

117TH CONGRESS
2D SESSION

S. 4637

To amend the Immigration and Nationality Act to clarify the meaning of the term “frivolous application” with respect to asylum claims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2022

Mr. TILLIS (for himself, Mr. CRAMER, Mr. HAGERTY, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to clarify the meaning of the term “frivolous application” with respect to 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 “Asylum Integrity Act”.

5 **SEC. 2. CLARIFICATION WITH RESPECT TO FRIVOLOUS**
6 **ASYLUM APPLICATIONS.**

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

(1) in paragraph (4), in the matter preceding subparagraph (A), by inserting “the Secretary of Homeland Security or” before “the Attorney General”; and

(2) by amending paragraph (6)—

(A) by striking “If the Attorney General determines that an alien has knowingly” and inserting the following:

“(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has”; and

(B) by adding at the end the following:

“(B) DETERMINATION.—

“(i) IN GENERAL.—For purposes of this paragraph, a frivolous application is an application for asylum that the Secretary of Homeland Security or the Attorney General determines—

“(I) has been made knowingly by the applicant; and

“(II)(aa) includes a fabricated material element;

“(bb) is premised on false or fabricated evidence;

1 “(cc) was filed without regard to
2 the merits of the claim; or

3 “(dd) is clearly foreclosed by ap-
4 plicable law.

5 “(ii) EFFECT OF FINDING.—For pur-
6 poses of this section, a finding that an
7 alien has filed a frivolous asylum applica-
8 tion shall not preclude the alien from seek-
9 ing withholding of removal under section
10 241(b)(3) of protection pursuant to the
11 Convention Against Torture and Other
12 Cruel, Inhuman or Degrading Treatment
13 or Punishment, done at New York Decem-
14 ber 10, 1984.

15 “(iii) FINDINGS BY ASYLUM OFFI-
16 CERS.—In adjudicating an affirmative asy-
17 lum application, if an asylum officer deter-
18 mines that the application is described in
19 subclauses (I) and (II) of clause (i), the
20 asylum officer may—

21 “(I) make a finding that the ap-
22 plication is a frivolous application;
23 and

24 “(II)(aa) in the case of an appli-
25 cant who is not in lawful status, refer

1 the application to an immigration
2 judge; or

3 “(bb) in the case of an applicant
4 who is in lawful status, deny the ap-
5 plication.”.

○