

119TH CONGRESS
2D SESSION

S. 5371

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.

IN THE SENATE OF THE UNITED STATES

AUGUST 7, 2026

Mr. LEE (for himself, Mr. TUBERVILLE, Mrs. BRITT, Mr. CRUZ, Mr. SCOTT of Florida, and Mr. BANKS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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

Sec. 101. Repatriation of unaccompanied alien children.

Sec. 102. Clarification of standards for family detention.

Sec. 103. Special immigrant juvenile status for immigrants unable to reunite with either parent.

TITLE II—ASYLUM REFORM

Sec. 201. Clarification of asylum eligibility.

Sec. 202. Safe third country.

Sec. 203. Application timing.

Sec. 204. Clarification of burden of proof.

Sec. 205. Anti-fraud investigative work product.

Sec. 206. Additional exception.

Sec. 207. Jurisdiction of asylum applications.

Sec. 208. Renunciation of asylum status pursuant to return to home country.

Sec. 209. Clarification regarding employment eligibility.

Sec. 210. Notice concerning frivolous asylum applications.

Sec. 211. Credible fear interviews.

Sec. 212. Recording expedited removal and credible fear interviews.

Sec. 213. Penalties for asylum fraud.

Sec. 214. Statute of limitations for asylum fraud.

Sec. 215. Technical amendments.

1 **TITLE I—UNACCOMPANIED** 2 **ALIEN CHILDREN**

3 **SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-** 4 **DREN.**

5 (a) IN GENERAL.—Section 235 of the William Wil-
6 berforce Trafficking Victims Protection Reauthorization
7 Act of 2008 (8 U.S.C. 1232) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

10 (i) by amending the paragraph head-
11 ing to read as follows: “RULES FOR UNAC-
12 COMPANIED ALIEN CHILDREN.—”;

13 (ii) in subparagraph (A)—

14 (I) in the matter preceding clause

15 (i), by striking “who is a national or

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 “may”;

11 (II) in clause (i), by inserting
 12 “may” before “permit”; and

13 (III) in clause (ii), by inserting
 14 “shall” before “return”; and

15 (iv) in subparagraph (C)—

16 (I) by amending the subpara-
 17 graph heading to read as follows:

18 “AGREEMENTS WITH FOREIGN COUN-
 19 TRIES.—”; and

20 (II) in the matter preceding
 21 clause (i), by striking “shall negotiate
 22 agreements between the United States
 23 and countries contiguous to the
 24 United States” and inserting “may
 25 negotiate agreements between the

1 United States and any foreign country
2 the Secretary determines appro-
3 priate”;

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

7 (C) by inserting after paragraph (2) the
8 following:

9 “(3) SPECIAL RULES FOR INTERVIEWING UNAC-
10 COMPANIED ALIEN CHILDREN.—An unaccompanied
11 alien child shall be interviewed by an immigration
12 officer who has received specialized training in inter-
13 viewing child trafficking victims.”; and

14 (D) in paragraph (6)(D), as redesign-
15 nated—

16 (i) in the matter preceding clause (i),
17 by striking “, except for an unaccompanied
18 alien child from a contiguous country sub-
19 ject to exceptions under subsection (a)(2),”
20 and inserting “who does not meet the cri-
21 teria listed in paragraph (2)(A)”;

22 (ii) in clause (i), by inserting “, which
23 shall include a hearing before an immigra-
24 tion judge not later than 14 days after

1 being screened in accordance with para-
2 graph (5)” before the semicolon at the end;

3 (2) in subsection (b)—

4 (A) in paragraph (2)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “services” and in-
7 serting “Services”;

8 (ii) in subparagraph (A), by inserting
9 “who does not meet the criteria listed in
10 subsection (a)(2)(A)” before the semicolon
11 at the end; and

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

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

20 “(A) in the case of a child who does not
21 meet the criteria listed in subsection (a)(2)(A),
22 shall transfer the custody of such child to the
23 Secretary of Health and Human Services not
24 later than 30 days after determining such child

1 is an unaccompanied alien child who does not
 2 meet such criteria; or

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

9 (3) in subsection (c)—

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

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

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

23 “(I) The name of such individual.

24 “(II) The Social Security number
 25 of such individual, if available.

1 “(III) The date of birth of such
2 individual.

3 “(IV) The location of such indi-
4 vidual’s residence at which the child
5 will be placed.

6 “(V) The immigration status of
7 such individual, if known.

8 “(VI) Contact information for
9 such individual.

10 “(ii) SPECIAL RULE.—Not later than
11 90 days after the date of the enactment of
12 this subparagraph, the Secretary of Health
13 and Human Services shall provide to the
14 Secretary of Homeland Security the infor-
15 mation listed in clause (i) with respect to
16 any unaccompanied alien child appre-
17 hended between January 1, 2021, and
18 such date of enactment who the Secretary
19 of Health and Human Services has placed
20 with an individual.

