

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1573
OFFERED BY MR. ROY OF TEXAS**

Add, at the end of the bill, the following:

1 SEC. 3. SAFE THIRD COUNTRY.

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

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

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

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

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

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

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

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

18 “(ii) that the alien entered, attempted to enter,
19 or arrived in the United States after transiting

1 through at least one country outside the alien's
2 country of citizenship, nationality, or last lawful ha-
3 bitual residence en route to the United States, un-
4 less—

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

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

1 en route to the United States as a result of
2 such severe form of trafficking; or

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

