

S 2443

Fairness in Immigration Litigation Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Immigration

Introduced: May 19, 2004

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (May 19, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2443>

Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • **State:** UT • **Chamber:** Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Chambliss, Saxby [R-GA]	R · GA		May 19, 2004
Sen. Cornyn, John [R-TX]	R · TX		May 19, 2004
Sen. Kyl, Jon [R-AZ]	R · AZ		May 19, 2004
Sen. Sessions, Jeff [R-AL]	R · AL		May 19, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	May 19, 2004

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
108 HR 4406	Identical bill	Jun 28, 2004: Referred to the Subcommittee on Immigration, Border Security, and Claims.

Fairness in Immigration Litigation Act - Amends the Immigration and Nationality Act (INA) to preclude aliens, including criminal aliens, from seeking judicial review of removal orders or the denial of specified discretionary relief through habeas corpus, mandamus, or other extraordinary petitions.

Declares that this Act does not preclude circuit court review on appeal of constitutional claims or pure questions of law.

Establishes the INA's judicial review provisions as the sole avenue for challenging removal orders and reviewing claims arising under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment.

Limits judicial authority to grant stays of removal.

Requires all petitions for review of removal orders to be filed in the U.S. Court of Appeals for the Federal Circuit.

Expands the list of alternative countries to which an alien may be removed in the event that the country otherwise designated is unwilling to accept the alien.

Requires asylum applicants to: (1) show that one of five statutory bases was the central motive for persecution in order to establish refugee status; and (2) submit corroborating evidence where it is reasonable for the trier of fact to expect such evidence. Lists factors relevant to credibility determinations in asylum cases. Precludes the reversal of determinations concerning the availability of corroborating evidence unless the court finds that a reasonable adjudicator is compelled to conclude that such corroborating evidence is unavailable.

Actions Timeline

- **May 19, 2004:** Introduced in Senate
- **May 19, 2004:** Sponsor introductory remarks on measure. (CR S5802-5803)
- **May 19, 2004:** Read twice and referred to the Committee on the Judiciary.