

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. LEE (for himself, Mr. CRUZ, Mr. TUBERVILLE, Mr. DAINES, Mrs. BRITT, Mrs. BLACKBURN, Mr. COTTON, Mr. MORAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. BRAUN, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Stopping Border Surges Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—UNACCOMPANIED ALIEN CHILDREN



1 habitual resident of a country that is  
2 contiguous with the United States”;

3 (II) in clause (i), by inserting  
4 “and” at the end;

5 (III) in clause (ii), by striking “;  
6 and” and inserting a period; and

7 (IV) by striking clause (iii);  
8 (iii) in subparagraph (B)—

9 (I) in the matter preceding clause  
10 (i), by striking “(8 U.S.C. 1101 et  
11 seq.) may—” and inserting “(8  
12 U.S.C. 1101 et seq.)—”;

13 (II) in clause (i), by inserting be-  
14 fore “permit such child to withdraw”  
15 the following: “may”; and

16 (III) in clause (ii), by inserting  
17 before “return such child” the fol-  
18 lowing: “shall”; and

19 (iv) in subparagraph (C)—

20 (I) by amending the subpara-  
21 graph heading to read as follows:  
22 “AGREEMENTS WITH FOREIGN COUN-  
23 TRIES.—”; and

24 (II) in the matter preceding  
25 clause (i), by striking “The Secretary

1 of State shall negotiate agreements  
2 between the United States and coun-  
3 tries contiguous to the United States”  
4 and inserting “The Secretary of State  
5 may negotiate agreements between the  
6 United States and any foreign country  
7 that the Secretary determines appro-  
8 priate”;

9 (B) by redesignating paragraphs (3)  
10 through (5) as paragraphs (4) through (6), re-  
11 spectively;

12 (C) by inserting after paragraph (2) the  
13 following:

14 “(3) SPECIAL RULES FOR INTERVIEWING UNAC-  
15 COMPANIED ALIEN CHILDREN.—An unaccompanied  
16 alien child shall be interviewed by an immigration  
17 officer with specialized training in interviewing child  
18 trafficking victims.”; and

19 (D) in paragraph (6)(D), as redesi-  
20 gnated—

21 (i) in the matter preceding clause (i),  
22 by striking “, except for an unaccompanied  
23 alien child from a contiguous country sub-  
24 ject to exceptions under subsection (a)(2),”

1 and inserting “who does not meet the cri-  
2 teria listed in paragraph (2)(A)”; and

3 (ii) in clause (i), by inserting “, which  
4 shall include a hearing before an immigra-  
5 tion judge not later than 14 days after  
6 being screened under paragraph (4)” be-  
7 fore the semicolon at the end;

8 (2) in subsection (b)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A), by inserting  
11 “believed not to meet the criteria listed in  
12 subsection (a)(2)(A)” before the semicolon  
13 at the end; and

14 (ii) in subparagraph (B), by inserting  
15 “and does not meet the criteria listed in  
16 subsection (a)(2)(A)” before the period at  
17 the end; and

18 (B) in paragraph (3), by striking “an un-  
19 accompanied alien child in custody shall” and  
20 all that follows, and inserting the following: “an  
21 unaccompanied alien child in custody—

22 “(A) in the case of a child who does not  
23 meet the criteria listed in subsection (a)(2)(A),  
24 shall transfer the custody of such child to the  
25 Secretary of Health and Human Services not

1 later than 30 days after determining that such  
2 child is an unaccompanied alien child who does  
3 not meet such criteria; or

4 “(B) in the case of child who meets the  
5 criteria listed in subsection (a)(2)(A), may  
6 transfer the custody of such child to the Sec-  
7 retary of Health and Human Services after de-  
8 termining that such child is an unaccompanied  
9 alien child who meets such criteria.”; and

10 (3) in subsection (c)—

11 (A) in paragraph (3), by adding at the end  
12 the following:

13 “(D) INFORMATION ABOUT INDIVIDUALS  
14 WITH WHOM CHILDREN ARE PLACED.—

15 “(i) INFORMATION TO BE PROVIDED  
16 TO THE DEPARTMENT OF HOMELAND SE-  
17 CURITY.—Before placing an unaccom-  
18 panied alien child with an individual, the  
19 Secretary of Health and Human Services  
20 shall provide to the Secretary of Homeland  
21 Security, regarding the individual with  
22 whom the child will be placed, the fol-  
23 lowing information:

24 “(I) The name of the individual.

1                   “(II) The Social Security number  
2                   of the individual, if available.

