

[DISCUSSION DRAFT]

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To provide for an annual adjustment of the number of admissible refugees,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

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**A BILL**

To provide for an annual adjustment of the number of  
admissible refugees, and for other purposes.

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 “Refugee Program In-  
5 tegrity Restoration Act of 2016”.

6 **SEC. 2. ANNUAL ADJUSTMENT OF THE NUMBER OF ADMIS-**  
7 **SIBLE REFUGEES.**

8 (a) IN GENERAL.—Section 207(a)(2) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1157(a)(2)) is

1 amended by striking all that follows after “shall be” and  
2 inserting the following: “60,000. The President may, after  
3 appropriate consultation, submit a recommendation to  
4 Congress for the revision of such number not later than  
5 6 months prior to the beginning of such fiscal year, setting  
6 forth the justification for such revision due to humani-  
7 tarian concerns or that such revision is otherwise in the  
8 national interest.”.

9 (b) IN CASES OF EMERGENCIES.—Section 207(b) of  
10 the Immigration and Nationality Act (8 U.S.C. 1157(b))  
11 is amended—

12 (1) by striking “the President may fix a num-  
13 ber of refugees” and inserting the following: “the  
14 President may submit to Congress a recommended  
15 number of refugees”; and

16 (2) by striking all that follows after “to the  
17 emergency refugee situation” and inserting a period.

18 **SEC. 3. TERMINATION OF REFUGEE STATUS.**

19 Section 207(e) of the Immigration and Nationality  
20 Act (8 U.S.C. 1157(e)), as amended by this Act, is further  
21 amended—

22 (1) in paragraph (4)—

23 (A) by striking “may” each place it ap-  
24 pears and inserting “shall”;

1 (B) by inserting after “determines” the  
2 following: “—”;

3 (C) by striking “that the alien was not”  
4 and inserting the following:

5 “(A) that the alien was not”;

6 (D) by striking the period at the end and  
7 inserting “; or”; and

8 (E) by adding at the end the following:

9 “(B) that the alien, who applied for such  
10 status because of persecution or a well-founded  
11 fear of persecution in the country from which  
12 they sought refuge on account of race, religion,  
13 nationality, membership in a particular social  
14 group, or political opinion, returned to such  
15 country absent changed conditions therein.”;  
16 and

17 (2) by inserting after paragraph (4) the fol-  
18 lowing:

19 “(5) Each fiscal year, the Secretary shall sub-  
20 mit to the Committee on the Judiciary of the House  
21 of Representatives and the Committee on the Judici-  
22 ary of the Senate a report that includes the number  
23 of terminations of status under paragraph (4),  
24 disaggregated by whether the termination occurred

1       pursuant to subparagraph (A) or (B) of such para-  
2       graph.”.

3       **SEC. 4. PRIORITY CONSIDERATION FOR CERTAIN APPLI-**  
4       **CANTS FOR REFUGEE STATUS.**

5       Section 207(c) of the Immigration and Nationality  
6       Act (8 U.S.C. 1157(c)), as amended by this Act, is further  
7       is amended—

8               (1) by adding at the end the following:

9               “(6) When processing refugee applications from  
10       individuals seeking refuge from a country listed as  
11       a ‘Country of Particular Concern’ in the annual re-  
12       port of the Commission on International Religious  
13       Freedom under section 203 of the International Re-  
14       ligious Freedom Act of 1998 for the year prior to  
15       the current year, the Secretary of Homeland Secu-  
16       rity shall grant priority consideration to such appli-  
17       cants whose claims are based on persecution or a  
18       well-founded fear of persecution based on religion by  
19       reason of those applicants being practitioners of a  
20       minority religion in the country from which they  
21       sought refuge.”; and

22               (2) by striking “Attorney General” each place  
23       it appears and inserting “Secretary of Homeland Se-  
24       curity”.

1 **SEC. 5. LIMITATION OF WAIVER AUTHORITY ON ADMISSION**  
2 **OF REFUGEES.**

3 Section 207(c)(3) of the Immigration and Nationality  
4 Act (8 U.S.C. 1157(c)(3)) is amended by striking “any  
5 other provision of such section (other than paragraph  
6 (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph  
7 (3))” and inserting “paragraph (1) of section 212(a)”.

8 **SEC. 6. RECURRENT SECURITY MONITORING.**

9 Section 207 of the Immigration and Nationality Act  
10 (8 U.S.C. 1157) is amended by adding at the end the fol-  
11 lowing:

12 “(g) The Secretary may conduct recurrent back-  
13 ground security checks of an admitted refugee until such  
14 date as the refugee adjusts status under section 209.”.

