



S.L.C.

110TH CONGRESS
2D SESSION

S.

To provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. KENNEDY, and Mr. FLAGEL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, 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 “Secure and Safe De-
5 tention and Asylum Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ASYLUM SEEKER.**—The term “asylum seek-
9 er” means an applicant for asylum under section

1 208 of the Immigration and Nationality Act (8.
2 U.S.C. 1158) or for withholding of removal under
3 section 241(b)(3) of such Act (8 U.S.C. 1231(b)(3))
4 or an alien who indicates an intention to apply for
5 relief under either such section and does not include
6 a person with respect to whom a final adjudication
7 denying an application made under either such sec-
8 tion has been entered.

9 (2) CREDIBLE FEAR OF PERSECUTION.—The
10 term “credible fear of persecution” has the meaning
11 given that term in section 235(b)(1)(B)(v) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1225(b)(1)(B)(v)).

14 (3) DEPARTMENT.—The term “Department”
15 means the Department of Homeland Security.

16 (4) DETAINEE.—The term “detainee” means
17 an alien in the Department’s custody held in a de-
18 tention facility.

19 (5) DETENTION FACILITY.—The term “deten-
20 tion facility” means any Federal facility in which an
21 asylum seeker, an alien detained pending the out-
22 come of a removal proceeding, or an alien detained
23 pending the execution of a final order of removal, is
24 detained for more than 72 hours, or any other facil-
25 ity in which such detention services are provided to

1 the Federal Government by contract, and does not
2 include detention at any port of entry in the United
3 States.

4 (6) REASONABLE FEAR OF PERSECUTION OR
5 TORTURE.—The term “reasonable fear of persecu-
6 tion or torture” has the meaning described in sec-
7 tion 208.31 of title 8, Code of Federal Regulations.

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of Homeland Security.

10 (8) STANDARD.—The term “standard” means
11 any policy, procedure, or other requirement.

12 (9) VULNERABLE POPULATIONS.—The term
13 “vulnerable populations” means classes of aliens
14 subject to the Immigration and Nationality Act (8
15 U.S.C. 1101 et seq.) who have special needs requir-
16 ing special consideration and treatment by virtue of
17 their vulnerable characteristics, including experi-
18 ences of, or risk of, abuse, mistreatment, or other
19 serious harms threatening their health or safety.
20 Vulnerable populations include the following:

21 (A) Asylum seekers.

22 (B) Refugees admitted under section 207
23 of the Immigration and Nationality Act (8
24 U.S.C. 1157) and individuals seeking such ad-
25 mission.

1 (C) Aliens whose deportation is being with-
2 held under section 243(h) of the Immigration
3 and Nationality Act (as in effect immediately
4 before the effective date of section 307 of the
5 Illegal Immigration Reform and Immigrant Re-
6 sponsibility Act of 1996 (Public Law 104–208;
7 110 Stat. 3009–612)) or section 241(b)(3) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1231(b)(3)).

10 (D) Aliens granted or seeking protection
11 under article 3 of the Convention Against Tor-
12 ture and other Cruel, Inhumane, or Degrading
13 Treatment or Punishment, done at New York,
14 December 10, 1994.

15 (E) Applicants for relief and benefits
16 under the Immigration and Nationality Act
17 pursuant to the amendments made by the Traf-
18 ficking Victims Protection Act of 2000 (division
19 A of Public Law 106–386; 114 Stat. 1464), in-
20 cluding applicants for nonimmigrant status
21 under subparagraph (T) or (U) of section
22 101(a)(15) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(15)).

24 (F) Applicants for relief and benefits
25 under the Immigration and Nationality Act

