

103^D CONGRESS
1ST SESSION

S. 1348

To amend the Immigration and Nationality Act to reform the asylum law, to increase penalties for alien smuggling, to authorize appropriations for the Immigration and Naturalization Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

Mr. BRYAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to reform the asylum law, to increase penalties for alien smuggling, to authorize appropriations for the Immigration and Naturalization Service, 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; AMENDMENTS MADE BY ACT;**

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Asylum Reform and Alien Smuggling Control Act of
7 1993”.

1 (b) AMENDMENTS TO IMMIGRATION AND NATIONAL-
 2 ITY ACT.—Except as otherwise expressly provided, when-
 3 ever in this Act an amendment or repeal is expressed in
 4 terms of an amendment to, or repeal of, a section or other
 5 provision, the reference shall be considered to be made to
 6 a section or other provision of the Immigration and
 7 Nationality Act.

8 (c) TABLE OF CONTENTS.—The table of contents of
 9 this Act is as follows:

Sec. 1. Short title; amendments made by Act; table of contents.

TITLE I—FRAUDULENT ASYLUM APPLICATIONS AND ALIEN
 SMUGGLING AND FRAUD

Sec. 101. Inspection and exclusion by immigration officers.

Sec. 102. Enhanced penalties and amended sentencing guidelines for alien
 smuggling.

Sec. 103. Effective date.

TITLE II—ASYLUM

Sec. 201. Asylum.

Sec. 202. Failure to appear for asylum hearing.

Sec. 203. Judicial review.

Sec. 204. Conforming amendments.

Sec. 205. Effective dates.

TITLE III—BORDER PATROL AND ASYLUM OFFICER POSITIONS

Sec. 301. Border Patrol positions.

Sec. 302. Asylum officer positions.

Sec. 303. Authorization of appropriations.

1 **TITLE I—FRAUDULENT ASYLUM APPLICA-**
2 **TIONS AND ALIEN SMUGGLING AND**
3 **FRAUD**

4 **SEC. 101. INSPECTION AND EXCLUSION BY IMMIGRATION**
5 **OFFICERS.**

6 (a) INSPECTION OF ALIENS.—Section 235(b) (8
7 U.S.C. 1225(b)) is amended to read as follows:

8 “(b) INSPECTION AND EXCLUSION BY IMMIGRATION
9 OFFICERS.—

10 “(1) An immigration officer shall inspect each
11 alien who is seeking entry to the United States.

12 “(2)(A) If the examining immigration officer
13 determines that an alien seeking entry—

14 “(i) does not present the documentation
15 required (if any) to obtain legal entry to the
16 United States; and

17 “(ii) does not indicate either an intention
18 to apply for asylum (under section 208) or a
19 fear of persecution,

20 the officer shall order the alien excluded from the
21 United States without further hearing or review.

22 “(B) The examining immigration officer shall
23 refer for immediate inspection at a port of entry by
24 an asylum officer under subparagraph (C) any alien

1 who has indicated an intention to apply for asylum
2 or a fear of persecution.

3 “(C)(i) If an asylum officer determines that an
4 alien has a credible fear of persecution, the alien
5 shall be entitled to apply for asylum under section
6 208.

7 “(ii)(I) Subject to subclause (II), if an asylum
8 officer determines that an alien does not have a
9 credible fear of persecution, the officer shall order
10 the alien excluded without further hearing or review.

11 “(II) The Attorney General shall promulgate
12 regulations to provide for the immediate review by
13 another asylum officer at the port of entry of a deci-
14 sion under subclause (I).

15 “(iii) For the purposes of this subparagraph,
16 the term ‘credible fear of persecution’ means (I) that
17 it is more probable than not that the statements
18 made by the alien in support of his or her claim are
19 true, and (II) that there is a significant possibility,
20 in light of such statements and of such other facts
21 as are known to the officer, that the alien could es-
22 tablish eligibility for asylum under section 208.

