

ASYLUM ABUSE REDUCTION ACT (S.348)

Introduced by U.S. Senator Katie Britt (R-Ala.)

Background

Previous administrations have operated under a policy of “catch and release,” where many illegal immigrants caught crossing the border illegally are given citations for appearing in court, but then released into the United States.

The asylum process has also been abused in the past, with immigrants entering the country after declaring asylum, but never completing the process by attending court dates or necessary interviews with immigration officials—thereby never receiving proper documentation. The United States is now experiencing a dramatic increase in the number of individuals claiming asylum.

Asylum Abuse Reduction Act

- **Requires migrants to declare asylum at U.S. embassies/consulates in Mexico or Canada before entering the United States.**
 - Currently, migrants who cross the border illegally and declare asylum are released pending credible fear screenings and other legal procedures, but rarely show up for proceedings – never completing the asylum process.
 - The dramatic increase in asylum claims, as urged by smugglers, creates a huge strain on our resources, a backlog in the immigration process and most migrants don’t show up for their court date.
 - SOLUTION: The Asylum Abuse Reduction Act requires individuals seeking asylum to have their preliminary credible fear screening with an immigration officer by telephone or in person at an embassy or consulate outside the United States prior to being considered for admittance for asylum purposes.
- **Creates a criminal bench warrant for immigrants who fail to appear for immigration court.**
 - Currently, when illegal immigrants fail to show up for court, their information is not entered into police databases.
 - SOLUTION: Under S.348, migrants who don’t appear for court will be given a bench warrant. If they are subsequently stopped for an unrelated offense, like speeding, there will be a warrant for them in the system for violating immigration law.
- **Codifies the Trump Administration’s Third Country Asylum Rule.**
 - SOLUTION: Prohibits migrants from claiming asylum unless he or she has applied for protection from persecution or torture in at least one country outside the alien’s country of citizenship and was denied asylum by that country. The bill includes an exception for migrants who are victims of human trafficking.
- **Establishes Fix to Flores Settlement Agreement.**
 - The 1997 Flores agreement determined that children who enter the country illegally cannot be detained for more than 20 days. Currently, that usually means that illegal immigrants travelling as family units with children are released pending trial – who then fail to appear. The current alternative to releasing the entire family unit is to release only the children, therefore separating them from their families.
 - SOLUTION: S.348 aims to prevent family separation (and catch and release) by ensuring the Flores agreement does not apply to children who are travelling in family units.