3                   “(III) The date of birth of the in-  
4                   dividual.

5                   “(IV) The location of the individ-  
6                   ual’s residence where the child will be  
7                   placed.

8                   “(V) The immigration status of  
9                   the individual, if known.

10                  “(VI) Contact information for  
11                  the individual.

12                  “(ii) SPECIAL RULE.—Not later than  
13                  90 days after the date of the enactment of  
14                  this subparagraph, the Secretary of Health  
15                  and Human Services shall provide to the  
16                  Secretary of Homeland Security the infor-  
17                  mation listed in clause (i) with respect to  
18                  any unaccompanied alien child appre-  
19                  hended between January 1, 2021 and such  
20                  date of enactment who the Secretary of  
21                  Health and Human Services has placed  
22                  with an individual.

23                  “(iii) ACTIVITIES OF THE SECRETARY  
24                  OF HOMELAND SECURITY.—Not later than  
25                  30 days after receiving the information

1 listed in clause (i), the Secretary of Home-  
2 land Security shall—

3 “(I) if the immigration status of  
4 an individual with whom a child is  
5 placed is unknown, investigate the im-  
6 migration status of such individual;  
7 and

8 “(II) upon determining that an  
9 individual with whom a child is placed  
10 is unlawfully present in the United  
11 States, initiate removal proceedings  
12 against such individual pursuant to  
13 chapter 4 of title II of the Immigra-  
14 tion and Nationality Act (8 U.S.C.  
15 1221 et seq.)”; and

16 (B) in paragraph (5)—

17 (i) by inserting after “to the greatest  
18 extent practicable” the following: “(at no  
19 expense to the Government)”; and

20 (ii) by striking “have counsel to rep-  
21 resent them” and inserting “have access to  
22 counsel to represent them”.

23 (b) **EFFECTIVE DATE.**—The amendments made by  
24 this section shall apply to any unaccompanied alien child  
25 apprehended on or after the date of enactment of this Act.



1 **SEC. 102. CLARIFICATION OF STANDARDS FOR FAMILY DE-**  
2 **TENTION.**

3 (a) IN GENERAL.—Section 235 of the William Wil-  
4 berforce Trafficking Victims Protection Reauthorization  
5 Act of 2008 (8 U.S.C. 1232) is amended by adding at  
6 the end the following:

7 “(j) RULE OF CONSTRUCTION.—

8 “(1) IN GENERAL.—Notwithstanding any other  
9 provision of law, judicial determination, consent de-  
10 cree, or settlement agreement, the detention of any  
11 alien child who is not an unaccompanied alien child  
12 shall be governed by sections 217, 235, 236, and  
13 241 of the Immigration and Nationality Act (8  
14 U.S.C. 1187, 1225, 1226, and 1231). There is no  
15 presumption that an alien child who is not an unac-  
16 companied alien child should not be detained, and all  
17 determinations regarding the detention of such chil-  
18 dren shall be in the discretion of the Secretary of  
19 Homeland Security.

20 “(2) RELEASE OF MINORS OTHER THAN UNAC-  
21 COMPANIED ALIENS.—An alien minor who is not an  
22 unaccompanied alien child may not be released by  
23 the Secretary of Homeland Security other than to a  
24 parent or legal guardian who is lawfully present in  
25 the United States.

1           “(3) FAMILY DETENTION.—The Secretary of  
2           Homeland Security shall—

3                   “(A) maintain the care and custody of an  
4           alien, during the period during which the  
5           charges described in clause (i) are pending,  
6           who—

7                           “(i) is charged only with a mis-  
8           demeanor offense under section 275(a) of  
9           the Immigration and Nationality Act (8  
10          U.S.C. 1325(a)); and

11                           “(ii) entered the United States with  
12          the alien’s child who has not attained 18  
13          years of age; and

14                           “(B) detain the alien with the alien’s  
15          child.”.

16          (b) SENSE OF CONGRESS.—It is the sense of Con-  
17          gress that the amendment made by subsection (a) are in-  
18          tended to satisfy the requirements of the Settlement  
19          Agreement in *Flores v. Meese*, No. 85–4544 (C.D. Cal)  
20          as approved by the court on January 28, 1997, with re-  
21          spect to its interpretation in *Flores v. Johnson*, 212 F.  
22          Supp. 3d 864 (C.D. Cal. 2015), that the agreement ap-  
23          plies to accompanied minors.

