

114TH CONGRESS  
1ST SESSION

# H. R. 4143

To temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2015

Mr. DESANTIS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory.

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 “Terrorist Refugee In-  
5        filtration Prevention Act of 2015”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

1           (1) COUNTRY CONTAINING TERRORIST-CON-  
2 TROLLED TERRITORY.—The phrase “country con-  
3 taining terrorist-controlled territory” means—

4                   (A) Iraq, Libya, Somalia, Syria, and  
5 Yemen; and

6                   (B) any other country designated by the  
7 Secretary of State pursuant to section 4(a).

8           (2) REFUGEE.—The term “refugee” has the  
9 meaning given the term in section 101(a)(42) of the  
10 Immigration and Nationality Act (8 U.S.C.  
11 1101(a)(42)).

12           (3) SUBSTANTIAL ASSISTANCE.—The phrase  
13 “substantial assistance” means a level of assistance  
14 without which the United States could not achieve  
15 the purposes for which the assistance was provided  
16 or sought.

17           (4) VICTIM OF GENOCIDE.—The term “victim  
18 of genocide” has the meaning given the term in Arti-  
19 cle II of the United Nations Convention on the Pre-  
20 vention and Punishment of the Crime of Genocide,  
21 opened for signature in Paris on December 9, 1948.

22 **SEC. 3. PROHIBITION ON REFUGEES FROM TERRORIST-**  
23 **CONTROLLED TERRITORIES.**

24           (a) IN GENERAL.—Except as provided in subsection

25 (b) and notwithstanding any other provision of law, an

1 alien may not be admitted to the United States under sec-  
2 tion 207 of the Immigration and Nationality Act (8 U.S.C.  
3 1157) if the alien is a national of, has habitually resided  
4 in, or is claiming refugee status due to events in any coun-  
5 try containing terrorist-controlled territory.

6 (b) EXCEPTION.—

7 (1) IN GENERAL.—An alien otherwise prohib-  
8 ited from admission to the United States under sub-  
9 section (a) may be admitted to the United States  
10 under section 207 of the Immigration and Nation-  
11 ality Act (8 U.S.C. 1157) if the alien clearly proves,  
12 beyond doubt, that he or she—

13 (A) satisfies the requirements for admis-  
14 sion as a refugee; and

15 (B) is a member of a group that has been  
16 designated by the Secretary of State or by an  
17 Act of Congress as a victim of genocide.

18 (2) NATIONAL SECURITY THREAT.—An alien  
19 may not be admitted under paragraph (1) unless—

20 (A) the alien has undergone the highest  
21 level of security screening of any category of  
22 traveler to the United States, including assess-  
23 ments by the Department of State, the Depart-  
24 ment of Defense, the Department of Homeland  
25 Security, the Federal Bureau of Investigation

1 Terrorist Screening Center, and the National  
2 Counterterrorism Center;

3 (B) full multi-modal biometrics of the alien  
4 have been taken, including face, iris, and all  
5 fingerprints; and

6 (C) the Secretary of State, the Secretary  
7 of Defense, the Secretary of Homeland Secu-  
8 rity, the Director of the Federal Bureau of In-  
9 vestigation, and the Director of National Intel-  
10 ligence certify that such alien is not a threat to  
11 the national security of the United States.

12 (c) APPLICABILITY.—Subsections (a) and (b) shall  
13 not apply to any alien seeking admission under section  
14 207 of the Immigration and Nationality Act (8 U.S.C.  
15 1157) if the Secretary of State, the Secretary of Defense,  
16 the Secretary of Homeland Security, and the Director of  
17 National Intelligence certify that the alien—

18 (1) provided substantial assistance to the  
19 United States; and

20 (2) would face a substantial risk of death or se-  
21 rious bodily injury because of that assistance if not  
22 admitted to the United States.

23 **SEC. 4. RESPONSIBILITIES OF THE SECRETARY OF STATE.**

24 (a) IDENTIFICATION OF OTHER COUNTRIES.—In ad-  
25 dition to the countries listed in section 2(1)(A), the Sec-

1 retary of State may designate, as a “country containing  
2 terrorist-controlled territory”, any country containing ter-  
3 ritory that is controlled, in substantial part, by a Foreign  
4 Terrorist Organization, as designated by the Secretary of  
5 State under section 219 of the Immigration and Nation-  
6 ality Act (8 U.S.C. 1189), to the exclusion of that coun-  
7 try’s recognized government.

8 (b) LIST OF COUNTRIES CONTAINING TERRORIST-  
9 CONTROLLED TERRITORY.—The Secretary of State  
10 shall—

11 (1) maintain and continually update a list of  
12 the countries containing terrorist-controlled terri-  
13 tory; and

14 (2) continuously make available the list de-  
15 scribed in paragraph (1)—

16 (A) on the Secretary’s Web site;

17 (B) to the Secretary of Homeland Secu-  
18 rity;

19 (C) to Congress; and

20 (D) to the public.

21 (c) VICTIMS OF GENOCIDE.—The Secretary of State  
22 shall—

23 (1) identify all groups that are victims of geno-  
24 cide;

1           (2) maintain and continually update a list of  
2           the groups that the Secretary or Congress has iden-  
3           tified as victims of genocide; and

4           (3) continuously make available the list de-  
5           scribed in paragraph (2)—

6                   (A) on the Secretary’s Web site;

7                   (B) to the Secretary of Homeland Secu-  
8           rity;

9                   (C) to Congress; and

10                   (D) to the public.

11           (d) NATIONAL SECURITY THREAT.—The Secretary  
12           of State may refuse to designate a group for the exception  
13           under section 3(b)(1)(B) if the Secretary determines that  
14           the group poses a substantial security risk to the United  
15           States.

16           **SEC. 5. RESPONSIBILITIES OF THE SECRETARY OF HOME-**  
17   **LAND SECURITY.**

18           (a) RULEMAKING.—The Secretary of Homeland Se-  
19           curity shall issue regulations to implement section 3 as  
20           soon as practicable.

21           (b) LIMIT OF ALIEN ASSERTIONS.—The Secretary of  
22           Homeland Security may not admit any alien into the  
23           United States under this Act solely based on the assertions  
24           of such alien.

1           (c) COORDINATION.—The Secretary of Homeland Se-  
2       curity shall coordinate with the Secretary of State, the  
3       Secretary of Defense, the Director of the Federal Bureau  
4       of Investigation, and the Director of National Intelligence  
5       to substantiate, as much as reasonably practicable, the as-  
6       sertions made by aliens seeking admission to the United  
7       States.

8       **SEC. 6. EFFECTIVE PERIOD.**

9           This Act shall be effective during the 3-year period  
10       beginning on the date of the enactment of this Act.

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