

114TH CONGRESS  
1ST SESSION

# H. R. 1153

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2015

Mr. CHAFFETZ (for himself, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. GOWDY, Mr. FARENTHOLD, Mr. CARTER of Texas, Mr. COLLINS of Georgia, Mr. CHABOT, Mrs. BLACK, Mr. WEBSTER of Florida, Mr. BARLETTA, and Mr. FORBES) 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

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## 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 2015”.

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 1 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 Security  
2 may prescribe, only—

3 “(i) for an urgent humanitarian reason  
4 (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 USC  
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 in admissible.”.

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) (8 U.S.C.  
22   1158(d)(4)) is amended—

23           (1) in the matter preceding subparagraph (A),  
24           by inserting “the Secretary of Homeland Security  
25           or” before “the Attorney General”;

1           (2) in subparagraph (A), by striking “and of  
2           the consequences, under paragraph (6), of knowingly  
3           filing a frivolous application for asylum”;

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

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

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

11          (5) by inserting after subparagraph (C) the fol-  
12          lowing:

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

16          (b) CONFORMING AMENDMENT.—Section 208(d)(6)  
17          (8 U.S.C. 1158(d)(6)) is amended by striking “paragraph  
18          (4)(A)” and inserting “paragraph (4)(C)”.

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

20                   Section 208(e) of the Immigration and Nationality  
21          Act (8 U.S.C. (e)) is amended by adding at the end the  
22          following:

23                   “(4) If an alien’s asylum status is subject to  
24                   termination under section 208(e)(2), the immigra-  
25                   tion judge shall first determine whether the condi-

1        tions specified under 208(c)(2) have been met, and  
2        if so, terminate the alien’s asylum status before con-  
3        sidering whether the alien is eligible for adjustment  
4        of status under section 209.”.

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