24          (c) EFFECTIVE DATE.—The amendment made by  
25          subsection (a)—

1           (1) shall take effect on the date of the enact-  
2           ment of this Act; and

3           (2) shall apply to all actions that occur before,  
4           on, or after such date of enactment.

5           (d) **PREEMPTION OF STATE LICENSING REQUIRE-**  
6 **MENTS.**—Notwithstanding any other provision of law, ju-  
7 dicial determination, consent decree, or settlement agree-  
8 ment, no State may require that an immigration detention  
9 facility used to detain children who have not attained 18  
10 years of age, or families consisting of 1 or more of such  
11 children and the parents or legal guardians of such chil-  
12 dren, that is located in such State, be licensed by the State  
13 or by any political subdivision of such State.

14 **SEC. 103. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**  
15 **MIGRANTS UNABLE TO REUNITE WITH EI-**  
16 **THER PARENT.**

17           Section 101(a)(27)(J) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

19           (1) in clause (i), by striking “, and whose reuni-  
20           fication with 1 or both of the immigrant’s parents  
21           is not viable due to abuse, neglect, abandonment, or  
22           a similar basis found under State law”; and

23           (2) in clause (iii)—

24           (A) in subclause (I), by striking “and” at  
25           the end;

1 (B) in subclause (II), by adding “and” at  
2 the end; and

3 (C) by adding at the end the following:

4 “(III) an alien may not be grant-  
5 ed special immigrant juvenile status  
6 under this subparagraph if his or her  
7 reunification with any parent or legal  
8 guardian is not precluded by abuse,  
9 neglect, abandonment, or any similar  
10 cause under State law;”.

## 11 **TITLE II—ASYLUM REFORM**

### 12 **SEC. 201. CLARIFICATION OF ASYLUM ELIGIBILITY.**

13 (a) PLACE OF ARRIVAL.—Section 208(a)(1) of the  
14 Immigration and Nationality Act (8 U.S.C. 1158(a)(1))  
15 is amended—

16 (1) by striking “or who arrives in the United  
17 States (whether or not at a designated port of ar-  
18 rival and including an alien who is brought to the  
19 United States after having been interdicted in inter-  
20 national or United States waters),”; and

21 (2) by inserting “and has arrived in the United  
22 States at a port of entry,” after “United States”.

23 (b) ELIGIBILITY.—Section 208(b)(1)(A) of such Act  
24 (8 U.S.C. 1158(b)(1)(A)) is amended by inserting “and

1 is eligible to apply for asylum under subsection (a)” after  
2 “section 101(a)(42)(A)”.

3 **SEC. 202. SAFE THIRD COUNTRY.**

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

6 (1) by striking “if the Attorney General deter-  
7 mines that the alien may be removed” and inserting  
8 the following: “if the Attorney General or the Sec-  
9 retary of Homeland Security determines that—

10 “(i) the alien may be removed”;

11 (2) by striking “removed, pursuant to a bilat-  
12 eral or multilateral agreement, to” and inserting  
13 “removed to”;

14 (3) by inserting “, on a case by case basis,” be-  
15 fore “finds that”;

16 (4) by striking the period at the end and insert-  
17 ing “; or”; and

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

19 “(ii) the alien entered, attempted to enter, or  
20 arrived in the United States after transiting through  
21 at least one country outside the alien’s country of  
22 citizenship, nationality, or last lawful habitual resi-  
23 dence en route to the United States, unless—

24 “(I) the alien demonstrates that he or she  
25 applied for protection from persecution or tor-

1           ture in at least one country outside the alien’s  
2           country of citizenship, nationality, or last lawful  
3           habitual residence through which the alien  
4           transited en route to the United States, and the  
5           alien received a final judgement denying the  
6           alien protection in each country;

7           “(II) the alien demonstrates that he or she  
8           was a victim of a severe form of trafficking in  
9           which a commercial sex act was induced by  
10          force, fraud, or coercion, or in which the person  
11          induced to perform such act was younger than  
12          18 years of age; or in which the trafficking in-  
13          cluded the recruitment, harboring, transpor-  
14          tation, provision, or obtaining of a person for  
15          labor or services through the use of force,  
16          fraud, or coercion for the purpose of subjection  
17          to involuntary servitude, peonage, debt bondage,  
18          or slavery, and was unable to apply for protec-  
19          tion from persecution in all countries that alien  
20          transited en route to the United States as a re-  
21          sult of such severe form of trafficking; or

22          “(III) the only countries through which the  
23          alien transited en route to the United States  
24          were, at the time of the transit, not parties to  
25          the 1951 United Nations Convention relating to

1           the Status of Refugees, the 1967 Protocol Re-  
2           lating to the Status of Refugees, or the United  
3           Nations Convention against Torture and Other  
4           Cruel, Inhuman or Degrading Treatment or  
5           Punishment.”.