23 “(3)(A) Except as provided in subparagraph
24 (B), if the examining immigration officer determines
25 that an alien seeking entry is not clearly and beyond

1 a doubt entitled to enter, the alien shall be detained
2 for a hearing before a special inquiry officer.

3 “(B) The provisions of subparagraph (A) shall
4 not apply—

5 “(i) to an alien crewman,

6 “(ii) to an alien described in paragraph
7 (2)(A) or 2(C)(ii)(I), or

8 “(iii) if the conditions described in section
9 273(d) exist.

10 “(4) The decision of the examining immigration
11 officer, if favorable to the admission of any alien,
12 shall be subject to challenge by any other immigra-
13 tion officer and such challenge shall operate to take
14 the alien, whose privilege to enter is so challenged,
15 before a special inquiry officer for a hearing on ex-
16 clusion of the alien.

17 “(5)(A) Subject to subparagraph (B), an alien
18 has not entered the United States for purposes of
19 this Act unless and until such alien has been in-
20 spected and admitted by an immigration officer pur-
21 suant to this subsection.

22 “(B) An alien who (i) is physically present in
23 the United States, (ii) has been physically present in
24 the United States for a continuous period of one
25 year, and (iii) has not been inspected and admitted

1 by an immigration officer shall be deemed to have
2 entered the United States without inspection.”

3 (b) CONFORMING AMENDMENTS.—Section 237(a) (8
4 U.S.C. 1227(a)) is amended—

5 (1) in the second sentence of paragraph (1) by
6 striking “Deportation” and inserting “Subject to
7 section 235(b)(2), deportation”; and

8 (2) in the first sentence of paragraph (2) by
9 striking “If” and inserting “Subject to section
10 235(b)(2), if”.

11 **SEC. 102. ENHANCED PENALTIES AND REVISED SENTENC-**
12 **ING GUIDELINES FOR ALIEN SMUGGLING.**

13 (a) ADDITIONAL CRIMINAL PENALTY.—Section
14 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

15 (1) by striking “or” at the end of subparagraph
16 (C),

17 (2) by striking the comma at the end of sub-
18 paragraph (D) and inserting “; or”,

19 (3) by inserting after subparagraph (D) the fol-
20 lowing:

21 “(E) contracts or agrees with another party for
22 that party to provide, for employment by the person
23 or another, an alien who is not authorized to be em-
24 ployed in the United States, knowing that such
25 party intends to bring about the entry of such alien

1 into the United States in violation of the laws of the
2 United States,”

3 (4) by striking “five years” and inserting “ten
4 years”, and

5 (5) by inserting before the final period the fol-
6 lowing: “Provided that in any case in which the per-
7 son subjects to serious bodily injury, or places in
8 jeopardy the life of, any alien involved in the offense,
9 the person shall be fined in accordance with the pro-
10 visions of title 18 of the United States Code or im-
11 prisoned not more than 20 years for each alien in
12 respect to whom any violation of this paragraph oc-
13 curs, or both.”.

14 (b) TREATMENT OF SMUGGLING AS AN AGGRAVATED
15 FELONY.—The first sentence of section 101(a)(43) (8
16 U.S.C. 1101(a)(43)) is amended by inserting “or any of-
17 fense under section 274(a)” before “for which the term
18 of imprisonment”.

19 (c) CONSPIRACY.—Section 274 (8 U.S.C. 1324) is
20 amended by adding at the end the following new sub-
21 section:

22 “(d) CONSPIRACY.—Whoever conspires to commit
23 any offense defined in this section shall be subject to the
24 same penalties as those prescribed for the offense the com-
25 mission of which was the object of the conspiracy.”.

1 (d) SENTENCING GUIDELINES.—The United States
2 Sentencing Commission shall promptly promulgate, pursu-
3 ant to 28 United States Code 994, amendments to the
4 sentencing guidelines to make appropriate increases in the
5 base offense level for offenses under section 274 of the
6 Immigration and Nationality Act (8 U.S.C. 1324) to re-
7 flect the increases in maximum penalties for such offenses
8 in section 102 of this Act.

