

117TH CONGRESS
2D SESSION

H. R. 8823

To amend the Immigration and Nationality Act to advance meritorious asylum claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2022

Mr. VICENTE GONZALEZ of Texas introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

A BILL

To amend the Immigration and Nationality Act to advance meritorious asylum claims, 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 “Safe Zones Act of
5 2022”.

6 **SEC. 2. STREAMLINING ASYLUM SYSTEM.**

7 (a) OFFICERS OF U.S. CUSTOMS AND BORDER PRO-
8 TECTION AUTHORIZED TO CONDUCT ASYLUM INTER-
9 VIEWS.—Section 235(b)(1)(E) of the Immigration and

1 Nationality Act (8 U.S.C. 1225(b)(1)(E)) by striking “im-
2 migration officer” and inserting “immigration officer, in-
3 cluding trained and qualified staff as determined by the
4 Secretary of Homeland Security,”.

5 (b) STANDARDS TO OPTIMIZE AND ADVANCE MERI-
6 TORIOUS ASYLUM CLAIMS.—Section 235(b)(1)(B) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1225(b)(1)(B)) is amended—

9 (1) by amending clause (v) to read as follows:

10 “(v) CREDIBLE FEAR OF PERSECU-
11 TION.—

12 “(I) IN GENERAL.—For purposes
13 of this subparagraph, the term ‘cred-
14 ible fear of persecution’ means that
15 there is a significant possibility, tak-
16 ing into account the credibility of the
17 statements made by the alien in sup-
18 port of the alien’s claim and such
19 other facts as are known to the offi-
20 cer, that the alien could establish eli-
21 gibility for asylum under section 208
22 of this title.

23 “(II) BARS TO ASYLUM.—An
24 alien shall not be determined to have
25 a credible fear of persecution if the

1 alien is prohibited from applying for
2 or receiving asylum, including an alien
3 subject to a limitation or condition
4 under subsection (a)(2) or (b)(2) (in-
5 cluding a regulation promulgated
6 under such subsection) of section
7 208.”; and

8 (2) by adding at the end the following:

9 “(vi) ELIGIBILITY FOR RELIEF.—

10 “(I) CREDIBLE FEAR REVIEW BY
11 IMMIGRATION JUDGE.—Not later than
12 90 days after an alien submits an ap-
13 plication for asylum at a safe zone, if
14 the alien is determined to have a cred-
15 ible fear of persecution they shall be
16 referred to an immigration judge for a
17 determination of whether the alien is
18 eligible for asylum under section 208,
19 withholding of removal under section
20 241(b)(3), or protection under the
21 Convention Against Torture.

22 “(II) ALIENS WITH CREDIBLE
23 FEAR OF PERSECUTION.—

24 “(aa) IN GENERAL.—Except
25 as provided in item (bb), if an

alien referred under subparagraph (A)(ii) is determined to have a credible fear of persecution, the alien shall be eligible for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

“(bb) EXCEPTION.—An alien shall not be eligible for consideration of an application for relief under item (aa) if the failure of the alien to establish a credible fear of persecution precludes the alien from eligibility for such relief.

“(vii) INELIGIBILITY FOR REMOVAL PROCEEDINGS.—An alien referred under subparagraph (A)(ii) shall not be eligible for a hearing under section 240.”.

SEC. 3. ESTABLISHMENT OF SAFE ZONES.

(a) IN GENERAL.—

(1) IMMIGRATION OFFICER.—Section 101(a)(18) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(18)) is amended by striking “At-

1 torney General” and inserting “Secretary of Home-
2 land Security”.

3 (2) SAFE ZONE.—Section 101(a) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1101(a)) is
5 amended by adding at the end the following new
6 paragraph:

7 “(53) The term ‘safe zone’—

8 “(A) means a facility designated under sec-
9 tion 207(g) by the Secretary of State to accept
10 and process applications for refugee admissions
11 to the United States; and

12 “(B) may include a United States em-
13 bassy, consulate, or other diplomatic facility, or
14 other facility as determined to be appropriate
15 by the Secretary of State.”.