21 “(iii) ACTIVITIES OF THE SECRETARY
22 OF HOMELAND SECURITY.—Not later than
23 30 days after receiving the information
24 listed in clause (i), the Secretary of Home-
25 land Security shall—

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

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

14 (B) in paragraph (5)—

15 (i) by inserting “(at no expense to the
16 Government)” after “to the greatest extent
17 practicable”; and

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

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

6 (1) by redesignating subsection (h) as sub-
7 section (j) and moving it so as to appear after sub-
8 section (i); and

9 (2) by inserting after subsection (g) the fol-
10 lowing:

11 “(h) RULE OF CONSTRUCTION.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, judicial determination, consent de-
14 cree, or settlement agreement—

15 “(A) the detention of any alien child who
16 is not an unaccompanied alien child shall be
17 governed by sections 217, 235, 236, and 241 of
18 the Immigration and Nationality Act (8 U.S.C.
19 1187, 1225, 1226, and 1231);

20 “(B) there is no presumption that an alien
21 child who is not an unaccompanied alien child
22 should not be detained; and

23 “(C) all determinations regarding the de-
24 tention of such children shall be in the discre-
25 tion of the Secretary of Homeland Security.

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

7 “(3) FAMILY DETENTION.—The Secretary of
 8 Homeland Security shall—

9 “(A) maintain the care and custody of an
 10 alien, during the period during which the
 11 charges described in clause (i) are pending,
 12 who—

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

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

20 “(B) detain the alien with the alien’s
 21 child.”.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
 23 gress that the amendment made by subsection (a) is in-
 24 tended to satisfy the requirements of the Settlement
 25 Agreement in *Flores v. Meese*, No. 85–4544 (C.D. Cal)

1 as approved by the court on January 28, 1997, with re-
 2 spect to its interpretation in *Flores v. Johnson*, 212 F.
 3 Supp. 3d 864 (C.D. Cal. 2015), that the agreement ap-
 4 plies to accompanied minors.

5 (c) EFFECTIVE DATE.—The amendment made by
 6 subsection (a)—

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

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

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

20 **SEC. 103. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**
 21 **MIGRANTS UNABLE TO REUNITE WITH EI-**
 22 **THER PARENT.**

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

1 (1) by moving the subparagraph 2 ems to the
2 left;

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

7 (3) in clause (iii)—

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

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

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

13 “(III) an alien may not be granted
14 special immigrant juvenile status under
15 this subparagraph if his or her reunifica-
16 tion with any parent or legal guardian is
17 not precluded by abuse, neglect, abandon-
18 ment, or any similar cause under State
19 law;”.

20 **TITLE II—ASYLUM REFORM**

21 **SEC. 201. CLARIFICATION OF ASYLUM ELIGIBILITY.**

22 (a) PLACE OF ARRIVAL.—Section 208(a)(1) of the
23 Immigration and Nationality Act (8 U.S.C. 1158(a)(1))
24 is amended by striking “or who arrives in the United
25 States (whether or not at a designated port of arrival and

1 including an alien who is brought to the United States
 2 after having been interdicted in international or United
 3 States waters),” and inserting “and has arrived in the
 4 United States at a port of entry,”.

5 (b) ELIGIBILITY.—Section 208(b)(1)(A) of such Act
 6 (8 U.S.C. 1158(b)(1)(A)) is amended by inserting “and
 7 is eligible to apply for asylum under subsection (a)” before
 8 the period at the end.

9 **SEC. 202. SAFE THIRD COUNTRY.**

10 Section 208(a)(2)(A) of the Immigration and Nation-
 11 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended to read as
 12 follows:

13 “(A) SAFE THIRD COUNTRY.—Paragraph
 14 (1) shall not apply to an alien if the Secretary
 15 of Homeland Security or the Attorney General
 16 determines—

17 “(i) the alien may be removed to a
 18 country (other than the country of the
 19 alien’s nationality or, in the case of an
 20 alien having no nationality, the country of
 21 the alien’s last habitual residence) in which
 22 the alien’s life or freedom would not be
 23 threatened on account of race, religion, na-
 24 tionality, membership in a particular social
 25 group, or political opinion, and where the

1 alien would have access to a full and fair
2 procedure for determining a claim to asy-
3 lum or equivalent temporary protection,
4 unless the Attorney General, on a case-by-
5 case basis, finds that it is in the public in-
6 terest for the alien to receive asylum in the
7 United States; or

8 “(ii) the alien entered, attempted to
9 enter, or arrived in the United States after
10 transiting through at least one country
11 outside the alien’s country of citizenship,
12 nationality, or last lawful habitual resi-
13 dence en route to the United States, un-
14 less—