9 **SEC. 103. EFFECTIVE DATE.**

10 (a) IN GENERAL.—Except as otherwise provided, the
11 amendments made by this title shall take effect on the
12 date of the enactment of this Act and shall apply to aliens
13 who arrive in or seek admission to the United States on
14 or after such date.

15 (b) SMUGGLING.—The amendment made by section
16 102(b) shall apply to offenses for which convictions are
17 entered before, on, or after the date of the enactment of
18 this Act.

19 (c) INTERIM REFERENCE TO ASYLUM.—Any ref-
20 erence in section 235(b)(2) of the Immigration and Na-
21 tionality Act (as amended by section 101(a) of this Act)
22 to asylum under section 208 of the Immigration and Na-
23 tionality Act shall be deemed, before the effective date of
24 the amendment made by section 201(a), to be a reference
25 to asylum under section 208 of such Act.

TITLE II—ASYLUM**SEC. 201. ASYLUM.**

(a) IN GENERAL.—Section 208 (8 U.S.C. 1158) is amended to read as follows:

“SEC. 208. (a) ASYLUM.—

“(1) RIGHT TO APPLY.—An alien physically present in the United States or at a land border or port of entry may apply for asylum in accordance with this section.

“(2) CONDITIONS FOR GRANTING.—

“(A) MANDATORY CASES.—The Attorney General shall grant temporary asylum to an alien if the alien applies for temporary asylum in accordance with the requirements of this section and establishes that it is more probable than not that in the alien’s country of nationality (or, in the case of a person having no nationality, the country in which such alien last habitually resided) such alien’s life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(B) DISCRETIONARY CASES.—The Attorney General may grant asylum to an alien if the alien applies for asylum in accordance with the

1 requirements of this section and establishes
2 that the alien has good reason to fear persecu-
3 tion in the alien's country (or, in the case of a
4 person having no nationality, the country in
5 which such alien last habitually resided) on ac-
6 count of race, religion, nationality, membership
7 in a particular social group, or political opinion.

8 “(C) EXCEPTION.—Subparagraphs (A)
9 and (B) shall not apply to an alien if the Attor-
10 ney General determines that—

11 “(i) the alien ordered, incited, as-
12 sisted, or otherwise participated in the per-
13 secution of any person on account of race,
14 religion, nationality, membership in a par-
15 ticular social group, or political opinion;

16 “(ii) the alien, having been convicted
17 by a final judgment of a particularly seri-
18 ous crime, constitutes a danger to the com-
19 munity of the United States;

20 “(iii) there are serious reasons for be-
21 lieving that the alien has committed a seri-
22 ous nonpolitical crime outside the United
23 States prior to the arrival of the alien in
24 the United States;

1 “(iv) there are reasonable grounds for
2 regarding the alien as a danger to the se-
3 curity of the United States; or

4 “(v) a country willing to accept the
5 alien has been identified (other than the
6 country described in subparagraph (A)) to
7 which the alien can be deported or re-
8 turned and the alien does not establish
9 that it is more likely than not that the
10 alien’s life or freedom would be threatened
11 in such country on account of race, reli-
12 gion, nationality, membership in a particu-
13 lar social group, or political opinion.

14 For purposes of clause (ii), an alien who has
15 been convicted of an aggravated felony shall be
16 considered to have committed a particularly se-
17 rious crime. The Attorney General shall pro-
18 mulgate regulations that specify additional
19 crimes that will be considered to be a crime de-
20 scribed in clause (ii) or clause (iii). The Attor-
21 ney General shall promulgate regulations estab-
22 lishing such additional limitations and condi-
23 tions as the Attorney General considers appro-
24 priate under which an alien shall be ineligible to
25 apply for asylum under subparagraph (B).

1 “(3) ASYLUM STATUS.—In the case of any alien
2 granted asylum under paragraph (2), the Attorney
3 General, in accordance with this section—

4 “(A) shall not deport or return the alien to
5 the country described under paragraph (2)(A);

6 “(B) shall authorize the alien to engage in
7 employment in the United States and provide
8 the alien with an ‘employment authorized’ en-
9 dorsement or other appropriate work permit;
10 and

11 “(C) may allow the alien to travel abroad
12 with the prior consent of the Attorney General,
13 except that such travel may not be authorized
14 to the country from which the alien claimed to
15 be fleeing persecution.

