



## Asylum Reform and Border Protection Act of 2017

On January 10, 2017, Rep. Jason Chaffetz (R-Utah) introduced [H.R. 391](#), “Asylum Reform and Border Protection Act of 2017” with 16 original Republican cosponsors. The bill would narrow the definition of an unaccompanied alien child (UAC) and increase the federal government’s authority to put children in immigration custody for longer.

### What would the Asylum Reform and Border Protection Act do?

- **Narrow the definition of UAC.** The bill would narrow the definition of unaccompanied children, excluding anyone who has any relative over the age of 18 in the U.S. This change would increase the Department of Homeland Security’s authority to keep children in detention, undermining established policies that recognize children should be treated differently from adults and held in the least restrictive institution possible.
- **Allow DHS and HHS to hold UACs in custody longer.** The bill would permit DHS to hold UACs for 30 days instead of up to 72 hours before needing to transfer them to the custody of the Department of Health and Human Services. Also, the bill would allow HHS to place a child in a secure facility without determining that the child poses a danger.
  - Long periods in custody have been shown to have [negative impacts](#) on children’s physical and mental health, such as suffering from depression, post-traumatic stress disorder, loss of appetite, and trouble sleeping.
- **Restrict eligibility for asylum.** Showing “credible fear” is essential for approval of an asylum application. The bill would increase the standards to meet the “credible fear” requirement. The proposed change could lead to denial of asylum for many individuals fleeing persecution and danger in their home countries.
- **Restrict eligibility for humanitarian parole and special immigrant juvenile status.** The bill would narrow the definitions of humanitarian parole and special immigrant juvenile status and categorically would deny parole to immigrants who were denied refugee status. The modifications likely would result in denial of humanitarian relief for many vulnerable individuals deserving assistance.
- **Prohibit the government from paying for attorneys for any person in deportation proceedings.** The bill would prevent HHS from covering the expenses for attorneys assisting children in immigration detention. This change could result in UACs representing themselves and trying to navigate the complicated and legally complex immigration process and court proceedings, which would lead to those with meritorious claims being denied relief.
- **Add at least 50 immigration judges.** The bill would require the addition of at least 50 new immigration judges (subject to available appropriations) in an effort to address the backlog in immigration cases. At the end of April 2017, [585,930](#) cases were pending, nearly [70,000](#) more than were pending at the end of fiscal year 2016. The average waiting time for a hearing reached 670 days.