UNITED STATES HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
CHAIRMAN BOB GOODLATTE

The Asylum Reform and Border Protection Act| Rep. Jason Chaffetz (R-Utah)

Summary:

- **Credible Fear:** We must fix the very minimal standard under current law that allows an alien apprehended at the border to show a "credible fear of persecution" and then generally be released into our communities while their asylum claim goes through the very lengthy immigration court process. During Fiscal Years 2013 and 2014, the Department of Homeland Security (DHS) approved 92% and 80% of credible fear claims, respectively – many of which were fraudulent and baseless. The result has been an explosion of claims as word has gotten out of the virtual rubberstamping of applications. The bill tightens the standard aliens have to meet in order to curtail fraud.

- **Immigration Parole Reform:** The parole statute allows DHS to bring into the U.S. otherwise inadmissible aliens and release detained aliens – but only in very narrow circumstances. The Obama Administration has abused this program – going well beyond the intent of Congress – to admit entire classes of aliens and release large numbers of detained aliens. In order to end this abuse, the bill specifies the precise instances in which parole can be used. A prime benefit of this provision will be to end the "catch and release" of many aliens apprehended at the border who claim a credible fear of persecution.

- **HHS/DHS information sharing:** The bill forces the Department of Health and Human Services (HHS) to cooperate with DHS in the removal process, such as by informing DHS as to the location of alien minors who are or have been in its custody.

- **No Taxpayer Funded Attorneys:** The Administration wants taxpayers to foot the bill (to the tune of $50 million) for lawyers for unaccompanied alien minors (UAMs) in removal proceedings. While the Immigration and Nationality Act has long prohibited taxpayer-funded attorneys for aliens in removal proceedings, the bill makes the prohibition more explicit to forestall the Administration's plans.

- **Definition of Unaccompanied Alien Minor:** The bill clarifies that an alien is not considered a UAM if certain immediate relatives (in addition to parents and guardians) are available to provide for their care and assume physical custody.

- **Safe Third Countries:** The bill grants DHS the power to remove asylum seekers to safe third countries where they would have access to a full and fair procedure for applying for asylum without the current necessity for bilateral agreements with those countries. This would allow the return of apprehended Central Americans to Mexico where they could apply for asylum.

- **Termination of Asylum Status:** The bill requires termination of asylum status where an asylee returns to their home country from which they sought asylum, absent changed circumstances or a change in country conditions.