6 **SEC. 203. APPLICATION TIMING.**

7           Section 208(a)(2)(B) of the Immigration and Nation-  
8           ality Act (8 U.S.C. 1158(a)(2)(B)) is amended by striking  
9           “1 year” and inserting “6 months”.

10 **SEC. 204. CLARIFICATION OF BURDEN OF PROOF.**

11           Section 208(b)(1)(B)(i) of the Immigration and Na-  
12           tionality Act (8 U.S.C. 1158(b)(1)(B)(i)) is amended by  
13           striking “at least one central reason” and inserting “the  
14           central reason”.

15 **SEC. 205. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.**

16           (a) ASYLUM CREDIBILITY DETERMINATIONS.—Sec-  
17           tion 208(b)(1)(B)(iii) of the Immigration and Nationality  
18           Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting  
19           after “all relevant factors” the following: “, including  
20           statements made to, and investigative reports prepared by,  
21           immigration authorities and other government officials”.

22           (b) RELIEF FOR REMOVAL CREDIBILITY DETER-  
23           MINATIONS.—Section 240(c)(4)(C) of such Act (8 U.S.C.  
24           1229a(c)(4)(C)) is amended by inserting “, including  
25           statements made to, and investigative reports prepared by,

1 immigration authorities and other government officials”  
2 after “all relevant factors”.

3 **SEC. 206. ADDITIONAL EXCEPTION.**

4 Section 208(b)(2)(A) of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

6 (1) in clause (v), by striking “or” at the end;

7 (2) in clause (vi), by striking the period and in-  
8 serting “; or”; and

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

10 “(vii) there are reasonable grounds for  
11 concluding the alien could avoid persecu-  
12 tion by relocating to another part of the  
13 alien’s country of nationality or, if state-  
14 less, another part of the alien’s country of  
15 last habitual residence.”.

16 **SEC. 207. JURISDICTION OF ASYLUM APPLICATIONS.**

17 Section 208(b)(3) of the Immigration and Nationality  
18 Act (8 U.S.C. 1158) is amended by striking subparagraph  
19 (C).

20 **SEC. 208. RENUNCIATION OF ASYLUM STATUS PURSUANT**  
21 **TO RETURN TO HOME COUNTRY.**

22 (a) IN GENERAL.—Section 208(c) of the Immigration  
23 and Nationality Act (8 U.S.C. 1158(c)) is amended by  
24 adding at the end the following:



1           “(4) RENUNCIATION OF STATUS PURSUANT TO  
2 RETURN TO HOME COUNTRY.—

3           “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B), any alien who is granted  
5 asylum status under this Act, who, absent  
6 changed country conditions, subsequently re-  
7 turns to the country of such alien’s nationality  
8 or, in the case of an alien having no nationality,  
9 returns to any country in which such alien last  
10 habitually resided, and who applied for such  
11 status because of persecution or a well-founded  
12 fear of persecution in that country on account  
13 of race, religion, nationality, membership in a  
14 particular social group, or political opinion,  
15 shall have his or her status terminated.

16           “(B) WAIVER.—The Secretary has discre-  
17 tion to waive subparagraph (A) if it is estab-  
18 lished to the satisfaction of the Secretary that  
19 the alien had a compelling reason for the re-  
20 turn. The waiver may be sought prior to depar-  
21 ture from the United States or upon return.”.

22           (b) CONFORMING AMENDMENT.—Section 208(c)(3)  
23 of such Act (8 U.S.C. 1158(c)(3)) is amended by inserting  
24 “or (4)” after “paragraph (2)”.

1 **SEC. 209. CLARIFICATION REGARDING EMPLOYMENT ELI-**  
2 **GIBILITY.**

3 Section 208(d)(2) of the Immigration and Nationality  
4 Act (8 U.S.C. 1158(d)(2)) is amended—

5 (1) by striking “prior to 180 days’” and in-  
6 serting “before the date that is 1 year”; and

7 (2) by inserting “and the authorization shall ex-  
8 pire 6 months after the date on which it is granted”  
9 before the period at the end.

