

114TH CONGRESS
1ST SESSION

S. 2302

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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:

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

1 (A) Iraq, Libya, Somalia, Syria, and
2 Yemen; and

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

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

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

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

19 **SEC. 3. PROHIBITION ON REFUGEES FROM TERRORIST-**
20 **CONTROLLED TERRITORIES.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b) and notwithstanding any other provision of law, an
23 alien may not be admitted to the United States under sec-
24 tion 207 of the Immigration and Nationality Act (8 U.S.C.
25 1157) if the alien is a national of, has habitually resided

1 in, or is claiming refugee status due to events in any coun-
2 try containing terrorist-controlled territory.

3 (b) EXCEPTION.—

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

10 (A) satisfies the requirements for admis-
11 sion as a refugee; and

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

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

17 (A) the alien has undergone the highest
18 level of security screening of any category of
19 traveler to the United States, including assess-
20 ments by the Department of State, the Depart-
21 ment of Defense, the Department of Homeland
22 Security, the Federal Bureau of Investigation
23 Terrorist Screening Center, and the National
24 Counterterrorism Center;

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

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

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

16 (1) provided substantial assistance to the
17 United States; and

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

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

22 (a) IDENTIFICATION OF OTHER COUNTRIES.—In ad-
23 dition to the countries listed in section 2(1)(A), the Sec-
24 retary of State may designate, as a “country containing
25 terrorist-controlled territory”, any country containing ter-

1 ritory that is controlled, in substantial part, by a Foreign
2 Terrorist Organization, as designated by the Secretary of
3 State under section 219 of the Immigration and Nation-
4 ality Act (8 U.S.C. 1189), to the exclusion of that coun-
5 try's recognized government.

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

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

12 (2) continuously make available the list de-
13 scribed in paragraph (1)—

14 (A) on the Secretary's website;

15 (B) to the Secretary of Homeland Secu-
16 rity;

17 (C) to Congress; and

18 (D) to the public.

19 (c) VICTIMS OF GENOCIDE.—The Secretary of State
20 shall—

21 (1) identify all groups that are victims of geno-
22 cide;

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

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

3 (A) on the Secretary’s website;

4 (B) to the Secretary of Homeland Secu-
5 rity;

6 (C) to Congress; and

7 (D) to the public.

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

13 **SEC. 5. RESPONSIBILITIES OF THE SECRETARY OF HOME-**
14 **LAND SECURITY.**

15 (a) RULEMAKING.—The Secretary of Homeland Se-
16 curity shall issue regulations to implement section 3 as
17 soon as practicable.

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

22 (c) COORDINATION.—The Secretary of Homeland Se-
23 curity shall coordinate with the Secretary of State, the
24 Secretary of Defense, the Director of the Federal Bureau
25 of Investigation, and the Director of National Intelligence

1 to substantiate, as much as reasonably practicable, the as-
2 sertions made by aliens seeking admission to the United
3 States.

4 **SEC. 6. EFFECTIVE PERIOD.**

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

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