

113TH CONGRESS
2D SESSION

S. 2255

To remove the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from treatment as terrorist organizations and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2014

Mr. MCCAIN (for himself and Mr. MENENDEZ) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To remove the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from treatment as terrorist organizations 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. TREATMENT OF THE KURDISTAN DEMOCRATIC**
4 **PARTY AND THE PATRIOTIC UNION OF**
5 **KURDISTAN UNDER THE IMMIGRATION AND**
6 **NATIONALITY ACT.**

7 (a) EXEMPTION OF THE KURDISTAN DEMOCRATIC
8 PARTY AND THE PATRIOTIC UNION OF KURDISTAN FROM
9 TREATMENT AS TERRORIST ORGANIZATIONS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Kurdistan Democratic Party and the
3 Patriotic Union of Kurdistan shall not be considered
4 to be terrorist organizations (as defined in section
5 212(a)(3)(B)(vi)(III) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1182(a)(3)(B)(vi)(III))) for
7 purposes of such section 212(a)(3)(B).

8 (2) EXCEPTION.—The Secretary of State, after
9 consultation with the Secretary of Homeland Secu-
10 rity and the Attorney General, or the Secretary of
11 Homeland Security, after consultation with the Sec-
12 retary of State and the Attorney General, may sus-
13 pend the application of paragraph (1) for either or
14 both of the groups referred to in paragraph (1) in
15 such Secretary's sole and unreviewable discretion.

16 (b) RELIEF REGARDING ADMISSIBILITY OF NON-
17 IMMIGRANT ALIENS ASSOCIATED WITH THE KURDISTAN
18 DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF
19 KURDISTAN.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 section 212(a)(3)(B) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1182(a)(3)(B)) shall not
23 apply to an alien, with respect to the alien's activi-
24 ties undertaken in association with the Kurdistan
25 Democratic Party or the Patriotic Union of Kurdi-

1 stan, if the alien is applying for a nonimmigrant
2 visa, presents himself or herself for inspection to an
3 immigration officer at a port of entry as a non-
4 immigrant, or is applying in the United States for
5 nonimmigrant status, unless a consular officer or
6 the Secretary of Homeland Security—

7 (A) knows, or has reasonable grounds to
8 believe, that the alien poses a threat to the
9 safety and security of the United States; or

10 (B) otherwise believes, in his or her discre-
11 tion, that the alien does not warrant a visa, ad-
12 mission to the United States, or a grant of non-
13 immigrant status in the totality of the cir-
14 cumstances.

15 (2) EXCEPTION.—The Secretary of State, after
16 consultation with the Secretary of Homeland Secu-
17 rity and the Attorney General, or the Secretary of
18 Homeland Security, after consultation with the Sec-
19 retary of State and the Attorney General, may sus-
20 pend the application of paragraph (1) in such Sec-
21 retary's sole and unreviewable discretion.

22 (3) CONSULTATION REQUIREMENT.—The Sec-
23 retary of State and the Secretary of Homeland Secu-
24 rity shall implement this subsection in consultation
25 with the Attorney General.

1 (4) CONSTRUCTION.—Nothing in this sub-
2 section may be construed to alter an alien’s burden
3 of demonstrating admissibility under the immigra-
4 tion laws of the United States.

5 **SEC. 2. PROHIBITION ON JUDICIAL REVIEW.**

6 Notwithstanding any other provision of law (whether
7 statutory or nonstatutory), section 242 of the Immigration
8 and Nationality Act (8 U.S.C. 1252), sections 1361 and
9 1651 of title 28, United States Code, section 2241 of such
10 title, and any other habeas corpus provision of law, no
11 court shall have jurisdiction to review any determination
12 made pursuant to this Act.

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