

106TH CONGRESS
1ST SESSION

H. R. 945

To deny to aliens the opportunity to apply for asylum in Guam.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1999

Mr. UNDERWOOD introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To deny to aliens the opportunity to apply for asylum in
Guam.

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. INABILITY OF ALIENS LANDING IN GUAM TO**
4 **APPLY THERE FOR ASYLUM.**

5 (a) IN GENERAL.—Notwithstanding sections 208 and
6 235(b) of the Immigration and Nationality Act (8 U.S.C.
7 1158 and 1225(b)), or any other provision of law, no alien
8 (as defined in section 101(a) of such Act (8 U.S.C.
9 1101(a)) may apply for asylum in Guam, and no claim
10 for asylum may be pursued through an interview or other
11 proceeding taking place in Guam. The preceding sentence

1 applies irrespective of an alien's status and whether the
2 alien is physically present in Guam or arrives in Guam
3 (whether or not at a designated port of arrival), and in-
4 cludes an alien who is brought to Guam after having been
5 interdicted in international or United States waters.

6 (b) DETENTION OF ALIENS PENDING TRANSPORT TO
7 ANOTHER PORT OF ENTRY.—

8 (1) IN GENERAL.—In the case of an alien de-
9 scribed in paragraph (2), the alien shall be arrested
10 and detained on a warrant issued by the Attorney
11 General pending transport by the Attorney General
12 from Guam to another place designated by the At-
13 torney General for purposes of further processing
14 under the Immigration and Nationality Act. Such
15 transport shall occur not later than 30 days after
16 the date on which the alien is deemed to be an appli-
17 cant for admission. Notwithstanding section 236(a)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1226(a)), the Attorney General may not release the
20 alien pending such transport.

21 (2) ALIENS DESCRIBED.—An alien described in
22 this paragraph is an alien who—

23 (A) is present or arriving in Guam;

24 (B) is seeking admission to the United
25 States; and

1 (C) otherwise satisfies the requirements for
2 referral for an interview with an asylum officer
3 pursuant to section 235(b)(1)(B) of the Immi-
4 gration and Nationality Act (8 U.S.C.
5 1225(b)(1)(B)) or is otherwise authorized, and
6 seeking, to establish eligibility for asylum under
7 section 208 of such Act.

8 (c) REIMBURSEMENT OF LOCAL COSTS.—The Attor-
9 ney General shall enter into a contractual arrangement
10 with the Government of Guam which provides for full and
11 complete compensation to Guam for any expense incurred
12 by Guam with respect to the detention of any alien pursu-
13 ant to this Act.

○