



Bill Summary: Asylum Reform Act of 2019

Representative Will Hurd (R – Texas) [released](#) a discussion draft of the Asylum Reform Act of 2019, on June 4, 2019. The bill would make considerable changes to the U.S. asylum laws, affecting mostly asylum seekers from Central America who currently [account for](#) over 90 percent of all apprehensions along the U.S. Southern Border. Among other changes, it would require migrants to seek asylum in Mexico or Canada before applying for protection in the U.S. and would restrict eligibility for asylum to only those who present themselves at ports of entry with a few exceptions.

Specifically, the proposed Asylum Reform Act of 2019 would:

- Limit eligibility to claim asylum to only individuals who enter the U.S. at a port of entry, unless they seek asylum due to fear of persecution in one of the contiguous countries (Mexico or Canada), present themselves and request asylum within 48 hours of unauthorized entry, or have good cause for crossing between ports of entry.
- Require asylum seekers to apply for asylum within two days after arrival in the U.S. rather than within one year as allowed by current law.
- Ban migrants, who have traveled through Mexico or Canada, from applying for asylum in the U.S., unless they applied for and were denied asylum in those countries.
- Allow the Secretary of Homeland Security to remove asylum seekers to any country, without a “safe third country” agreement as the U.S. currently has with Canada, in which they would not face persecution based on race, religion, national origin, political opinion, or membership in a particular social group and would have access to a full and fair procedure for claiming asylum.
- Require asylum seekers to meet a “reasonable fear” standard, a higher standard of proof in which they need to show they are “more likely than not” to face persecution in their home countries, rather than the current “credible fear” standard which requires them to show a “significant possibility” of facing persecution.
- Double to 10 years the time period for which an individual can be charged for fraud or misuse of visa and other documents in an asylum case.
- Allow the DHS Secretary and the Attorney General to determine whether an asylum applicant knowingly filed a frivolous claim and make such migrants permanently ineligible for any immigration benefits under the Immigration and Nationality Act (INA).