



Status of Syrian Refugee Legislation Before Congress

Prepared by Roxanne Perugino
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Syrian refugees wishing to come to America are going to find it more difficult if Congress has its way. A majority of members of Congress want to tighten up the vetting process while a minority want to bar the entry of Syrian refugees altogether.

On November 19, 2015, shortly before the Thanksgiving recess, the House, by a vote of 289- 137, passed the American Security Against Foreign Enemies Act of 2015 (American SAFE Act) Act (HR 4038) that would block Syrian refugees from entering the United States by imposing new restrictions on Middle East refugees, including new stricter background checks. The bill would have effectively frozen the flow of refugees from Iran and Syria. Forty-seven Democrats supported the bill. President Obama had threatened to veto the bill in its current form. With the 289 vote the House bill is veto proof. The next step in the legislative process would have been action by the Senate. Senate Minority Leader Harry Reid (R-Nevada) said with great bravado that the bill "...won't make it to Obama's desk." Reid proved correct. HR 4038 for now, will not see further legislative action.

Current Legislation – The Omnibus Appropriation Bill

On Friday, December 18, 2015, the House, by a vote of 316-113 passed the Omnibus Appropriation bill. The Senate quickly followed suit, passing the bill by a vote of 65-33. One-hundred and fifty Republicans and 166 Democrats voted for the bill. Ninety-five Republicans and 18 Democrats voted against the measure.

The refugee policy was one of the biggest battles in negotiations on the Omnibus Appropriation Bill. HR 2029, the Military Construction Appropriation bill is the legislative vehicle for the Omnibus. Democrats were successful in thwarting Republican efforts to include HR 4038 in the Omnibus. Instead the Omnibus includes legislation that will enhance security checks in the visa waiver program (HR 158) that passed the House on December 8, 2015 by a 407-19 vote.

More importantly, the Omnibus does not include restrictions that would prevent President Obama from moving forward with plans to resettle 10,000 Syrian refugees in the United States. The new language was opposed by a number of conservatives in the House Freedom Caucus who have made refugee restrictions their main priority.

Visa Waiver Improvement Act of 2015 (HR 158) The Visa Waiver Improvement section of the Omnibus targets Europeans with Dual Iraqi and Syrian Citizenship: Included in the Omnibus was language requiring that any traveler under the Visa Waver Program (VWP) who visited Syria or Iraq since 2011 obtain a traditional visa before coming to the United States. Civil rights groups opposed that change because it discriminates against WP participants who have dual-Iraqi or Syrian citizenship as well as legitimate business travelers.



The Visa Waiver section also amends the Immigration and Nationality Act to include terrorism risk as a factor the Department of Homeland Security (DHS) shall consider under the electronic system for travel authorization (ESTA) in determining an alien's eligibility to travel to the United States. DHS may suspend a country from the visa waiver program without prior notice if the country fails to comply with an agreement to share information regarding whether its citizens and nationals traveling to the United States pose a security threat. DHS must notify an affected country and Congress of any suspension.

Other Legislation

American Safe Act of 2015 (HR 4038): The legislation does not prevent President Obama from continuing to admit Syrian refugees, but it does add another layer of certification that will slow down the process of admittance which currently takes 18 to 24 months. (The FBI, Pentagon and the National Counterterrorism Center currently conduct security checks on refugee applicants which are led by the Department of Homeland Security). Syrian refugees would not be admitted to the United States until after the FBI and the director of National Intelligence jointly inform Congress that those seeking to enter the United States are not a danger to US security. The bill also requires that Homeland Security provide monthly reports to Congress on the number of Syrian and Iraqi refugees admitted as well as the number denied admission. In short, the bill amounts to an active pause in the program of admitting Syrian refugees. As noted above, the legislation has not been included in the Omnibus Appropriation bill.

Preventing Extremists from Entering the United States (S 2329): On November 19, 2015 Senator Ron Paul (R-Kentucky) introduced legislation that would impose a 30-day wait for applicants applying for a visa from the visa waiver countries. The Visa Waiver Program allows citizens of participating countries (38 in total) to travel to the United States without a visa for stays of 90 days or less, when they meet the requirements. The bill has is pending on the Senate calendar but no action is expected as the visa waiver overhaul has been included in the Omnibus.

Leahy-Graham Legislation (S 2145): On October 6, 2015, Senators Pat Leahy (D-Vermont) and Lindsey Graham (R-South Carolina) introduced legislation (S 2145) that would provide an extra \$1 billion in emergency funding, mandating that the White House tell Congress within 45 days how it will use the funds. While the legislation doesn't specify how many Syrian refugees should be accepted into the United States, the funding would allow for the resettlement of up to 100,000 refugees over two years. The bill also requires that Secretary of State John Kerry describe what security vetting refugees would have to undergo before being accepted into the country. In early October, 27 Senate Democrats supported a letter from Senator Chris Murphy (D-Connecticut) calling for emergency spending legislation to deal with the Syrian refugee crisis. At this point, however, no action has occurred on the measure.



More Bills and Resolutions – In other words, Syrian refugees not welcome.

A host of other bills and resolutions have been introduced but congressional action on these measures is unlikely as Congress is recessing for the Christmas break. It is possible that some of these bills could see legislative action in January but this is speculation at this point. The bills, however, are an indication of the anti-Muslim hysteria which presidential candidate Donald Trump and other Republicans are promoting. With the exception of two Democrats all the bills – both House and Senate -- have been introduced by Republican members.

