

119TH CONGRESS  
1ST SESSION

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

To amend the Immigration and Nationality Act to modify eligibility for asylum, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Immigration and Nationality Act to modify eligibility for asylum, 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 Loophole Closure Act”.

6 **SEC. 2. MODIFICATION OF ASYLUM ELIGIBILITY.**

7 (a) IN GENERAL.—Section 208 of the Immigration  
8 and Nationality Act (8 U.S.C. 1158) is amended—

9 (1) in subsection (a)(2)—

10 (A) in subparagraph (A)—

1 (i) by striking “if the Attorney Gen-  
2 eral determines that” and inserting “if the  
3 Attorney General or the Secretary of  
4 Homeland Security determines that—”;

5 (ii) by striking “the alien may be”  
6 and inserting the following:

7 “(i) the alien may be”;

8 (iii) by inserting “or the Secretary of  
9 Homeland Security” before “finds that”;

10 (iv) by striking the period at the end  
11 and inserting “; or”; and

12 (v) adding at the end the following:

13 “(ii) the alien entered, attempted to  
14 enter, or arrived in the United States after  
15 transiting through at least one country  
16 outside the alien’s country of nationality  
17 (or, in the case of an alien having no na-  
18 tionality, the country of the alien’s last ha-  
19 bitual residence) en route to the United  
20 States, unless the alien demonstrates that  
21 he or she applied for protection from per-  
22 secution or torture in each such country  
23 through which the alien so transited, and  
24 the alien received a final judgement deny-  
25 ing the alien protection in such country.”;

1 (B) by striking subparagraphs (B) and  
2 (D);

3 (C) by redesignating subparagraphs (C)  
4 and (E) as subparagraphs (B) and (C), respec-  
5 tively;

6 (D) in subparagraph (B), as redesignated,  
7 by striking “Subject to subparagraph (D),  
8 paragraph (1)” and inserting “Paragraph (1)”;  
9 and

10 (E) in subparagraph (C), as redesignated,  
11 by striking “Subparagraphs (A) and (B)” and  
12 inserting “Subparagraph (A)”.

13 (b) PERMANENT INELIGIBILITY FOR ILLEGAL ENTRY  
14 OR VISA FRAUD.—Section 208(b)(2)(A) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is  
16 amended—

17 (1) in clause (v), by striking “; or” and insert-  
18 ing a semicolon;

19 (2) in clause (vi), by striking the period at the  
20 end and inserting “; and”; and

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

22 “(vii) the alien—

23 “(I) has committed, or attempted  
24 to commit, unlawful entry in violation  
25 of section 275; or

1                   “(II) has attempted to enter or  
2                   has obtained entry to the United  
3                   States by a willfully false or mis-  
4                   leading representation or the willful  
5                   concealment of a material fact, includ-  
6                   ing by attempting to obtain or obtain-  
7                   ing a fraudulent visa.”.

8           (c) HIGHER STANDARD FOR ESTABLISHING CRED-  
9           IBLE FEAR OF PERSECUTION.—Section 235(b)(1)(B)(v)  
10           of the Immigration and Nationality Act (8 U.S.C.  
11           1225(b)(1)(B)(v)) is amended by striking “there is a sig-  
12           nificant possibility” and inserting “it is more likely than  
13           not”.

14           (d) PERMISSIBLE PERIOD OF FAMILY DETENTION.—  
15           During expedited removal or asylum proceedings under  
16           section 235 of the Immigration and Nationality Act (8  
17           U.S.C. 1225), a child may be detained together with his  
18           or her parent for a period of not more than 180 days.