16 (b) DESIGNATION.—Section 207 of the Immigration
17 and Nationality Act (8 U.S.C. 1157) is amended by add-
18 ing at the end the following new subsection:

19 “(g) SAFE ZONE.—

20 “(1) DESIGNATION.—Not later than 240 days
21 after the date of the enactment of this subsection,
22 the Secretary of State, in consultation with the Sec-
23 retary of Homeland Security, shall designate a safe
24 zone outside the United States.

1 “(2) LOCATIONS.—The Secretary of State shall
2 establish—

3 “(A) not fewer than 3 safe zones along the
4 United States-Mexico border; and

5 “(B) 1 safe zone in Guatemala.

6 “(3) DUTIES OF SECRETARY OF STATE.—The
7 Secretary of State, in coordination with the Sec-
8 retary of Homeland Security, shall ensure that any
9 alien who is a national or habitual resident of a
10 country in which a safe zone is located, or a country
11 contiguous to such a country, may apply for refugee
12 status at such safe zone.

13 “(4) ADJUDICATIONS BY IMMIGRATION OFFI-
14 CERS.—Not later than 30 days after a credible fear
15 determination is made for an alien, an application
16 for refugee status submitted to a safe zone shall be
17 adjudicated by an immigration officer.

18 “(5) PRIORITY.—The Secretary of State shall
19 ensure that an application at a safe zone is
20 prioritized—

21 “(A) for an alien who has been referred by
22 an authorized nongovernmental organization, as
23 determined by the Secretary of State; and

1 “(B) in accordance with any other require-
2 ments and procedures established by the Sec-
3 retary of State under this subsection.

4 “(6) APPLICATION FEES.—

5 “(A) IN GENERAL.—The Secretary of
6 State and the Secretary of Homeland Security
7 shall charge, collect, and account for fees pre-
8 scribed by each such Secretary pursuant to sub-
9 sections (m) and (n) of section 286 of this Act
10 and section 9701 of title 31, United States
11 Code, for the purpose of receiving, docketing,
12 processing, and adjudicating an application
13 under this subsection.

14 “(B) BASIS FOR FEES.—The fees pre-
15 scribed under subparagraph (A) shall be based
16 on a consideration of the amount necessary to
17 deter frivolous applications and the cost for
18 processing the application, including the imple-
19 mentation of program integrity and anti-fraud
20 measures.

21 “(7) COVID-19 TESTING.—For the duration of
22 the public health emergency with respect to COVID-
23 19, the Secretary of State shall require an alien to
24 present a negative test for COVID-19 to enter a
25 safe zone.

1 “(8) REMOTE ADJUDICATION.—Remote adju-
2 dication may be used, at the discretion of the Sec-
3 retary of Homeland Security, to adjudicate any ap-
4 plication submitted at a safe zone outside the United
5 States.

6 “(9) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated \$40,000,000
8 for each of the fiscal years 2023 to 2033 for the des-
9 ignation of safe zones pursuant to this section.”.

10 (c) SUNSET.—The amendments made by this section
11 shall cease to have effect beginning on the date that is
12 10 years after the date of the enactment of this Act.

13 **SEC. 4. ADDITIONAL PERSONNEL REQUIRED.**

14 (a) U.S. CUSTOMS AND BORDER PROTECTION.—Not
15 later than one year after the date of the enactment of this
16 Act, the Commissioner of the U.S. Customs and Border
17 Protection shall hire, train, and assign an additional num-
18 ber, as determined necessary by the Secretary of Home-
19 land Security, of border patrol agents.

20 (b) IMMIGRATION JUDGES.—Not later than six
21 months after the date of the enactment of this Act, the
22 Attorney General shall hire 20 immigration judges and all
23 appropriate support staff to carry out this Act.

1 **SEC. 5. SERVICE OF SAFE ZONES.**

2 (a) IN GENERAL.—The Secretary of State shall en-
3 sure that a safe zone under section 207 of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1157), as amended by
5 this Act, is safe and provides humane conditions. The Sec-
6 retary shall provide—

7 (1) security for the safe zone and shall ensure
8 that it is fortified from potential danger;

9 (2) temporary housing for an alien while such
10 alien's case is adjudicated;

11 (3) adequate meals; and

12 (4) access to medical care, social workers, the
13 Legal Orientation Program administered by the Ex-
14 ecutive Office for Immigration Review, and other
15 services the Secretary determines appropriate.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated \$40,000,000 for each of the
18 fiscal years 2024 to 2034 to carry out this section.

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