



House of Representatives
Judiciary Committee

Chairman Bob Goodlatte

THE ASYLUM REFORM AND BORDER PROTECTION ACT (H.R. 391) REP. MIKE JOHNSON (R-LA)

Background: The recent surge of Central American unaccompanied alien minors and family units seeking to enter the U.S. illegally at our southern border put a strain on manpower and resources. It also exposed loopholes in our nation's immigration laws that are being exploited by smugglers and others seeking to game the system. The *Asylum Reform and Border Protection Act* makes a number of improvements to our nation's laws to prevent fraud and abuse in the system and ensure that asylum is reserved for those truly fleeing persecution in their home countries.

Key Components of the Asylum Reform and Border Protection Act:

Strengthens Asylum Process to Protect Legitimate Claims and Prevent Fraud:

- *Improves Credible Fear Standard:* 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 2015 and 2016, the Department of Homeland Security (DHS) approved 81% and 88% of credible fear claims, respectively – many of which were fraudulent and baseless. The result was an explosion of claims as word got out of the virtual rubberstamping of applications. The bill requires aliens to more clearly demonstrate a credible fear of persecution in order to curtail fraud and help ensure only legitimate claims are approved.
- *Terminates Asylum for Those Who Return Home:* The bill requires termination of asylum status where an asylee returns to their home country from which they sought asylum, absent a change in country conditions.

Reforms Immigration Parole Law to Prevent Executive Overreach: Under current law, DHS is able to bring into the U.S. otherwise inadmissible aliens and release detained aliens – but only in very narrow circumstances. The Obama Administration abused the parole program – going well beyond the intent of Congress – to admit entire classes of aliens and release large numbers of detained aliens. In order to prevent such abuses from happening again in the future, the bill specifies the precise instances in which parole can be used.

Provides Asylum Seekers Ability to Apply for Benefits from 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.

Protects Taxpayer Dollars: While the *Immigration and Nationality Act* has long prohibited taxpayer-funded attorneys for aliens in removal proceedings, the Obama Administration used taxpayer dollars to pay for lawyers for unaccompanied alien minors. The bill makes the prohibition more explicit so that no Administration can disregard the law and provide taxpayer-funded counsel to unlawful immigrants.