16 “(4) TERMINATION.—Asylum granted under
17 paragraph (2) may be terminated if the Attorney
18 General, pursuant to such regulations as the Attor-
19 ney General may prescribe, determines that—

20 “(A) the alien no longer meets the condi-
21 tions described in paragraph (2) owing to a
22 change in circumstances in the alien’s country
23 of nationality or, in the case of an alien having
24 no nationality, in the country in which the alien
25 last habitually resided;

1 “(B) the alien meets a condition described
2 in paragraph (2)(C);

3 “(C) a country willing to accept the alien
4 has been identified (other than the country de-
5 scribed in paragraph (2)) to which the alien can
6 be deported or returned and the alien cannot
7 establish that it is more likely than not that the
8 alien’s life or freedom would be threatened in
9 such country on account of race, religion, na-
10 tionality, membership in a particular social
11 group, or political opinion; or

12 “(D) the alien returns to the country from
13 which the alien claimed to be fleeing persecu-
14 tion or makes application with the Attorney
15 General to return to the country from which the
16 alien claimed to be fleeing persecution.

17 “(5) ACCEPTANCE BY ANOTHER COUNTRY.—In
18 the case of an alien described in paragraph (2)(C)(v)
19 or paragraph (4)(C), the alien’s deportation or re-
20 turn shall be directed by the Attorney General; in
21 the sole discretion of the Attorney General, to any
22 country which is willing to accept the alien into its
23 territory (other than the country described in para-
24 graph (2)).

25 “(b) ASYLUM PROCEDURE.—

1 “(1) APPLICATIONS.—

2 “(A) IN GENERAL.—

3 “(i) DEADLINE.—Subject to clause
4 (ii), an alien’s application for asylum shall
5 not be considered under this section un-
6 less—

7 “(I) the alien has filed, not later
8 than thirty days after entering or
9 coming to the United States, notice of
10 intention to file such an application,
11 and

12 “(II) such application is actually
13 filed not later than 45 days after en-
14 tering or coming to the United States.

15 “(ii) EXCEPTION.—An application for
16 temporary asylum may be considered, not-
17 withstanding that the requirements of
18 clause (i) have not been met, only if the
19 alien demonstrates by clear and convincing
20 evidence changed circumstances in the
21 alien’s country of nationality (or in the
22 case of an alien with no nationality, in the
23 country where the alien last habitually re-
24 sided) affecting eligibility for asylum.

1 “(B) REQUIREMENTS.—An application for
2 temporary asylum shall not be considered un-
3 less the alien submits to the taking of finger-
4 prints and a photograph in a manner deter-
5 mined by the Attorney General.

6 “(C) FEES.—The Attorney General may
7 provide for a reasonable fee for the consider-
8 ation of an application for asylum or for any
9 employment authorization under subsection
10 (a)(3)(B).

11 “(D) NOTICE OF PRIVILEGE OF COUNSEL
12 AND CONSEQUENCES OF FRIVOLOUS APPLICA-
13 TION.—

14 “(i) NOTICE.—At the time of filing a
15 notice of intention to apply for asylum, the
16 alien shall be advised of the privilege of
17 being represented (at no expense to the
18 government) by such counsel, authorized to
19 practice in such proceedings, as the alien
20 shall choose and of the consequences,
21 under subsection (d), of filing a frivolous
22 application for temporary asylum.

23 “(ii) PROVISION OF LIST OF COUN-
24 SEL.—The Attorney General shall provide
25 for lists (updated not less often than quar-

1 terly) of persons who have indicated their
2 availability to represent pro bono aliens in
3 temporary asylum proceedings. Such lists
4 shall be provided to the alien at the time
5 of filing of notice of intention to apply for
6 asylum, and otherwise be made generally
7 available.

