

117TH CONGRESS  
2D SESSION

# H. R. 8355

To amend the Immigration and Nationality Act to reform the asylum claim process, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Mr. CRENSHAW (for himself, Mr. ELLZEY, Mr. FALLON, Mr. GIMENEZ, Ms. VAN DUYNE, Mr. WEBER of Texas, Mr. BABIN, Mr. BRADY, Ms. GRANGER, Mr. BURGESS, Mr. POSEY, and Mr. PFLUGER) 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 to reform the asylum claim process, 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 “Closing Loopholes and  
5 Ending Asylum Abuse Act of 2022”.

6 **SEC. 2. REFORM ASYLUM CLAIM PROCESS.**

7 (a) CONFORMING AMENDMENTS.—The Immigration  
8 and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

9 (1) in section 101(a)—

1 (A) in paragraph (42)—

2 (i) by inserting “by the government or  
3 a governmental-affiliated entity” after  
4 “fear of persecution” each place it ap-  
5 pears;

6 (ii) by inserting “by the government  
7 or a governmental-affiliated entity” after  
8 “persecution of any person”;

9 (iii) by inserting “by the government  
10 or a governmental-affiliated entity” after  
11 “has been persecuted”;

12 (iv) by inserting “by the government  
13 or a governmental-affiliated entity” after  
14 “have been persecuted”; and

15 (v) by inserting “by the government  
16 or a governmental-affiliated entity” after  
17 “subject to persecution”;

18 (B) by adding at the end the following:

19 “(53) The term ‘governmental-affiliated entity’  
20 means a person, ministry, bureau, department,  
21 agency, government corporation, or any other en-  
22 tity chartered, established, sponsored, or supported  
23 by the government or a dominant political organiza-  
24 tion.

1           “(54) The term ‘particular social group’ means  
2           a group of individuals that is composed of immu-  
3           table characteristics, socially distinct within the soci-  
4           ety in question, and defined with particularity.

5           “(55) The term ‘immutable characteristic’  
6           means a characteristic not capable of or susceptible  
7           to change.

8           “(56) The term ‘socially distinct within the so-  
9           ciety in question’ means there is societal differentia-  
10          tion between people in a society who possess a  
11          shared belief or trait and people in such society who  
12          do not possess such shared belief or trait.

13          “(57) The term ‘defined with particularity’  
14          means there are clear, well-defined boundaries be-  
15          tween people who fall within a particular social  
16          group and people who do not fall within such par-  
17          ticular social group.”;

18               (2) in section 208—

19                   (A) in subsection (a), by amending para-  
20                   graph (1) to read as follows:

21                   “(1) ASYLUM PROCESS.—

22                           “(A) PHYSICAL PRESENCE IN UNITED  
23                           STATES.—Any alien who is physically present in  
24                           the United States or who arrives at the United  
25                           States (at a designated port of entry and in-

cluding an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien’s status, may apply for asylum in accordance with this section or, where applicable, section 235(b).

“(B) OUTSIDE OF UNITED STATES.—Any alien who is physically present outside of the United States, irrespective of such alien’s status, may apply for asylum at a United States diplomatic mission established under section 2(c) of the Closing Loopholes and Ending Asylum Abuse Act of 2022.”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (B)(iii)—

(aa) by striking “whenever made and whether or not under oath” and inserting “which shall be made under oath”; and

(bb) by inserting “and any reports on country conditions written by a law enforcement agency in the United States or a law enforcement agency in the

1 country the report describes”

2 after “country conditions”; and

3 (II) by adding at the end the fol-

4 lowing:

5 “(C) LOCATION OF CLAIM.—If an alien  
6 passes through a country (other than the  
7 United States or the country of citizenship, na-  
8 tionality, or origin of such alien) that has a  
9 United States diplomatic mission established  
10 under section 2(c) of the Closing Loopholes and  
11 Ending Asylum Abuse Act of 2022, such alien  
12 shall make any application for asylum in ac-  
13 cordance with this section in such country and  
14 may not enter the United States unless such  
15 claim is granted or other immigration benefit or  
16 relief is awarded.”; and

17 (ii) in paragraph (2)(A)—

18 (I) in clause (v), by striking “or”

19 at the end;

20 (II) in clause (vi), by striking the

21 period at the end and inserting “; or”;

22 and

23 (III) by adding at the end the

24 following:

1 “(vii) the alien has violated section  
2 275 (relating to entering the United States  
3 improperly); or

4 “(viii) the alien has received a final  
5 order of removal issued in absentia under  
6 section 240(b)(5)(A).”; and

7 (3) in section 235(b)(1)(B)(v)—

8 (A) by striking “possibility” and inserting  
9 “likelihood”; and

10 (B) by inserting “and the evidence pre-  
11 sented” after “by the alien”.