10 **SEC. 210. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**  
11 **PLICATIONS.**

12 (a) IN GENERAL.—Section 208(d)(4) of the Immi-  
13 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is  
14 amended—

15 (1) in the matter preceding subparagraph (A),  
16 by inserting “the Secretary of Homeland Security  
17 or” before “the Attorney General”;

18 (2) in subparagraph (A), by striking “and of  
19 the consequences, under paragraph (6), of knowingly  
20 filing a frivolous application for asylum; and” and  
21 inserting a semicolon;

22 (3) in subparagraph (B), by striking the period  
23 at the end and inserting “; and”; and

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

25 “(C) ensure that a written warning ap-  
26 pears on the asylum application advising the

1 alien of the consequences of filing a frivolous  
2 application and serving as notice to the alien of  
3 the consequence of filing a frivolous applica-  
4 tion.”.

5 (b) CONFORMING AMENDMENT.—Section 208(d)(6)  
6 of the Immigration and Nationality Act (8 U.S.C.  
7 1158(d)(6)) is amended to read as follows:

8 “(6) FRIVOLOUS APPLICATIONS.—

9 “(A) CONSEQUENCE.—If the Secretary of  
10 Homeland Security or the Attorney General de-  
11 termines that an alien has knowingly made a  
12 frivolous application for asylum after receiving  
13 the written warning required under paragraph  
14 (4)(C), such alien shall be permanently ineli-  
15 gible for any benefits under this chapter, effec-  
16 tive as the date of the final determination of  
17 such an application.

18 “(B) DETERMINATION.—An application  
19 shall be considered frivolous if the Secretary of  
20 Homeland Security or the Attorney General de-  
21 termines, consistent with subparagraph (C),  
22 that—

23 “(i) the application is so insufficient  
24 in substance that it is clear that the appli-  
25 cant knowingly filed the application solely

1 or in part to delay removal from the  
2 United States, to seek employment author-  
3 ization as an applicant for asylum pursu-  
4 ant to regulations issued pursuant to para-  
5 graph (2), or to seek issuance of a Notice  
6 to Appear in order to pursue Cancellation  
7 of Removal under section 240A(b); or

8 “(ii) any of the material elements are  
9 knowingly fabricated.

10 “(C) OPPORTUNITY TO CLARIFY CLAIM.—  
11 An application may not be considered frivolous  
12 under this paragraph unless the Secretary or  
13 the Attorney General are satisfied that the ap-  
14 plicant, during the course of the proceedings,  
15 has had sufficient opportunity to clarify any  
16 discrepancies or implausible aspects of the ap-  
17 plicant’s claim.

18 “(D) WITHHOLDING OF REMOVAL.—A de-  
19 termination under this paragraph that an alien  
20 filed a frivolous asylum application shall not  
21 preclude such alien from seeking withholding of  
22 removal under section 241(b)(3) or protection  
23 pursuant to the Convention Against Torture  
24 and Other Cruel, Inhuman or Degrading Treat-

1           ment or Punishment, done at New York De-  
2           cember 10, 1984.”.

3 **SEC. 211. CREDIBLE FEAR INTERVIEWS.**

4           Section 235(b)(1)(B)(v) of the Immigration and Na-  
5           tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by  
6           striking “claim” and all that follows, and inserting “claim,  
7           as determined pursuant to section 208(b)(1)(B)(iii), and  
8           such other facts as are known to the officer, that the alien  
9           could establish eligibility for asylum under section 208,  
10          and it is more probable than not that the statements made  
11          by, and on behalf of, the alien in support of the alien’s  
12          claim are true.”.

13 **SEC. 212. RECORDING EXPEDITED REMOVAL AND CRED-**  
14                                   **IBLE FEAR INTERVIEWS.**

15          (a) IN GENERAL.—The Secretary of Homeland Secu-  
16          rity shall establish quality assurance procedures and take  
17          steps to effectively ensure that—

18                  (1) questions by employees of the Department  
19                  of Homeland Security exercising expedited removal  
20                  authority under section 235(b) of the Immigration  
21                  and Nationality Act (8 U.S.C. 1225(b)) are asked in  
22                  a uniform manner, to the extent possible; and

23                  (2) such questions and the answers provided in  
24                  response to such questions are recorded in a uniform  
25                  manner.