8 “(2) CONSIDERATION OF APPLICATIONS; HEAR-
9 INGS.—

10 “(A) ASYLUM OFFICERS.—Applications for
11 temporary asylum shall be considered by offi-
12 cers of the Service (referred to in this Act as
13 ‘asylum officers’) who are specially designated
14 by the Service as having special training and
15 knowledge of international conditions and
16 human rights records of foreign countries.
17 Pending the designation of such officers, indi-
18 viduals who as of the date of the enactment of
19 the Asylum Reform and Alien Smuggling Con-
20 trol Act of 1993 are authorized to perform du-
21 ties as asylum officers shall be deemed to be
22 qualified to be asylum officers for purposes of
23 this Act.

24 “(B) SCHEDULING OF HEARINGS.—

1 “(i) IN GENERAL.—Upon the filing of
2 an application for asylum, an asylum offi-
3 cer, at the earliest practicable time and
4 after consultation with the attorney for the
5 Government and the attorney (if any) for
6 the applicant, shall set the application for
7 hearing on a day certain or list it on a
8 weekly or other short-term calendar, so as
9 to assure a speedy hearing.

10 “(ii) DEADLINE.—Unless the appli-
11 cant (or an attorney for the applicant) con-
12 sents in writing to the contrary, the hear-
13 ing on the asylum application shall com-
14 mence not later than 45 days after the
15 date the application was filed.

16 “(C) PUBLIC HEARINGS.—A hearing on a
17 temporary asylum application shall be open to
18 the public unless the applicant requests that it
19 be closed to the public.

20 “(D) RIGHTS IN HEARINGS.—The officer
21 shall conduct the hearing in a nonadversarial
22 manner. During such hearing, the applicant
23 shall have the privilege of the assistance and
24 participation of counsel (as provided under
25 paragraph (1)(D)) and both the government

1 and the applicant shall be entitled to present
2 evidence and witnesses, to examine and object
3 to evidence, and to cross-examine all witnesses.

4 “(E) COUNTRY CONDITIONS.—An officer
5 may request opinions regarding country condi-
6 tions from the Secretary of State, but shall not
7 request or consider recommendations from the
8 Secretary of State as to whether a particular
9 named individual should or should not be grant-
10 ed temporary asylum.

11 “(F) TRANSCRIPT OF HEARINGS.—A com-
12 plete record of the proceedings and of all testi-
13 mony and evidence produced at the hearing
14 shall be kept. The hearing shall be recorded
15 verbatim. The Attorney General and the Service
16 shall provide that a transcript of a hearing held
17 under this section is made available not later
18 than 10 days after the date of completion of the
19 hearing.

20 “(G) DEADLINE FOR DETERMINATIONS ON
21 APPLICATIONS.—The officer shall render a de-
22 termination on the application not later than 30
23 days after the date of completion of the hear-
24 ing. The determination of the officer shall be
25 based only on the officer’s knowledge of inter-

1 national conditions and human rights records of
2 foreign countries, and evidence produced at the
3 hearing.

4 “(H) RESOURCE ALLOCATION.—The At-
5 torney General shall allocate sufficient re-
6 sources so as to assure that applications for
7 asylum are heard and determined on a timely
8 basis. However, nothing in this paragraph relat-
9 ing to scheduling or deadlines shall be con-
10 strued as creating any right or benefit, sub-
11 stantive or procedural, which is legally enforce-
12 able by any party against the United States, its
13 agencies, its officers, or any other person.

14 “(I) SANCTIONS FOR FAILURE TO AP-
15 PEAR.—

16 “(i) Subject to clause (ii), the applica-
17 tion for asylum of an alien who does not
18 appear for a hearing on such application
19 shall be summarily dismissed unless the
20 alien can show exceptional circumstances
21 (as defined in section 242B(f)(2)) as deter-
22 mined by the asylum officer.

23 “(ii) Clause (i) shall not apply if writ-
24 ten and oral notice were not provided as
25 required by section 242B(e)(4)(B).

