

To the office of U.S. Senator Rick Scott

Re: S 4771 (119th Congress), Protecting Asylum Integrity Act • Latest action (2026-06-11): Read twice and referred to the Committee on the Judiciary.

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Office of record (Congress.gov): 110 Hart Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-5274

Credible Fear Interview Cost Recovery and Integrity Act of 2025

The measure, as described from the official record: To recover administrative costs and deter frivolous asylum claims by requiring a fee for credible fear interviews conducted by the Department of Homeland Security.

THE PROPOSAL

This Act amends the Immigration and Nationality Act to authorize the Secretary of Homeland Security to collect a refundable fee for credible fear interviews, but only from applicants who have previously been found to have filed a frivolous asylum claim or who are nationals of a country designated as a safe third country under section 208A of the INA. The fee shall be set at \$50 per interview, adjusted annually for inflation. The fee shall be waived for any applicant who demonstrates an inability to pay, as determined by a simplified affidavit of indigency. The fee shall be refunded in full if the applicant is found to have a credible fear of persecution or torture. All fee revenue shall be deposited into a dedicated account within the Immigration Examinations Fee Account and used solely to cover the costs of conducting credible fear interviews. The Secretary shall report annually to Congress on the number of fees collected, waived, and refunded, along with an analysis of any deterrent effect on frivolous claims. This Act shall sunset five years after enactment, unless reauthorized by Congress. The DHS Office of Inspector General shall oversee compliance and may audit fee collection practices.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Fee revenue deposited into the Immigration Examinations Fee Account
Funding Amount	Fee set at \$50 per interview, adjusted for inflation; total revenue capped by administrative costs
Sunset Years	5 years
Oversight Body	DHS Office of Inspector General
Enforcement Mechanism	DHS shall collect the fee only from applicants meeting the specified criteria; provide a receipt; waive or refund upon indigency or credible fear finding; annual reporting to Congress
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Fifth Amendment Due Process Clause
- Article I, Section 8, Clause 4 (Naturalization and uniform rule of immigration)

- Tenth Amendment (reserves to states powers not delegated; this Act does not infringe on state authority)

Concerns with the measure as written:

- Fifth Amendment Due Process: A mandatory fee may deny access to asylum proceedings for indigent applicants, effectively creating a financial barrier to a fundamental right.
- Equal Protection: A flat fee may disproportionately burden certain nationalities or vulnerable groups without a rational basis tied to claim merit.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: Preserves due process by waiving fees for indigent applicants and refunding fees for successful claims; targets only repeat or safe-country applicants rather than all asylum seekers. Republican priorities: Recovers costs from applicants with a history of frivolous claims or from safe third countries; includes a sunset to force re-evaluation; uses dedicated fee account to prevent diversion.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources: <https://www.valuesforamerica.com/solutions/113> · Methodology: <https://www.valuesforamerica.com/methodology>