15 “(I) the alien demonstrates that
16 he or she applied for protection from
17 persecution or torture in at least one
18 country outside the alien’s country of
19 citizenship, nationality, or last lawful
20 habitual residence through which the
21 alien transited en route to the United
22 States, and the alien received a final
23 judgement denying the alien protec-
24 tion in each country;

1 “(II) the alien demonstrates that
2 he or she was a victim of a severe
3 form of trafficking in which a com-
4 mercial sex act was induced by force,
5 fraud, or coercion, or in which the
6 person induced to perform such act
7 was younger than 18 years of age; or
8 in which the trafficking included the
9 recruitment, harboring, transpor-
10 tation, provision, or obtaining of a
11 person for labor or services through
12 the use of force, fraud, or coercion for
13 the purpose of subjection to involun-
14 tary servitude, peonage, debt bondage,
15 or slavery, and was unable to apply
16 for protection from persecution in all
17 countries that alien transited en route
18 to the United States as a result of
19 such severe form of trafficking; or

20 “(III) the only countries through
21 which the alien transited en route to
22 the United States were, at the time of
23 the transit, not parties to the 1951
24 United Nations Convention relating to
25 the Status of Refugees, the 1967 Pro-

1 tocol Relating to the Status of Refu-
2 gees, or the United Nations Conven-
3 tion against Torture and Other Cruel,
4 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 “, including statements made to, and investigative reports
20 prepared by, immigration authorities and other govern-
21 ment officials” after “all relevant factors”.

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 at the
 8 end and inserting “; 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 has been
5 granted asylum status under this Act shall have
6 such status terminated if the alien—

7 “(i) applied for such status because of
8 persecution or a well-founded fear of perse-
9 cution in that country on account of race,
10 religion, nationality, membership in a par-
11 ticular social group, or political opinion;
12 and

13 “(ii) absent changed country condi-
14 tions, subsequently returns to the country
15 of such alien’s nationality or, in the case of
16 an alien having no nationality, returns to
17 any country in which such alien last habit-
18 ually resided.

19 “(B) WAIVER.—The Secretary has discre-
20 tion to waive the application of subparagraph
21 (A) if it is established, to the satisfaction of the
22 Secretary, that the alien had a compelling rea-
23 son for returning to his or her country of na-
24 tionality or last habitual residence. Such waiver
25 may be sought prior to departing from the

1 United States or upon the alien’s return to the
2 United States.”.

3 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
4 Section 208(c)(3) of such Act (8 U.S.C. 1158(c)(3)) is
5 amended—

6 (1) by inserting “or (4)” after “paragraph (2)”;
7 and
8 (2) by striking “under section” and inserting
9 “under sections”.

10 **SEC. 209. CLARIFICATION REGARDING EMPLOYMENT ELI-**
11 **GIBILITY.**

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

14 (1) by striking “prior to 180 days” and insert-
15 ing “before the date that is 1 year”; and

16 (2) by inserting “and such authorization shall
17 expire on the date that is 6 months after the date
18 on which it is granted” before the period at the end.

19 **SEC. 210. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
20 **PLICATIONS.**

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

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

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

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

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

11 “(C) ensure that a written warning ap-
12 pears on the asylum application advising the
13 alien of the consequences of filing a frivolous
14 application and serving as notice to the alien of
15 the consequence of filing a frivolous applica-
16 tion.”.

17 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1158(d)(6)) is amended to read as follows:

20 “(6) FRIVOLOUS APPLICATIONS.—

21 “(A) CONSEQUENCE.—If the Secretary of
22 Homeland Security or the Attorney General de-
23 termines an alien has knowingly made a frivo-
24 lous application for asylum after receiving the
25 written warning required under paragraph

1 (4)(C), such alien shall be permanently ineli-
2 gible for any benefits under this chapter, effec-
3 tive as of the date of the final determination of
4 such application.

5 “(B) DETERMINATION.—An application
6 shall be considered frivolous if the Secretary of
7 Homeland Security or the Attorney General de-
8 termines, in accordance with subparagraph (C),
9 that—

10 “(i) the application is so insufficient
11 in substance that it is clear that the appli-
12 cant knowingly filed the application solely
13 or in part to delay removal from the
14 United States, to seek employment author-
15 ization as an applicant for asylum pursu-
16 ant to regulations issued pursuant to para-
17 graph (2), or to seek issuance of a Notice
18 to Appear in order to pursue Cancellation
19 of Removal under section 240A(b); or

20 “(ii) any of the material elements are
21 knowingly fabricated.

22 “(C) OPPORTUNITY TO CLARIFY CLAIM.—
23 An application may not be considered frivolous
24 under this paragraph unless the Secretary or
25 the Attorney General are satisfied that the ap-

1 plicant, during the course of the proceedings,
2 has had sufficient opportunity to clarify any
3 discrepancies or implausible aspects of the ap-
4 plicant's claim.

