

104TH CONGRESS  
1ST SESSION

# H. R. 2182

To amend the Immigration and Nationality Act with respect to treatment of aliens who claim asylum after passing through a third country which could provide asylum.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1995

Mr. FRANKS of New Jersey (for himself, Mr. ZIMMER, Mr. HANCOCK, Mr. CUNNINGHAM, Mr. SENSENBRENNER, Mr. FRAZER, Mr. LOBIONDO, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act with respect to treatment of aliens who claim asylum after passing through a third country which could provide asylum.

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. LIMITATION ON ASYLUM FOR ALIENS WHO**  
4 **PASS THROUGH THIRD COUNTRIES.**

5 (a) IN GENERAL.—Section 208 of the Immigration  
6 and Nationality Act (8 U.S.C. 1158) is amended by add-  
7 ing at the end the following new subsection:

1       “(f)(1) Subject to paragraphs (3) and (4), an alien  
2 may not apply for asylum in the United States (or be  
3 granted asylum) if the alien, after departing from the  
4 country of the alien’s nationality (or, in the case of an  
5 alien having no nationality, the country in which the alien  
6 last habitually resided) and before arriving at the United  
7 States, passed through another country (in this subsection  
8 referred to as a ‘country of safe haven’) which the Sec-  
9 retary of State has identified as providing asylum or safe  
10 haven to refugees.

11       “(2) In the case of an alien who is prohibited from  
12 applying for asylum under paragraph (1) and who is ex-  
13 cluded from admission or deported, notwithstanding sec-  
14 tions 237(a) and 243(a), the removal of the alien shall  
15 first be to the country of safe haven.

16       “(3) Paragraph (1) shall not apply to an alien if the  
17 alien establishes to an appropriate immigration officer all  
18 of the following:

19               “(A) The alien seeks to apply for asylum after  
20 admission to the United States as a nonimmigrant  
21 visitor for business or pleasure under section  
22 101(a)(15)(B).

23               “(B) The alien was not a refugee at the time  
24 at which the alien passed through the country of  
25 safe haven, and

1           “(C) The alien is such a refugee because of ma-  
2           terial changes in circumstances of the alien’s native  
3           country since the date of such passage.

4           “(4) Paragraph (1) shall not apply to an alien if the  
5           alien establishes to an appropriate immigration officer  
6           that the alien—

7           “(A) has previously been returned to the coun-  
8           try of safe haven and has been denied admission, or

9           “(B) has a clear probability of persecution in  
10          that country of safe haven if returned to that coun-  
11          try on account of race, religion, nationality, member-  
12          ship in a particular social group, or political opinion.

13          “(5) The Attorney General shall provide a process for  
14          the review of determinations under paragraphs (3) and  
15          (4). During the pendency of such review, the alien shall  
16          be detained at a detention center of the Service and shall  
17          not be provided employment authorization by the Service.

18          “(6) In this subsection, the term ‘detention center of  
19          the Service’ includes any detention facility operated by (or  
20          under the supervision, regulation, or contract of) the Serv-  
21          ice.”.

22          (b) EFFECTIVE DATE.—(1) The Secretary of State  
23          shall first publish a list of countries providing asylum or  
24          safe haven to refugees by not later than 90 days after the  
25          date of the enactment of this Act.

1           (2) The amendment made by subsection (a) shall  
2 apply to aliens who seek to apply for asylum on or after  
3 15 days after the date such list is first published.

4 **SEC. 2. NEGOTIATIONS WITH CONVENTION AND PROTOCOL**  
5 **SIGNATORIES REGARDING LIMITATION ON**  
6 **ASYLUM REQUESTS.**

7           The Secretary of State shall actively engage in nego-  
8 tiations with the foreign ministers of countries that are  
9 signatories either of the Geneva Convention Relating to  
10 the Status of Refugees (done on July 28, 1951) or of the  
11 Protocol Relating to the Status of Refugees (done in New  
12 York on January 31, 1967) in order to establish uniform  
13 international procedures limiting asylum requests of indi-  
14 viduals fleeing persecution in a country to the first country  
15 a refugee passes through that is such a signatory and that  
16 does not persecute such a refugee.

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