1 “(J) FINALITY OF DETERMINATIONS.—

2 “(i) IN GENERAL.—The decision of
3 the asylum officer shall be the final admin-
4 istrative determination of a claim for asy-
5 lum.

6 “(ii) TREATMENT OF CASES IN EX-
7 CLUSION OR DEPORTATION.—If proceed-
8 ings are instituted against an alien under
9 section 235 or 242 of this Act and the
10 alien files an application for asylum based
11 on circumstances described in subsection
12 (b)(1)(A)(ii), the asylum officer shall
13 render, on a expedited basis, a decision on
14 the application.

15 “(c) ASYLUM STATUS ADJUSTMENTS.—

16 “(1) ADJUSTMENT OF STATUS.—Under such
17 regulations as the Attorney General may prescribe,
18 the Attorney General shall adjust to the status of an
19 alien granted asylum the status of any alien granted
20 asylum under subsection (a)(2)(A) who—

21 “(A) applies for such adjustment;

22 “(B) has been physically present in the
23 United States for at least 1 year after being
24 granted asylum;

1 “(C) continues to be eligible for asylum
2 under this section; and

3 “(D) is admissible under this Act at the
4 time of examination for adjustment of status
5 under this subsection.

6 “(2) TREATMENT OF SPOUSE AND CHIL-
7 DREN.—A spouse or child (as defined in section
8 101(b)(A), (B), (C), (D), or (E)) of an alien whose
9 status is adjusted to that of an alien granted asylum
10 under paragraph (a)(2) may be granted the same
11 status as the alien if accompanying, or following to
12 join, such alien.

13 “(3) APPLICATION FEES.—The Attorney Gen-
14 eral may impose a reasonable fee for the filing of an
15 application for asylum under this subsection.

16 “(d) DENIAL OF IMMIGRATION BENEFITS FOR FRIV-
17 OLOUS APPLICATIONS.—

18 “(1) IN GENERAL.—If the asylum officer deter-
19 mines that an alien has made a frivolous application
20 for asylum under this section and the alien has re-
21 ceived the notice under subsection (b)(1)(D)(i), the
22 alien shall be permanently ineligible for any benefits
23 under this Act, effective as of the date of a final de-
24 termination on such application.

1 “(2) TREATMENT OF FRAUDULENT OR MATE-
2 RIAL MISREPRESENTATIONS.—For purposes of this
3 subsection, an application considered to be ‘frivolous’
4 includes, but is not limited to, an application which
5 is fraudulent or otherwise contains a willful mis-
6 representation or concealment of a material fact.”.

7 **SEC. 202. FAILURE TO APPEAR FOR ASYLUM HEARING.**

8 (a) FAILURE TO APPEAR FOR ASYLUM HEARING.—
9 Section 242B(e)(4) (8 U.S.C. 1252b(e)(4)) is amended in
10 subparagraph (A), by striking all after clause (iii) and in-
11 serting “shall not be eligible for any benefits under this
12 Act.”.

13 **SEC. 203. JUDICIAL REVIEW.**

14 Section 235 of the Immigration and Nationality Act
15 (8 U.S.C. 1225) is amended by adding at the end the fol-
16 lowing subsections:

17 “(d) Notwithstanding any other provision of law, no
18 court shall have jurisdiction to review, except by petition
19 for habeas corpus, any determination made with respect
20 to an alien found excludable pursuant to titles I or II of
21 this Act. In any such case, review by habeas corpus shall
22 be limited to examination of whether the petitioner (I) is
23 an alien, and (II) was ordered excluded from the United
24 States pursuant to the provisions of this Act. Regardless
25 of the nature of the suit or claim, no court shall have juris-

1 diction except as provided in this paragraph to consider
2 the validity of any adjudication or determination of exclu-
3 sion, to certify a class in an action challenging the exclu-
4 sion provisions of this Act or any portion or implementa-
5 tion thereof, or to provide declaratory or injunctive relief
6 with respect to the exclusion of any alien.