5 “(D) WITHHOLDING OF REMOVAL.—A de-
6 termination under this paragraph that an alien
7 filed a frivolous asylum application shall not
8 preclude such alien from seeking withholding of
9 removal under section 241(b)(3) or protection
10 pursuant to the Convention Against Torture
11 and Other Cruel, Inhuman or Degrading Treat-
12 ment or Punishment, done at New York De-
13 cember 10, 1984.”.

14 **SEC. 211. CREDIBLE FEAR INTERVIEWS.**

15 Section 235(b)(1)(B)(v) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
17 striking “claim” and all that follows, and inserting “claim,
18 as determined pursuant to section 208(b)(1)(B)(iii), and
19 such other facts as are known to the officer, that the alien
20 could establish eligibility for asylum under section 208,
21 and it is more probable than not that the statements made
22 by, and on behalf of, the alien in support of the alien's
23 claim are true.”.

1 **SEC. 212. RECORDING EXPEDITED REMOVAL AND CRED-**
2 **IBLE 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—

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

11 (2) such questions and the answers provided in
12 response to such questions are recorded in a uniform
13 manner.

14 (b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The
15 Secretary of Homeland Security shall—

16 (1) provide a checklist of standard questions
17 and concepts to be addressed in all interviews re-
18 quired under section 235(b) of the Immigration and
19 Nationality Act (8 U.S.C. 1225(b)) to immigration
20 officers exercising decision-making authority in such
21 interviews;

22 (2) routinely update such checklist to include
23 relevant changes to law and procedures; and

24 (3) require all immigration officers utilizing
25 such checklists to provide concise justifications of

1 their decisions regardless of whether credible fear
2 was or was not established by the alien.

3 (c) FACTORS RELATING TO SWORN STATEMENTS.—

4 To the extent practicable, any sworn or signed written
5 statement taken from an alien as part of the record of
6 a proceeding under section 235(b)(1)(A) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall
8 be accompanied by a recording of the interview which
9 served as the basis for such sworn statement.

10 (d) INTERPRETERS.—The Secretary of Homeland Se-
11 curity shall ensure the use of a competent interpreter who
12 is not affiliated with the government of the country from
13 which the alien may claim asylum if the interviewing offi-
14 cer does not speak a language understood by the alien.

15 (e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—

16 All interviews of aliens subject to expedited removal shall
17 be recorded (either by audio or by audio visual). Such re-
18 cordings shall be included in the record of proceeding and
19 shall be considered as evidence in any further proceedings
20 involving such aliens.

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

23 (1) any right, benefit, trust, or responsibility,
24 whether substantive or procedural, enforceable in
25 law or equity by a party against the United States,

1 its departments, agencies, instrumentalities, entities,
 2 officers, employees, or agents, or any person; or

3 (2) any right of review in any administrative,
 4 judicial, or other proceeding.

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

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

8 “(d) Any person who, in any matter before the Sec-
 9 retary of Homeland Security or the Attorney General per-
 10 taining to asylum under section 208 of the Immigration
 11 and Nationality Act (8 U.S.C. 1158) or withholding of re-
 12 moval under section 241(b)(3) of such Act (8 U.S.C.
 13 1231(b)(3)), knowingly and willfully—

14 “(1) makes any materially false, fictitious, or
 15 fraudulent statement or representation; or

16 “(2) makes or uses any false writings or docu-
 17 ment knowing the same to contain any materially
 18 false, fictitious, or fraudulent statement or entry,
 19 shall be fined under this title, imprisoned not more than
 20 10 years, or both.”.

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

22 Section 3291 of title 18, United States Code, is
 23 amended—

24 (1) by inserting “and section 1546,” after “in-
 25 clusive,”; and

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

3 **SEC. 215. TECHNICAL AMENDMENTS.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (2)(D), by inserting
8 “Secretary of Homeland Security or the” before
9 “Attorney General”; and

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

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

16 (3) in subsection (c)—

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

20 (B) in paragraph (2), in the matter pre-
21 ceding subparagraph (A), by inserting “Sec-
22 retary of Homeland Security or the” before
23 “Attorney General”; and

1 (C) in paragraph (3), by inserting “Sec-
2 retary of Homeland Security or the” before
3 “Attorney General”; and
4 (4) in subsection (d)—

5 (A) in paragraph (1), by inserting “Sec-
6 retary of Homeland Security or the” before
7 “Attorney General” each place such term ap-
8 pears;

9 (B) in paragraph (2), by striking “Attor-
10 ney General” and inserting “Secretary of
11 Homeland Security”; and

12 (C) in paragraph (5)—

13 (i) in subparagraph (A), by striking
14 “Attorney General” and inserting “Sec-
15 retary of Homeland Security”; and

16 (ii) in subparagraph (B), by inserting
17 “the Secretary of Homeland Security or”
18 before “the Attorney General”.

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