1 (b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The  
2 Secretary of Homeland Security shall—

3 (1) provide a checklist of standard questions  
4 and concepts to be addressed in all interviews re-  
5 quired under section 235(b) of the Immigration and  
6 Nationality Act (8 U.S.C. 1225(b)) to immigration  
7 officers exercising decision-making authority in such  
8 interviews;

9 (2) routinely update such checklist to include  
10 relevant changes to law and procedures; and

11 (3) require all immigration officers utilizing  
12 such checklists to provide concise justifications of  
13 their decisions regardless of whether credible fear  
14 was or was not established by the alien.

15 (c) FACTORS RELATING TO SWORN STATEMENTS.—  
16 To the extent practicable, any sworn or signed written  
17 statement taken from an alien as part of the record of  
18 a proceeding under section 235(b)(1)(A) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall  
20 be accompanied by a recording of the interview which  
21 served as the basis for such sworn statement.

22 (d) INTERPRETERS.—The Secretary of Homeland Se-  
23 curity shall ensure the use of a competent interpreter who  
24 is not affiliated with the government of the country from

1 which the alien may claim asylum if the interviewing offi-  
2 cer does not speak a language understood by the alien.

3 (e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—

4 All interviews of aliens subject to expedited removal shall  
5 be recorded (either by audio or by audio visual). Such re-  
6 cordings shall be included in the record of proceeding and  
7 shall be considered as evidence in any further proceedings  
8 involving such aliens.

9 (f) NO PRIVATE RIGHT OF ACTION.—Nothing in this  
10 section may be construed to create—

11 (1) any right, benefit, trust, or responsibility,  
12 whether substantive or procedural, enforceable in  
13 law or equity by a party against the United States,  
14 its departments, agencies, instrumentalities, entities,  
15 officers, employees, or agents, or any person; or

16 (2) any right of review in any administrative,  
17 judicial, or other proceeding.

18 **SEC. 213. PENALTIES FOR ASYLUM FRAUD.**

19 Section 1001 of title 18, United States Code, is  
20 amended by adding at the end the following:

21 “(d) Any person who, in any matter before the Sec-  
22 retary of Homeland Security or the Attorney General per-  
23 taining to asylum under section 208 of the Immigration  
24 and Nationality Act (8 U.S.C. 1158) or withholding of re-

1 moval under section 241(b)(3) of such Act (8 U.S.C.  
2 1231(b)(3)), knowingly and willfully—

3 “(1) makes any materially false, fictitious, or  
4 fraudulent statement or representation; or

5 “(2) makes or uses any false writings or docu-  
6 ment knowing the same to contain any materially  
7 false, fictitious, or fraudulent statement or entry,  
8 shall be fined under this title, imprisoned not more than  
9 10 years, or both.”.

10 **SEC. 214. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.**

11 Section 3291 of title 18, United States Code, is  
12 amended—

13 (1) by striking “1544,” and inserting “1544,  
14 and section 1546,”; and

15 (2) by inserting “or within 10 years after the  
16 fraud is discovered” before the period at the end.

17 **SEC. 215. TECHNICAL AMENDMENTS.**

18 Section 208 of the Immigration and Nationality Act,  
19 as amended by this title, is further amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2)(D), by inserting  
22 “Secretary of Homeland Security or the” before  
23 “Attorney General”; and



1 (B) in paragraph (3), by inserting “Sec-  
2 retary of Homeland Security or the” before  
3 “Attorney General”;

4 (2) in subsection (b)(2), by inserting “Secretary  
5 of Homeland Security or the” before “Attorney Gen-  
6 eral” each place such term appears;

7 (3) in subsection (c)—

8 (A) in paragraph (1), by striking “Attor-  
9 ney General” each place such term appears and  
10 inserting “Secretary of Homeland Security”;

11 (B) in paragraph (2), in the matter pre-  
12 ceding subparagraph (A), by inserting “Sec-  
13 retary of Homeland Security or the” before  
14 “Attorney General”; and

15 (C) in paragraph (3), by inserting “Sec-  
16 retary of Homeland Security or the” before  
17 “Attorney General”; and

18 (4) in subsection (d)—

19 (A) in paragraph (1), by inserting “Sec-  
20 retary of Homeland Security or the” before  
21 “Attorney General” each place such term ap-  
22 pears;

23 (B) in paragraph (2), by striking “Attor-  
24 ney General” and inserting “Secretary of  
25 Homeland Security”; and

- 1 (C) in paragraph (5)—
- 2 (i) in subparagraph (A), by striking
- 3 “Attorney General” and inserting “Sec-
- 4 retary of Homeland Security”; and
- 5 (ii) in subparagraph (B), by inserting
- 6 “Secretary of Homeland Security or the”
- 7 before “Attorney General”.