATIONS OF HUMAN RIGHTS.**

22 (a) INADMISSIBILITY OF CERTAIN ALIENS.—Section
23 212(a)(3)(E)(iii) (8 U.S.C. 1182(a)(3)(E)(iii)) is amended
24 to read as follows:

25 “(iii) COMMISSION OF ACTS OF TOR-
26 TURE, EXTRAJUDICIAL KILLINGS, WAR

1 CRIMES, OR WIDESPREAD OR SYSTEMATIC
2 ATTACKS ON CIVILIANS.—Any alien who
3 planned, ordered, assisted, aided and abet-
4 ted, committed, or otherwise participated
5 in, including through command responsi-
6 bility and without regard to motivation or
7 intent, the commission of—

8 “(I) any act of torture (as de-
9 fined in section 2340 of title 18,
10 United States Code);

11 “(II) any extrajudicial killing (as
12 defined in section 3(a) of the Torture
13 Victim Protection Act of 1991 (28
14 U.S.C. 1350 note)) under color of law
15 of any foreign nation;

16 “(III) a war crime (as defined in
17 section 2441 of title 18, United States
18 Code); or

19 “(IV) a widespread or systematic
20 attack directed against a civilian pop-
21 ulation, with knowledge of the attack,
22 murder, extermination, enslavement,
23 forcible transfer of population, arbi-
24 trary detention, rape, sexual slavery,
25 enforced prostitution, forced preg-

1 nancy, enforced sterilization, or any
2 other form of sexual violence of com-
3 parable gravity;

4 “(V) persecution on political ra-
5 cial, national, ethnic, cultural, reli-
6 gious, or gender grounds;

7 “(VI) enforced disappearance of
8 persons; or

9 “(VII) other inhumane acts of a
10 similar character intentionally causing
11 great suffering or serious bodily or
12 mental injury,

13 is inadmissible.”.

14 (b) NONAPPLICABILITY OF CONFIDENTIALITY RE-
15 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
16 President may make public, without regard to the require-
17 ments under section 222(f) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1202(f)), with respect to confiden-
19 tiality of records pertaining to the issuance or refusal of
20 visas or permits to enter the United States, the names
21 of aliens deemed inadmissible on the basis of section
22 212(a)(3)(E)(iii) of the Immigration and Nationality Act,
23 as amended by subsection (a).

1 **SEC. 19. FIRM RESETTLEMENT.**

2 Section 208(b)(2)(A)(vi) (8 U.S.C.
3 1158(b)(2)(A)(vi)) is amended by striking “States.” and
4 inserting “States, which shall be considered demonstrated
5 by evidence that the alien can live in such country (in any
6 legal status) without fear of persecution.”.

7 **SEC. 20. TERMINATION OF ASYLUM STATUS PURSUANT TO**
8 **RETURN TO HOME COUNTRY.**

9 (a) TERMINATION OF STATUS.—Except as provided
10 in subsections (b) and (c), any alien who is granted asylum
11 or refugee status under the Immigration and Nationality
12 Act (8 U.S.C. 1101 et seq.), who, without a compelling
13 reason as determined by the Secretary, subsequently re-
14 turns to the country of such alien’s nationality or, in the
15 case of an alien having no nationality, returns to any coun-
16 try in which such alien last habitually resided, and who
17 applied for such status because of persecution or a well-
18 founded fear of persecution in that country on account of
19 race, religion, nationality, membership in a particular so-
20 cial group, or political opinion, shall have his or her status
21 terminated.

22 (b) WAIVER.—The Secretary has discretion to waive
23 subsection (a) if it is established to the satisfaction of the
24 Secretary that the alien had a compelling reason for the
25 return. The waiver may be sought prior to departure from
26 the United States or upon return.

1 (c) EXCEPTION FOR CERTAIN ALIENS FROM
2 CUBA.—Subsection (a) shall not apply to an alien who is
3 eligible for adjustment to that of an alien lawfully admit-
4 ted for permanent residence pursuant to the Cuban Ad-
5 justment Act of 1966 (Public Law 89–732).

6 **SEC. 21. ASYLUM CASES FOR HOME SCHOOLERS.**

7 (a) IN GENERAL.—Section 101(a)(42) (8 U.S.C.
8 1101(a)(42)) is amended by adding at the end the fol-
9 lowing: “For purposes of determinations under this Act,
10 a person who has been persecuted for failure or refusal
11 to comply with any law or regulation that prevents the
12 exercise of the individual right of that person to direct the
13 upbringing and education of a child of that person (includ-
14 ing any law or regulation preventing homeschooling), or
15 for other resistance to such a law or regulation, shall be
16 deemed to have been persecuted on account of membership
17 in a particular social group, and a person who has a well
18 founded fear that he or she will be subject to persecution
19 for such failure, refusal, or resistance shall be deemed to
20 have a well founded fear of persecution on account of
21 membership in a particular social group.”.

22 (b) NUMERICAL LIMITATION.—Section 207(a) (8
23 U.S.C. 1157(a)) is amended by adding at the end the fol-
24 lowing new paragraph:

1 “(5) For any fiscal year, not more than 500
2 aliens may be admitted under this section, or grant-
3 ed asylum under section 208, pursuant to a deter-
4 mination under section 101(a)(42) that the alien is
5 described in the final sentence of section 101(a)(42)
6 (as added by section 21 of the Asylum Reform and
7 Border Protection Act of 2015).”.

8 (c) EFFECTIVE DATES.—

9 (1) IN GENERAL.—The amendment made by
10 subsection (a) shall take effect on the date of the en-
11 actment of this Act and shall apply to failure or re-
12 fusal to comply with a law or regulation, or other re-
13 sistance to a law or regulation, occurring before, on,
14 or after such date.

15 (2) NUMERICAL LIMITATION.—The amendment
16 made by subsection (b) shall take effect beginning
17 on the first day of the first fiscal year beginning
18 after the date of the enactment of this Act.

19 **SEC. 22. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLI-**
20 **CATIONS:.**

21 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
23 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”;

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

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

10 “(C) ensure that a written warning ap-
11 pears on the asylum application advising the
12 alien of the consequences of filing a frivolous
13 application.”; and

14 (5) by inserting after subparagraph (C) the fol-
15 lowing:

16 “The written warning referred to in subparagraph
17 (C) shall serve as notice to the alien of the con-
18 sequences of filing a frivolous application.”.

19 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
20 (8 U.S.C. 1158(d)(6)) is amended by striking “paragraph
21 (4)(A)” and inserting “paragraph (4)(C)”.

22 **SEC. 23. TERMINATION OF ASYLUM STATUS.**

23 Section 208(c) of the Immigration and Nationality
24 Act (8 U.S.C. (c)) is amended by adding at the end the
25 following:

1 “(4) If an alien’s asylum status is subject to
2 termination under section 208(c)(2), the immigra-
3 tion judge shall first determine whether the condi-
4 tions specified under 208(c)(2) have been met, and
5 if so, terminate the alien’s asylum status before con-
6 sidering whether the alien is eligible for adjustment
7 of status under section 209.”.

○