

AMENDMENT

OFFERED BY MR. MCCLINTOCK OF CALIFORNIA

Add at the end of division C the following:

1 **TITLE III—IMMIGRATION**
2 **MATTERS**

3 **SEC. 301. SAFE THIRD COUNTRY.**

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

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

9 (2) by striking “that the alien may be removed”
10 and inserting:

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

12 (3) by striking “removed, pursuant to a bilat-
13 eral or multilateral agreement, to” and inserting
14 “removed to”;

15 (4) by inserting “, on a case by case basis,” be-
16 fore “finds that”;

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

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

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

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

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

1 and was unable to apply for protection from
2 persecution in all countries that alien transited
3 en route to the United States as a result of
4 such severe form of trafficking; or

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