American SAFE Act of 2015 (HR 3999): Introduced by Representative Richard Hudson (R-North Carolina) and 35 cosponsors, the bill would require that the Secretary of Homeland Security certify that refugees admitted to the United States from Iraq or Syria are not security threats to the United States prior to admission."

Save Christians from Genocide Act (HR 4017): Introduced by Representative Dana Rohrabacher (R-California), the bill calls for expediting entry into the United States of non-Muslim Mideast refugees only.

To prohibit obligation of Federal funds for admission of refugees from Syria (HR 4025): Introduced by Representative Dennis Ross (R-Florida) and 3 cosponsors, the bill would prohibit obligation of Federal funds for admission of refugees from Syria.

To amend the Immigration and Nationality Act to provide that refugees may not be resettled in any State where the governor of that State has taken any action formally disapproving of (HR 4030): Introduced by Representative Steven Palazzo (R-Mississippi), the bill would amend the Immigration and Nationality Act to provide that refugees may not be resettled in any State where the governor of that State has taken any action formally disapproving of the resettlement of refugees in that State.

Defund the Syrian Refugee Resettlement Program Act of 2015 (HR 4031):

Introduced by Representative Bradley Byrne (R-Alabama), the bill would prohibit obligation of Federal funds for admission of refugees from Syria.

States' Right of Refugee Refusal Act of 2015 (HR 4032): Introduced by Representative Ted Poe (R-Texas), the bill would amend the Immigration and Nationality Act to provide for a limitation on the resettlement of refugees.

Refugee Relocation Security Act (HR 4033): Introduced by Representative Rick Crawford (R-Arkansas), the bill would temporarily suspend the admission of refugees from Syria and Iraq into the United States and to give States the authority to reject admission of refugees into its territory or tribal land.

To prohibit obligation of Federal funds for admission of refugees from certain countries (HR 4044): Introduced by Representative Curtis Clawson (R-Florida), the bill would prohibit the obligation of federal funds for admission of refugees from certain countries (i.e., Syria).

Syrian Refugee Verification and Safety Act (HR 4048): Introduced by Representative Tom Graves (R-Louisiana), the bill would suspend admission and resettlement of aliens seeking refugee status because of the conflict in Syria until



adequate protocols are established to protect the national security of the United States.

To require the Secretary of Homeland Security to collect data regarding foreign travel, or repatriation, to the country of nationality or last habitual residence by an alien admitted (HR 4074): Introduced by Representative Austin Scott (R-Georgia), the bill would require the Secretary of Homeland Security to collect data regarding foreign travel, or repatriation, to the country of nationality or last habitual residence by an alien admitted to the United States as a refugee.

Give States a Chance Act of 2015 (HR 4078): Introduced by Representative Ted Yoho (R-Florida), the bill would authorize the Governor of any State in which it is proposed to place or resettle a Syrian refugee to refuse such placement or resettlement if the Governor makes certain certifications.

Secure Refugee Process Act of 2015 (HR 4079): Introduced by Representative Bennie Thompson (D-Mississippi), the bill would require that supplemental certifications and identity verifications be completed prior to the admission of refugees.

Security Verification for Refugees Act (HR 4086): Introduced by Representative French Hill (R-Arkansas), the bill would require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees.

Student Visa Security Improvement Act (HR 4089): Introduced by Representative Gus Bilirakis (R-Florida), the bill would require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States.

To amend the Immigration and Nationality Act to provide that aliens who were present in certain countries may not be admitted under the visa waiver program (HR 4122): Introduced by Representative Krysten Sinema (D-Arizona), the bill would amend the Immigration and Nationality Act to provide that aliens who were present in certain countries may not be admitted under the visa waiver program.

Refugee Resettlement Fund Act of 2015 (HR 4244): Introduced by Representative Scott Perry (R-Pennsylvania), the bill would prohibit the admission of certain aliens as refugees until the costs of admission and resettlement of such refugees have been addressed.

Expressing disapproval of the President's plan to accept 10,000 Syrian refugees (HRes 533): Introduced by Representative Roger Williams (R-Texas), the resolution expresses disapproval of the President's plan to accept 10,000 Syrian refugees.

Expressing the sense of the Congress regarding the treatment of State Governors who have made a determination with respect to Syrian refugees (HConRes 94): Introduced by Representative Mark Meadows (R-North Carolina), the



resolution expresses the sense of the Congress regarding the treatment of State Governors who have made a determination with respect to Syrian refugees.

Syrian Refugee Verification and Safety Act (S2284): Introduced by Senator David Vitter (R-Louisiana) and 5 cosponsors, the bill would suspend the admission and resettlement of aliens seeking refugee status because of the conflict in Syria until adequate protocols are established to protect the national security of the United States.

American SAFE Act of 2015 (S2300): Introduced by Senator Ron Johnson (R-Wisconsin), the bill would require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees.

Terrorist Refugee Infiltration Prevention Act of 2015 (S2302): Introduced by Senator Ted Cruz (R-Texas), the bill would temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory.

Admissibility of Aliens to the United States (S.2411): Introduced by Senators Martin Heinrich (D-New Mexico) and Jeff Flake (R-Arizona), the bill permits the Secretary of Homeland Security to search open source information to determine if an alien is inadmissible to the United States.

Halting the Issuance of Fiancé Visas (H.R. 4274): Introduced by Representative Sam Johnson (R-Texas), the bill would prohibit the admission of K-1 nonimmigrants and to prohibit the issuance of K-1 visas.