12 (b) CLAIMS FOR ASYLUM ABROAD.—Chapter 4 of the  
13 Immigration and Nationality Act (8 U.S.C. 1221 et seq.)  
14 is amended by inserting after section 235A the following:

15 **“SEC. 235B. CLAIMS FOR ASYLUM OUTSIDE OF UNITED**  
16 **STATES.**

17 “(a) SCREENING.—An alien outside of the United  
18 States who indicates an intention to apply for asylum at  
19 a diplomatic mission established under section 2(c) of the  
20 Closing Loopholes and Ending Asylum Abuse Act of 2022,  
21 shall be examined, assessed, and referred to an asylum  
22 officer for an interview to determine if such alien has a  
23 credible fear of persecution in accordance with section  
24 235(b)(1)(B).

1       “(b) ADMISSION.—If an alien described in subsection  
2 (a) is found to have a credible fear of persecution, the  
3 alien shall be admitted to the United States for the pur-  
4 pose of further consideration of their application for asy-  
5 lum as directed by the Secretary of Homeland Security.

6       “(c) NO CREDIBLE FEAR FOUND.—If an alien de-  
7 scribed in subsection (a) is found to not have a credible  
8 fear of persecution—

9               “(1) the alien shall not be eligible to apply for  
10 asylum in the United States unless such alien can  
11 demonstrate a chance in circumstance with respect  
12 to their credible fear of persecution; and

13              “(2) the asylum officer shall prepare a written  
14 record of a determination, including a summary of  
15 the material facts as stated by the alien, any addi-  
16 tional facts relied upon by the officer, and the offi-  
17 cer’s analysis of why, in the light of such facts, the  
18 alien has not established a credible fear of persecu-  
19 tion, and a copy of the officer’s interview notes.

20       “(d) RULES.—The Secretary of Homeland Security  
21 shall establish all necessary processes, rules, and proce-  
22 dures to store, maintain, access, and share information re-  
23 lated to an alien applying for asylum outside of the United  
24 States.”.

1 (c) AUTHORIZATION TO ESTABLISH ASYLUM OF-  
2 FICES ABROAD.—

3 (1) ESTABLISHMENT.—Not later than 180 days  
4 after the date of the enactment of this Act, the Sec-  
5 retary of Homeland Security, in coordination with  
6 the Secretary of State and the Attorney General,  
7 shall establish United States diplomatic missions at  
8 a United States embassy or consulate in accordance  
9 with this subsection to review an application for asy-  
10 lum under section 208 of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1158).

12 (2) LOCATION.—A United States diplomatic  
13 mission established pursuant to paragraph (1) may  
14 be located at any of the following:

15 (A) The United States Embassy in Mexico  
16 City.

17 (B) The United States Consulate General  
18 in Ciudad Juarez.

19 (C) The United States Consulate General  
20 in Matamoros.

21 (D) The United States Consulate General  
22 in Monterrey.

23 (E) The United States Consulate General  
24 in Nogales.



1 (F) The United States Consulate General  
2 in Tijuana.

3 (G) Any other United States embassy or  
4 consulate the Secretary of Homeland Security,  
5 in coordination with the Secretary of State and  
6 Attorney General, recommends pursuant to sub-  
7 section (c)(5).

8 (3) STAFF.—The Secretary of Homeland Secu-  
9 rity, in coordination with the Secretary of State and  
10 the Attorney General, shall provide necessary facili-  
11 ties and staff to serve the United States diplomatic  
12 missions established pursuant to paragraph (1).

13 (d) REPORTING.—Not later than 1 year after the  
14 date of the enactment of this Act, and every year there-  
15 after, the Secretary of Homeland Security, in coordination  
16 with the Secretary of State and the Attorney General,  
17 shall submit to the relevant congressional committees a  
18 report on the United States diplomatic missions estab-  
19 lished pursuant to subsection (b)(1), including the fol-  
20 lowing:

21 (1) The number of applications for asylum re-  
22 viewed at each United States diplomatic mission.

23 (2) The number of asylum seekers found to  
24 have a credible fear of persecution.

1           (3) The number of staff employed at each  
2       United States diplomatic mission.

3           (4) An assessment of the effectiveness of re-  
4       viewing applications for asylum at the United States  
5       diplomatic missions.

6           (5) Recommendations on where to establish ad-  
7       ditional United States diplomatic missions as nec-  
8       essary based on migrant flows.

9           (6) Any other matter the Secretary of Home-  
10      land Security, in coordination with the Secretary of  
11      State and the Attorney General, determines appro-  
12      priate.

13      (e) RELEVANT CONGRESSIONAL COMMITTEES DE-  
14      FINED.—In this section, the term “relevant congressional  
15      committees” means—

16           (1) the Committee on Foreign Affairs, the  
17      Committee on Homeland Security, and the Com-  
18      mittee on the Judiciary of the House of Representa-  
19      tives; and

20           (2) the Committee on Foreign Relations, the  
21      Committee on Homeland Security and Governmental  
22      Affairs, and the Committee on the Judiciary of the  
23      Senate.

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