

119TH CONGRESS
1ST SESSION

S. 3488

To amend the Immigration and Nationality Act to modify eligibility for asylum, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2025

Mr. COTTON 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 modify eligibility for asylum, 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 “Asylum Reform and
5 Loophole Closure Act”.

6 **SEC. 2. MODIFICATION OF ASYLUM ELIGIBILITY.**

7 (a) IN GENERAL.—Section 208 of the Immigration
8 and Nationality Act (8 U.S.C. 1158) is amended—

9 (1) in subsection (a)(2)—

10 (A) in subparagraph (A)—

1 (i) by striking “if the Attorney Gen-
2 eral determines that” and inserting “if the
3 Attorney General or the Secretary of
4 Homeland Security determines that—”;

5 (ii) by striking “the alien may be”
6 and inserting the following:

7 “(i) the alien may be”;

8 (iii) by inserting “or the Secretary of
9 Homeland Security” before “finds that”;

10 (iv) by striking the period at the end
11 and inserting “; or”; and

12 (v) adding at the end the following:

13 “(ii) the alien entered, attempted to
14 enter, or arrived in the United States after
15 transiting through at least one country
16 outside the alien’s country of nationality
17 (or, in the case of an alien having no na-
18 tionality, the country of the alien’s last ha-
19 bitual residence) en route to the United
20 States, unless the alien demonstrates that
21 he or she applied for protection from per-
22 secution or torture in each such country
23 through which the alien so transited, and
24 the alien received a final judgement deny-
25 ing the alien protection in such country.”;

1 (B) by striking subparagraphs (B) and
 2 (D);

3 (C) by redesignating subparagraphs (C)
 4 and (E) as subparagraphs (B) and (C), respec-
 5 tively;

6 (D) in subparagraph (B), as redesignated,
 7 by striking “Subject to subparagraph (D),
 8 paragraph (1)” and inserting “Paragraph (1)”;
 9 and

10 (E) in subparagraph (C), as redesignated,
 11 by striking “Subparagraphs (A) and (B)” and
 12 inserting “Subparagraph (A)”.

13 (b) PERMANENT INELIGIBILITY FOR ILLEGAL ENTRY
 14 OR VISA FRAUD.—Section 208(b)(2)(A) of the Immigra-
 15 tion and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is
 16 amended—

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

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

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

22 “(vii) the alien—

23 “(I) has committed, or attempted
 24 to commit, unlawful entry in violation
 25 of section 275; or

1 “(II) has attempted to enter or
2 has obtained entry to the United
3 States by a willfully false or mis-
4 leading representation or the willful
5 concealment of a material fact, includ-
6 ing by attempting to obtain or obtain-
7 ing a fraudulent visa.”.

8 (c) HIGHER STANDARD FOR ESTABLISHING CRED-
9 IBLE FEAR OF PERSECUTION.—Section 235(b)(1)(B)(v)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1225(b)(1)(B)(v)) is amended by striking “there is a sig-
12 nificant possibility” and inserting “it is more likely than
13 not”.

14 (d) PERMISSIBLE PERIOD OF FAMILY DETENTION.—
15 During expedited removal or asylum proceedings under
16 section 235 of the Immigration and Nationality Act (8
17 U.S.C. 1225), a child may be detained together with his
18 or her parent for a period of not more than 180 days.

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