

115TH CONGRESS
1ST SESSION

H. R. 1075

To provide that the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017) shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2017

Ms. CLARKE of New York (for herself, Mr. SOTO, Mr. BROWN of Maryland, Ms. NORTON, Ms. BASS, Mr. KIHUEN, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. VEASEY, Mr. EVANS, Mr. BUTTERFIELD, Mr. MEEKS, Mr. CLEAVER, Mrs. DEMINGS, Ms. KELLY of Illinois, Mr. LAWSON of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Homeland Security, and Intelligence (Permanent Select), 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

A BILL

To provide that the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017) shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom for Refugees
3 Escaping Enmity (FREE) Act”.

4 **SEC. 2. NULLIFICATION OF EFFECT OF EXECUTIVE ORDER.**

5 (a) IN GENERAL.—The Executive Order entitled
6 “Protecting the Nation from Foreign Terrorist Entry into
7 the United States” (January 27, 2017) (“the Executive
8 Order”), is null and void, shall have no force or effect,
9 and may not be implemented, administered, enforced, or
10 carried out.

11 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
12 fect as if enacted concurrent with the execution of the Ex-
13 ecutive Order.

14 (c) NO FUNDS AVAILABLE.—No amounts (including
15 fees) made available to the Secretary of Homeland Secu-
16 rity, or to any other official of a Federal agency, by any
17 Act for any fiscal year, may be used to implement, admin-
18 ister, enforce, or carry out (including through the issuance
19 of any regulations) any of the policy changes set forth in
20 the Executive Order.

21 (d) RELEASE OF ALIENS IN CUSTODY.—The Sec-
22 retary of Homeland Security shall release any alien in cus-
23 tody under the authority of the Executive Order.

24 (e) REVOKED VISAS.—The Secretary of State shall
25 ensure that any visa or other documentation issued to an
26 alien and revoked, or provisionally revoked, under the au-

1 thority of the Executive Order is reinstated, reissued, or
2 replaced, as appropriate, unless a consular officer knows,
3 or has reason to believe, that the alien is ineligible to re-
4 ceive the visa or documentation under section 212 of the
5 Immigration and Nationality Act (8 U.S.C. 1182) or any
6 other provision of the immigration laws (as defined in sec-
7 tion 101(a)(17) of the Immigration and Nationality Act
8 (8 U.S.C. 1101(a)(17))). The Secretary of State shall en-
9 sure that, in the case of an alien who was unable to apply
10 for admission before the expiration of the validity of the
11 alien's visa by reason of the Executive Order, the visa is
12 timely renewed or replaced, as appropriate, in order to af-
13 ford the alien an opportunity to apply for admission, un-
14 less a consular officer knows, or has reason to believe, that
15 the alien is ineligible to receive the visa or documentation
16 under section 212 of the Immigration and Nationality Act
17 (8 U.S.C. 1182) or any other provision of the immigration
18 laws (as defined in section 101(a)(17) of the Immigration
19 and Nationality Act (8 U.S.C. 1101(a)(17))).

20 (f) VISA REFUSAL.—The Secretary of State shall en-
21 sure that any decision by a consular officer to refuse a
22 visa or other documentation under the authority of the
23 Executive Order is reconsidered by the consular officer in
24 order to determine whether the consular officer knows, or
25 has reason to believe, that the alien is ineligible to receive

1 the visa or documentation under section 212 of the Immi-
2 gration and Nationality Act (8 U.S.C. 1182) or any other
3 provision of the immigration laws (as defined in section
4 101(a)(17) of the Immigration and Nationality Act (8
5 U.S.C. 1101(a)(17))).

6 (g) NO EFFECT ON IMMIGRATION STATUS OR BENE-
7 FITS.—The Executive Order, and any action taken under
8 the authority of the Executive Order, shall not be consid-
9 ered to have modified or otherwise affected the immigra-
10 tion status, or eligibility for any immigration benefit,
11 under the immigration laws (as defined in section
12 101(a)(17) of the Immigration and Nationality Act (8
13 U.S.C. 1101(a)(17))) of any person. Section 206 the Im-
14 migration and Nationality Act (8 U.S.C. 1156), section
15 212(a)(9)(A) of such Act (8 U.S.C. 1182(a)(9)(A)), and
16 section 276 of such Act (8 U.S.C. 1326) shall not be con-
17 strued to apply to any denial of admission, removal, or
18 departure from the United States under the authority of
19 the Executive Order. No alien may be adversely affected
20 for any withdrawal of an application for admission or
21 other voluntary departure from the United States initiated
22 due to the Executive Order. The registration of any alien
23 may not be terminated under section 203(g) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1153(g)) if the

1 alien fails timely to apply for an immigrant visa by reason
2 of the Executive Order.

3 **SEC. 3. NONDISCRIMINATION IN THE ISSUANCE OF IMMI-**
4 **GRANT VISAS BASED ON RELIGION.**

5 Section 202(a)(1)(A) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended by insert-
7 ing “religion or lack of religious beliefs,” after “sex,”.

8 **SEC. 4. PROHIBITION ON DENYING ADMISSION OR ENTRY**
9 **BECAUSE OF RELIGION.**

10 (a) IN GENERAL.—Chapter 2 of title I of the Immi-
11 gration and Nationality Act (8 U.S.C. 1181 et seq.) is
12 amended by inserting after section 219 the following:

13 **“SEC. 220. PROHIBITION ON DENYING ADMISSION OR**
14 **ENTRY BECAUSE OF RELIGION.**

15 “Notwithstanding any other provision of the immi-
16 gration laws, an alien may not be denied entry, reentry,
17 or admission to the United States because of the alien’s
18 religion or lack of religious beliefs.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for the Immigration and Nationality Act (8 U.S.C. 1101
21 et seq.) is amended by inserting after the item relating
22 to section 219 the following:

“Sec. 220. Prohibition on denying admission or entry because of religion.”.

23 **SEC. 5. LIMITATION ON PRESIDENTIAL AUTHORITY.**

24 Section 212(f) of the Immigration and Nationality
25 Act (8 U.S.C. 1182(f)) is amended—

1 (1) by striking “(f)” and inserting “(f)(1)”; and

2 (2) by adding at the end the following:

3 “(2)(A) Beginning on the date of the enactment of
4 this paragraph, the President, notwithstanding paragraph
5 (1) and section 215(a)(1), may not exercise the Presi-
6 dent’s authority under such provisions so as to modify the
7 requirements under the immigration laws for entry, re-
8 entry, or admission, as applied to an alien having, on the
9 date of such exercise of authority—

10 “(i) a valid and unexpired immigrant or non-
11 immigrant visa; or

12 “(ii) valid and unexpired status as—

13 “(I) an alien lawfully admitted for perma-
14 nent residence;

15 “(II) a refugee who qualifies for admission,
16 or who has been admitted, under section
17 207(c)(1); or

18 “(III) an alien granted asylum.

19 “(B) Nothing in subparagraph (A) shall be construed
20 to affect the authorities under subsections (h) and (i) of
21 section 221.”.

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