

118TH CONGRESS
1ST SESSION

H. R. 2432

To amend the Immigration and Nationality Act to provide for the detention of arriving aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. MCCLINTOCK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the detention of arriving aliens, 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 “Migrant Processing
5 and Protection Act of 2023”.

6 **SEC. 2. INSPECTION OF APPLICANTS FOR ADMISSION.**

7 Section 235(b) of the Immigration and Nationality
8 Act (8 U.S.C. 1225(b)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A)—

1 (i) in clauses (i) and (ii), by striking
2 “section 212(a)(6)(C)” inserting “subpara-
3 graph (A) or (C) of section 212(a)(6)”;
4 and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(iv) INELIGIBILITY FOR PAROLE.—
8 An alien described in clause (i) or (ii) shall
9 not be eligible for parole pursuant to sec-
10 tion 212(d)(5) or for parole or release pur-
11 suant to section 236(a).”; and

12 (B) in subparagraph (B)—

13 (i) in clause (ii), by striking “asy-
14 lum.” and inserting “asylum and shall not
15 be released (including pursuant to parole
16 under section 212(d)(5) or parole or re-
17 lease pursuant to section 236(a)) other
18 than to be removed or returned to a coun-
19 try as described in paragraph (3).”; and

20 (ii) in clause (iii)(IV)—

21 (I) in the header by striking “DE-
22 TENTION” and inserting “DETENTION,
23 RETURN, OR REMOVAL”; and

24 (II) by adding at the end the fol-
25 lowing: “The alien shall not be re-

1 leased (including pursuant to parole
2 under section 212(d)(5) or parole or
3 release pursuant to section 236(a))
4 other than to be removed or returned
5 to a country as described in para-
6 graph (3).”;

7 (2) in paragraph (2)—

8 (A) in subparagraph (A)—

9 (i) by striking “Subject to subpara-
10 graphs (B) and (C),” and inserting “Sub-
11 ject to subparagraph (B) and paragraph
12 (3),”; and

13 (ii) by adding at the end the fol-
14 lowing: “The alien shall not be released
15 (including pursuant to parole under section
16 212(d)(5) or parole or release pursuant to
17 section 236(a)) other than to be removed
18 or returned to a country as described in
19 paragraph (3).”; and

20 (B) by striking subparagraph (C);

21 (3) by redesignating paragraph (3) as para-
22 graph (4); and

23 (4) by inserting after paragraph (2) the fol-
24 lowing:

1 “(3) RETURN TO FOREIGN TERRITORY CONTIG-
2 UOUS TO THE UNITED STATES.—

3 “(A) IN GENERAL.—The Secretary of
4 Homeland Security may return to a foreign ter-
5 ritory contiguous to the United States any alien
6 arriving on land from that territory (whether or
7 not at a designated port of entry) pending a
8 proceeding under section 240 or review of a de-
9 termination under subsection (b)(1)(B)(iii)(III).

10 “(B) MANDATORY RETURN.—If at any
11 time the Secretary of Homeland Security can-
12 not—

13 “(i) comply with its obligations to de-
14 tain an alien as required under clauses (ii)
15 and (iii)(IV) of subsection (b)(1)(B) and
16 subsection (b)(2)(A); or

17 “(ii) remove an alien to a country de-
18 scribed in section 208(a)(2)(A),

19 the Secretary of Homeland Security shall, with-
20 out exception, including pursuant to parole
21 under section 212(d)(5) and parole or release
22 pursuant to section 236(a), return to a foreign
23 territory contiguous to the United States any
24 alien arriving on land from that territory
25 (whether or not at a designated port of entry)

1 pending a proceeding under section 240 or re-
2 view of a determination under subsection
3 (b)(1)(B)(iii)(III).”.

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