

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**H. R. 815**

To amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. RUBIO to the amendment (No. 1388) proposed by Mrs. MURRAY (for herself and Mr. SCHUMER)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_\_. CREDIBLE FEAR STANDARD AND ASYLUM**

3 **BARS AT SCREENING INTERVIEW.**

4 Section 235(b)(1)(B) of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

6 (1) in clause (v), by striking “significant possi-  
7 bility” and inserting “reasonable possibility”; and

8 (2) by adding at the end, the following:

1 “(vi) ASYLUM EXCEPTIONS.—An asy-  
2 lum officer, during the credible fear screen-  
3 ing of an alien—

4 “(I) shall determine whether any  
5 of the asylum exceptions under section  
6 208(b)(2) disqualify the alien from re-  
7 ceiving asylum; and

8 “(II) may determine that the  
9 alien does not meet the definition of  
10 credible fear of persecution under  
11 clause (v) if any such exceptions  
12 apply, including whether any such ex-  
13 emptions to such disqualifying excep-  
14 tions may apply.”.

15 **SEC. \_\_\_\_\_. INTERNAL RELOCATION.**

16 (a) IN GENERAL.—Section 208(b)(2)(A) of the Im-  
17 migration and Nationality Act (8 U.S.C. 1158(b)(2)(A))  
18 is amended—

19 (1) in clause (v), by striking “or” at the end;

20 (2) in clause (vi), by striking the period at the  
21 end and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(vii) there are reasonable grounds for  
24 concluding that the alien could avoid perse-  
25 cution by relocating to—

1                   “(I) another location in the  
2                   alien’s country of nationality; or

3                   “(II) in the case of an alien hav-  
4                   ing no nationality, another location in  
5                   the alien’s country of last habitual  
6                   residence.”.

7           (b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of  
8 the Immigration and Nationality Act (8 U.S.C.  
9 1254a(c)(2)(B)(ii)) is amended by inserting “clauses (i)  
10 through (vi) of” after “described in”.

11 **SEC. \_\_\_\_\_. SAFE THIRD COUNTRY.**

12           Section 208(a)(2)(A) of the Immigration and Nation-  
13 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

14                   (1) by striking “if the Attorney General deter-  
15                   mines” and inserting “if the Attorney General or the  
16                   Secretary of Homeland Security determines—”;

17                   (2) by striking “that the alien may be removed”  
18                   and inserting the following:

19                                 “(i) that the alien may be removed”;

20                   (3) by striking “, pursuant to a bilateral or  
21                   multilateral agreement, to” and inserting “to”;

22                   (4) by inserting “or the Secretary, on a case by  
23                   case basis,” before “finds that”;

24                   (5) by striking the period at the end and insert-  
25                   ing “; or”; and

1 (6) by adding at the end the following:

2 “(ii) that the alien entered, attempted to enter,  
3 or arrived in the United States after transiting  
4 through at least one country outside the alien’s  
5 country of citizenship, nationality, or last lawful ha-  
6 bitual residence en route to the United States, un-  
7 less—

8 “(I) the alien demonstrates that he or she  
9 applied for protection from persecution or tor-  
10 ture in at least one country outside the alien’s  
11 country of citizenship, nationality, or last lawful  
12 habitual residence through which the alien  
13 transited en route to the United States;

14 “(II) the alien demonstrates that he or she  
15 was a victim of a severe form of trafficking in  
16 which a commercial sex act was induced by  
17 force, fraud, or coercion, or in which the person  
18 induced to perform such act was under the age  
19 of 18 years; or in which the trafficking included  
20 the recruitment, harboring, transportation, pro-  
21 vision, or obtaining of a person for labor or  
22 services through the use of force, fraud, or coer-  
23 cion for the purpose of subjection to involuntary  
24 servitude, peonage, debt bondage, or slavery,  
25 and was unable to apply for protection from

1 persecution in each country through which the  
2 alien transited en route to the United States as  
3 a result of such severe form of trafficking; or

4 “(III) the only countries through which the  
5 alien transited en route to the United States  
6 were, at the time of the transit, not parties to  
7 the 1951 United Nations Convention relating to  
8 the Status of Refugees, the 1967 Protocol Re-  
9 lating to the Status of Refugees, or the United  
10 Nations Convention against Torture and Other  
11 Cruel, Inhuman or Degrading Treatment or  
12 Punishment.”.

13 **SEC. \_\_\_\_ . TRAVEL THROUGH CONTIGUOUS COUNTRY.**

14 Section 208(b)(2)(A) of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

16 (1) in clause (v), by striking “; or” and insert-  
17 ing a semicolon;

18 (2) in clause (vi), by striking the period and in-  
19 serting “; or”; and

20 (3) by adding at the end the following:

21 “(vii)(I) the alien has traveled  
22 through a country that is contiguous to the  
23 United States immediately before arriving  
24 at a port of entry of, or otherwise entering,  
25 the United States; and

1                                   “(II) did not apply for asylum in such  
2                                   country.”.