

REAL ID ACT
ONE-PAGE SUMMARY OF EOIR-RELATED PROVISIONS

Section 101(a)(3)(B) codifies standards for sustaining the burden of proof and for assessing credibility regarding asylum applications. Effective: on the date of enactment and shall apply to applications for asylum filed on or after such date.

Section 101(b) amends one of the exceptions to eligibility for asylum. Effective: on the date of enactment and shall apply to applications for asylum filed on or after such date.

Section 101(c) codifies for withholding of removal applications the same standards for sustaining the applicable burden of proof and for assessing credibility used for asylum adjudications. Effective: on the date of enactment and shall apply to applications for withholding filed on or after such date.

Section 101(d) applies the credibility and corroboration standards governing asylum to other applications for relief and protection from removal. Effective: on the date of enactment and shall apply to applications for relief from removal filed on or after such date.

Section 101(e) sets forth the standard of review for a determination on corroborating evidence. Effective: on the date of enactment and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

Section 101(f) clarifies that the provision barring judicial review of denials of discretionary relief applies regardless of whether the discretionary judgment, decision, or action is made in removal proceedings. Effective: on the date of enactment and shall apply to all cases pending before any court on or after such date.

Section 101(g) removes the 10,000 cap on refugee admissions per fiscal year. It also removes the 1,000 cap on asylum grants based on resistance to CPC methods per fiscal year. Effective: on the date of enactment.

Section 103 revises 212 inadmissibility grounds related to terrorist and terrorist-related activities. Effective: on the date of enactment and shall apply to removal proceedings instituted before, on, or after the date of enactment and to acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

Section 105 amends the 237 removal ground for terrorist activity. Effective: on the date of enactment and shall apply to removal proceedings instituted before, on, or after the date of enactment and to acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

Section 106 amends INA 242, judicial review of removal orders, by providing that judicial review of removal orders takes place only in the courts of appeal, and not through habeas petitions in the district courts. Effective: on the date of enactment and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of enactment.