7 “(e) In any action brought for the assessment of pen-
8 alties for improper entry or re-entry of an alien under sec-
9 tions 275, 276, 277, or 278 of the Immigration and Na-
10 tionality Act, no court shall have jurisdiction to hear
11 claims collaterally attacking the validity of orders of exclu-
12 sion, or deportation entered under sections 235, 236, or
13 242 of that Act.”.

14 **SEC. 204. CONFORMING AMENDMENTS.**

15 (a) LIMITATION ON DEPORTATION.—Section 243 (8
16 U.S.C. 1253) is amended by striking subsection (h).

17 (b) ADJUSTMENT OF STATUS.—Section 209(b) (8
18 U.S.C. 1159(b)) is amended—

19 (1) in paragraph (2) by striking “one year” and
20 inserting “5 years”; and

21 (2) by amending paragraph (3) to read as fol-
22 lows:

23 “(3) continues to be eligible for asylum under
24 section 208,”.

1 (c) ALIENS INELIGIBLE FOR TEMPORARY PRO-
2 TECTED STATUS.—Section 244A(c)(2)(B)(ii) (8 U.S.C.
3 1254a(c)(2)(B)(ii)) is amended by striking “section
4 243(h)(2)” and inserting “clauses (i), (ii), (iii), or (iv) of
5 section 208(a)(2)(C)”.

6 (d) ELIGIBILITY FOR NATURALIZATION.—Section
7 316(f)(1) (8 U.S.C. 1427(f)(1)) is amended by striking
8 “subparagraphs (A) through (D) of paragraph 243(h)(2)”
9 and inserting “clauses (i), (ii), (iii), or (iv) of section
10 208(a)(2)(C).”.

11 (e) FAMILY UNITY.—Section 301(e) of the Immigra-
12 tion Act of 1990 (Public Law 101–649) is amended by
13 striking “section 243(h)(2)” and inserting “clauses (i),
14 (ii), (iii), or (iv) of section 208(a)(2)(C).”.

15 **SEC. 205. EFFECTIVE DATES.**

16 (a) IN GENERAL.—Except as otherwise provided, the
17 amendments made by this title shall take effect on the
18 date of the enactment of this Act.

19 (b) EXCEPTIONS.—

20 (1) The amendments made by this title shall
21 not apply to applications for asylum or withholding
22 of deportation made before the first day of the first
23 month that begins more than 180 days after the
24 date of the enactment of this Act and no application
25 for asylum under section 208 of the Immigration

1 and Nationality Act (as amended by section 201 of
2 this Act) shall be considered before such first day.

3 (2) In applying section 208(b)(1)(A) of the Im-
4 migration and Nationality Act (as amended by this
5 title) in the case of an alien who has entered or
6 came to the United States before the first day de-
7 scribed in paragraph (1), notwithstanding the dead-
8 lines specified in such section—

9 (A) the deadline for the filing of a notice
10 of intention to file an application for asylum is
11 thirty days after such first day, and

12 (B) the deadline for the filing of the appli-
13 cation for asylum is thirty days after the date
14 of filing such notice.

15 (3) The amendments made by section 203(b)
16 (relating to adjustment of status) shall not apply to
17 aliens granted asylum under section 208 of the Im-
18 migration and Nationality Act, as in effect before
19 the date of the enactment of this Act.

20 **TITLE III—BORDER PATROL AND ASYLUM**
21 **OFFICER POSITIONS**

22 **SEC. 301. BORDER PATROL POSITIONS.**

23 The number of full-time officers positions in the Bor-
24 der Patrol of the Immigration and Naturalization Service

1 shall be increased in fiscal year 1994 by an additional
2 1,000 officers over the level authorized in fiscal year 1993.

3 **SEC. 302. ASYLUM OFFICER POSITIONS.**

4 The average number of asylum officers for fiscal year
5 1994 shall be not less than twice the average number of
6 asylum officers for fiscal year 1993.

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated such sums as
9 are necessary to provide for the increase in Border Patrol
10 and asylum officer positions provided for in this Act.

○

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