

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2826
OFFERED BY Mr. Labrador

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Refugee Program In-
3 tegrity Restoration Act of 2017”.

**4 SEC. 2. ANNUAL ADJUSTMENT OF THE NUMBER OF ADMIS-
5 SIBLE REFUGEES.**

6 (a) IN GENERAL.—Section 207(a)(2) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1157(a)(2)) is
8 amended by striking all that follows after “shall be” and
9 inserting the following: “50,000. The President may, after
10 appropriate consultation, submit a recommendation to
11 Congress for the revision of such number not later than
12 6 months prior to the beginning of such fiscal year, setting
13 forth the justification for such revision due to humani-
14 tarian concerns or that such revision is otherwise in the
15 national interest.”.

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

1 (1) by striking “the President may fix a num-
2 ber of refugees” and inserting the following: “the
3 President may submit to Congress a recommended
4 number of refugees”; and

5 (2) by striking all that follows after “to the
6 emergency refugee situation” the second place it ap-
7 pears and inserting a period.

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

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

12 (1) in paragraph (4)—

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

15 (B) by inserting after “determines” the
16 following: “—”;

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

19 “(A) that the alien was not”;

20 (D) by striking the period at the end and
21 inserting “; or”; and

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

23 “(B) that the alien, who applied for such
24 status because of persecution or a well-founded
25 fear of persecution in the country from which

1 they sought refuge on account of race, religion,
2 nationality, membership in a particular social
3 group, or political opinion, returned to such
4 country absent changed conditions therein.”;
5 and

6 (2) by inserting after paragraph (4) the fol-
7 lowing:

8 “(5) Each fiscal year, the Secretary shall submit to
9 the Committee on the Judiciary of the House of Rep-
10 resentatives and the Committee on the Judiciary of the
11 Senate a report that includes the number of terminations
12 of status under paragraph (4), disaggregated by whether
13 the termination occurred pursuant to subparagraph (A)
14 or (B) of such paragraph.”.

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

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

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

21 “(6) When processing refugee applications from indi-
22 viduals seeking refuge from a country listed as a ‘Country
23 of Particular Concern’ in the annual report of the Com-
24 mission on International Religious Freedom under section
25 203 of the International Religious Freedom Act of 1998

1 for the year prior to the current year, the Secretary of
2 Homeland Security shall grant priority consideration to
3 such applicants whose claims are based on persecution or
4 a well-founded fear of persecution based on religion by
5 reason of those applicants being practitioners of a minor-
6 ity religion in the country from which they sought ref-
7 uge.”;

8 (2) by striking “Attorney General” each place
9 it appears and inserting “Secretary of Homeland Se-
10 curity”; and

11 (3) in subsection (c)(1), by striking “Attorney
12 General’s” and inserting “Secretary of Homeland
13 Security’s”.

14 **SEC. 5. LIMITATION OF WAIVER AUTHORITY ON ADMISSION**
15 **OF REFUGEES.**

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

21 **SEC. 6. RECURRENT SECURITY MONITORING.**

22 Section 207 of the Immigration and Nationality Act
23 (8 U.S.C. 1157) is amended by adding at the end the fol-
24 lowing:

1 “(g) BACKGROUND SECURITY CHECKS.—The Sec-
2 retary may conduct recurrent background security checks
3 of an admitted refugee until such date as the refugee ad-
4 justs status under section 209.”.

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

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

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

10 (2) by striking “shall, at the end of such year
11 period” and inserting “shall, at the end of such pe-
12 riod”.

13 **SEC. 8. LIMITATION OF WAIVER AUTHORITY ON ADJUST-**
14 **MENT OF STATUS OF REFUGEES.**

15 (a) GROUND FOR INADMISSIBILITY.—Section
16 209(c) of the Immigration and Nationality Act (8 U.S.C.
17 1159(c)) is amended by striking “any other provision of
18 such section (other than paragraph (2)(C) or subpara-
19 graph (A), (B), (C), or (E) of paragraph (3))” and insert-
20 ing “paragraph (1) of section 212(a)”.

21 (b) GROUND OF DEPORTABILITY; IN-PERSON
22 INTERVIEW REQUIRED; REQUIRED REEXAMINATION FOR
23 ADMISSION.—Section 209 of the Immigration and Nation-
24 ality Act (8 U.S.C. 1159) is amended by adding at the
25 end the following:

1 “(d) COORDINATION WITH SECTION 237.—An alien
2 may not adjust status under this section if the alien is
3 deportable under section 237, except that section
4 237(a)(5) shall not apply for purposes of this subsection.

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

12 “(f) REQUIRED REEXAMINATION FOR ADMISSION.—
13 An alien who is admitted as a refugee who is denied ad-
14 mission under subsection (a)(1) shall, beginning on the
15 date that is 5 years after such denial, and every 5 years
16 thereafter, if that alien retains status as a refugee, return
17 or be returned to the custody of the Department of Home-
18 land Security for inspection and examination for admis-
19 sion to the United States as an immigrant in accordance
20 with the provisions of sections 235, 240, and 241.”.