15 **SEC. 7. ADJUSTMENT OF STATUS OF REFUGEES.**

16 Section 209(a)(1) of the Immigration and Nationality  
17 Act (8 U.S.C. 1159(a)(1)) is amended—

18 (1) in subparagraph (B), by striking “for at  
19 least one year” and inserting “for 3 years”; and

20 (2) by striking “shall, at the end of such year  
21 period” and inserting “shall, at the end of such pe-  
22 riod”.

23 **SEC. 8. LIMITATION OF WAIVER AUTHORITY ON ADJUST-**  
24 **MENT OF STATUS OF REFUGEES.**

25 (a) **GROUND FOR INADMISSIBILITY.**—Section  
26 209(e) of the Immigration and Nationality Act (8 U.S.C.

1 1159(c)) is amended by striking “any other provision of  
2 such section (other than paragraph (2)(C) or subpara-  
3 graph (A), (B), (C), or (E) of paragraph (3))” and insert-  
4 ing “paragraph (1) of section 212(a)”.

5 (b) GROUNDS OF DEPORTABILITY; IN PERSON  
6 INTERVIEW REQUIRED; REQUIRED REEXAMINATION FOR  
7 ADMISSION.—Section 209 of the Immigration and Nation-  
8 ality Act (8 U.S.C. 1159) is amended by adding at the  
9 end the following:

10 “(d) COORDINATION WITH SECTION 237.—An alien  
11 may not adjust status under this section if the alien is  
12 deportable under section 237, except that section  
13 237(a)(5) shall not apply for purposes of this subsection.

14 “(e) IN-PERSON INTERVIEW REQUIREMENTS.—An  
15 alien may not adjust status under this section unless, at  
16 the time of application for adjustment, the alien estab-  
17 lishes by clear and convincing evidence during an in-per-  
18 son interview with the Secretary of Homeland Security  
19 that the alien continues to meet the requirements of sec-  
20 tion 101(a)(42).

21 “(f) REQUIRED REEXAMINATION FOR ADMISSION.—  
22 An alien who is admitted as a refugee who is denied ad-  
23 mission under subsection (a)(1) shall, beginning on the  
24 date that is 5 years after such denial, and every 5 years  
25 thereafter, if that alien retains status as a refugee, return

1 or be returned to the custody of the Department of Home-  
2 land Security for inspection and examination for admis-  
3 sion to the United States as an immigrant in accordance  
4 with the provisions of sections 235, 240, and 241.”.

5 **SEC. 9. LIMITATION ON RESETTLEMENT.**

6 Section 412 of the Immigration and Nationality Act  
7 (8 U.S.C. 1522) is amended by adding at the end the fol-  
8 lowing:

9 “(g) **LIMITATION ON RESETTLEMENT.**—Notwith-  
10 standing any other provision of this section, for a fiscal  
11 year, the resettlement of any refugee may not be provided  
12 for—

13 “(1) in any State where the Governor of that  
14 State, or the State legislature, has taken any action  
15 formally disapproving of resettlement in that State;  
16 or

17 “(2) in any locality where the chief executive of  
18 that locality’s government, or the local legislature,  
19 has taken any action formally disapproving of reset-  
20 tlement in that locality.”.

21 **SEC. 10. BENEFIT FRAUD ASSESSMENT.**

22 Not later than 540 days after the date of enactment  
23 of this Act, the Fraud Detection and National Security  
24 Directorate of U.S. Citizenship and Immigration Services  
25 shall—

1           (1) complete a study on the processing of refu-  
2           gees by officers and employees of the U.S. Citizen-  
3           ship and Immigration Services including an identi-  
4           fication of the most common ways in which fraud oc-  
5           curs in such processing and recommendations for  
6           the prevention of fraud in such processing; and

7           (2) submit a report on such study to the Com-  
8           mittee on the Judiciary of the House of Representa-  
9           tives and the Committee on the Judiciary of the  
10          Senate.