21 **SEC. 9. LIMITATION ON RESETTLEMENT.**

22 Section 412 of the Immigration and Nationality Act
23 (8 U.S.C. 1522) is amended by adding at the end the fol-
24 lowing:

1 “(g) LIMITATION ON RESETTLEMENT.—Notwith-
2 standing any other provision of this section, for a fiscal
3 year, the resettlement of any refugee may not be provided
4 for—

5 “(1) in any State in which the Governor of that
6 State or the State legislature have taken any action
7 formally disapproving of resettlement in that State;
8 or

9 “(2) in any locality where the chief executive of
10 that locality’s government, or the local legislature,
11 has taken any action formally disapproving of reset-
12 tlement in that locality.”.

13 **SEC. 10. BENEFIT FRAUD ASSESSMENT.**

14 Not later than 540 days after the date of the enact-
15 ment of this Act, the Fraud Detection and National Secu-
16 rity Directorate of U.S. Citizenship and Immigration Serv-
17 ices shall—

18 (1) complete a study on the processing of refu-
19 gees by officers and employees of the U.S. Citizen-
20 ship and Immigration Services including an identi-
21 fication of the most common ways in which fraud oc-
22 curs in such processing and recommendations for
23 the prevention of fraud in such processing; and

24 (2) submit a report on such study to the Com-
25 mittee on the Judiciary of the House of Representa-

1 tives and the Committee on the Judiciary of the
2 Senate.

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

4 Not later than 2 years after the date of the enact-
5 ment of this Act, the Secretary of Homeland Security shall
6 establish a program for detecting the use of fraudulent
7 documents in applications for admission as a refugee, in-
8 cluding—

9 (1) placement of Fraud Detection and National
10 Security officials who are under the direction of the
11 Fraud Detection and National Security Directorate
12 of U.S. Citizenship and Immigration Services at ini-
13 tial refugee screening in conjunction with the reset-
14 tlement agency and with the authority to hold a ref-
15 ugee application in abeyance until any fraud or na-
16 tional security concerns are resolved; and

17 (2) creation of a searchable database of scanned
18 and categorized documents proffered by applicants
19 at initial refugee screening to allow for discovery of
20 fraud trends and random translation verification
21 within such documents.

22 **SEC. 12. RECORDING OF INTERVIEWS TO PROTECT REFU-**
23 **GEES AND PREVENT FRAUD.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity shall use digital recording technology to record each

1 interview of an alien applying for admission as a refugee
2 under section 207 of the Immigration and Nationality Act
3 by an officer or employee of the U.S. Citizenship and Im-
4 migration Services.

5 (b) AUDITING OF TRANSLATIONS.—The Secretary
6 shall randomly select a number of interviews conducted,
7 with the assistance of an interpreter, during each refugee
8 circuit ride, equal to 20 percent of the total number of
9 interviews conducted with the assistance of an interpreter
10 during such circuit ride and review each such selected
11 interview in order to determine whether any interpreter
12 who participated in the interview incorrectly interpreted
13 any portion of the interview (other than a de minimis error
14 in translation). Such reviews shall take place prior to ap-
15 proval or denial of any application for admission as a ref-
16 ugee submitted at that location.

17 (c) IN CASES OF MISTRANSLATIONS.—If the Sec-
18 retary determines that the interpreter incorrectly inter-
19 preted any portion of the interview (other than a de mini-
20 mis error in translation)—

21 (1) the interpreter shall be barred from subse-
22 quently serving as an interpreter for immigration
23 purposes; and

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

1 **SEC. 13. 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 publicly available interactions
9 on and posting of material to the Internet (including social
10 media services).

11 **SEC. 14. IMPLEMENTATION OF GAO RECOMMENDATIONS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of State and the Secretary
14 of Homeland Security each shall implement the rec-
15 ommendations applicable to their respective department
16 set out in the Government Accountability Office reports
17 entitled "State and Its Partners Have Implemented Sev-
18 eral Antifraud Measures but Could Further Reduce the
19 Risk of Staff Fraud" (GAO-17-446SU) and "Actions
20 Needed by State Department and DHS to Further
21 Strengthen Applicant Screening Process and Assess
22 Fraud Risks" (GAO-17-444SU).

23 **SEC. 15. GAO REPORT ON U.S. REFUGEE ADMISSIONS PRO-**
24 **GRAM.**

25 Not later than 18 months after the date of the enact-
26 ment of this Act, the Comptroller General of the United

1 States shall conduct a review and report to Congress on
2 the following:

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

5 (A) how the U.S. Government conducts se-
6 curity screening and background checks, includ-
7 ing the agencies or U.S. Government partners
8 involved and the systems and databases used;

9 (B) how the U.S. Government determines
10 whether applicants are eligible for refugee reset-
11 tlement and admissible to the United States;
12 and

13 (C) the number of individuals who were
14 admitted into the United States as refugees and
15 subsequently convicted as a result of a ter-
16 rorism-related investigation by the U.S. Govern-
17 ment since fiscal year 2006.

18 (2) Federally funded benefit programs for
19 which aliens admitted into the United States under
20 section 207 of the Immigration and Nationality Act
21 (8 U.S.C. 1157) are eligible, as well as what is
22 known about their participation in these programs.