11 **SEC. 11. DOCUMENT FRAUD DETECTION PROGRAM.**

12          Not later than 2 years after the date of enactment  
13 of this Act, the Secretary of Homeland Security shall es-  
14 tablish a program for detecting the use of fraudulent docu-  
15 ments in applications for admission as a refugee, includ-  
16 ing—

17           (1) placement of Fraud Detection and National  
18           Security officials who are under the direction of the  
19           Fraud Detection and National Security Directorate  
20           of U.S. Citizenship and Immigration Services at ini-  
21           tial refugee screening in conjunction with the reser-  
22           tlement agency and with the authority to hold a ref-  
23           ugee application in abeyance until any fraud or na-  
24           tional security concerns are resolved; and



1           (2) creation of a searchable database of scanned  
2           and categorized documents proffered by applicants  
3           at initial refugee screening to allow for discovery of  
4           fraud trends and random translation verification  
5           within such documents.

6   **SEC. 12. RECORDING OF INTERVIEWS TO PROTECT REFU-**  
7                           **GEEES AND PREVENT FRAUD.**

8           (a) IN GENERAL.—The Secretary of Homeland Secu-  
9           rity shall use digital recording technology to record each  
10          interview of an alien applying for admission as a refugee  
11          under section 207 of the Immigration and Nationality Act  
12          by an officer or employee of the U.S. Citizenship and Im-  
13          migration Services.

14          (b) AUDITING OF TRANSLATIONS.—The Secretary  
15          shall randomly select a number of interviews conducted,  
16          with the assistance of an interpreter, during each refugee  
17          circuit ride, equal to 20 percent of the total number of  
18          interviews conducted with the assistance of an interpreter  
19          during such circuit ride and review each such selected  
20          interview in order to determine whether any interpreter  
21          who participated in the interview incorrectly interpreted  
22          any portion of the interview (other than a de minimus  
23          error in translation). Such reviews shall take place prior  
24          to approval or denial of any application for admission as  
25          a refugee submitted at that location.

1 (c) IN CASES OF MISTRANSLATIONS.—If the Sec-  
2 retary determines that the interpreter incorrectly inter-  
3 preted any portion of the interview (other than a de mini-  
4 mus error in translation)—

5 (1) the interpreter shall be barred from subse-  
6 quently serving as an interpreter for immigration  
7 purposes; and

8 (2) no action shall be taken regarding the appli-  
9 cation until the applicant has been reinterviewed.

10 **SEC. 13. LIMITATION ON QUALIFICATION AS A REFUGEE.**

11 Section 101(a)(42) of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1101(a)(42)) is amended by inserting  
13 “For purposes of this paragraph, a person may not be con-  
14 sidered a refugee solely or in part because the person is  
15 displaced due to, or is fleeing from, violence in the country  
16 of such person’s nationality or, in the case of a person  
17 having no nationality, the country in which such person  
18 last habitually resided, if that violence is not specifically  
19 directed at the person, or, if it is directed specifically at  
20 the person, it is not directed at the person on account of  
21 that person’s race, religion, nationality, membership in a  
22 particular social group, or political opinion.” before “The  
23 term ‘refugee’ does not include”.

1 **SEC. 14. SECURITY REQUIREMENTS FOR REFUGEES.**

2 Prior to admitting to the United States as a refugee  
3 under section 207 of the Immigration and Nationality Act  
4 (8 U.S.C. 1157) an alien, the Secretary of Homeland Se-  
5 curity shall ensure that the alien does not pose a threat  
6 to the national security of the United States based on a  
7 background check that the Secretary conducts, which in-  
8 cludes a review of the alien's open source interactions on  
9 and posting of material to the Internet (including social  
10 media services).

11 **SEC. 15. GAO REPORT ON U.S. REFUGEE ADMISSIONS PRO-**  
12 **GRAM.**

13 Not later than 18 months after the date of enactment  
14 of this Act, the Comptroller General of the United States  
15 shall conduct a review and report to Congress on the fol-  
16 lowing:

17 (1) The security of the U.S. Refugee Admis-  
18 sions Program, including an examination of—

19 (A) how the U.S. Government conducts se-  
20 curity screening and background checks, includ-  
21 ing the agencies or U.S. government partners  
22 involved and the systems and databases used;

23 (B) how the U.S. Government determines  
24 whether applicants are eligible for refugee reset-  
25 tlement and admissible to the United States;  
26 and

1           (C) the number of individuals who were  
2           admitted into the United States as refugees and  
3           subsequently convicted as a result of a ter-  
4           rorism-related investigation by the U.S. Govern-  
5           ment since fiscal year 2006.

6           (2) Federally-funded benefit programs for  
7           which aliens admitted into the United States under  
8           section 207 of the Immigration and Nationality Act  
9           (8 U.S.C. 1157) are eligible, as well as what is  
10          known about their participation in these programs.