

S 129

Repeal Executive Amnesty Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: International Affairs

Introduced: Jan 8, 2015

Current Status: Read twice and referred to the Committee on Finance.

Latest Action: Read twice and referred to the Committee on Finance. (Jan 8, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/129>

Sponsor

Name: Sen. Johnson, Ron [R-WI]

Party: Republican • **State:** WI • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blunt, Roy [R-MO]	R · MO		Jan 9, 2015

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Jan 8, 2015

Subjects & Policy Tags

Policy Area:

International Affairs

Related Bills

Bill	Relationship	Last Action
114 HR 3302	Related bill	Sep 8, 2015: Referred to the Subcommittee on Immigration and Border Security.
114 HR 2801	Related bill	Jun 18, 2015: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
114 HR 191	Related bill	Feb 2, 2015: Referred to the Subcommittee on Immigration and Border Security.

Repeal Executive Amnesty Act of 2015

This bill shifts from the Attorney General to the Secretary of Homeland Security (DHS) the authority to parole an alien temporarily into the United States, on a case-by-case basis, and in the Secretary's sole discretion, for an urgent humanitarian reasons or for another reason strictly in the public interest.

A humanitarian parole is limited to:

- a medical emergency or organ or tissue donation in certain circumstances; or
- a situation in which a close family member in the United States is dying and the alien could not arrive in the United States, through the normal visa process, in time to see that family member alive.

A public interest parole is limited to instances where the alien has assisted the U.S. government in a matter, such as a criminal investigation, espionage, or other similar law enforcement activity, and either the government requires the alien's U.S. presence or the alien's life would be threatened if not permitted to come to the United States.

Aliens found ineligible for refugee status may not be paroled.

No funds may be used to implement specified memoranda from the President, the Secretary, the Director of U.S. Immigration and Customs Enforcement (ICE) or other related memoranda.

The head of the U.S. Citizenship and Immigration Services (USCIS) may not appoint an individual to any position in the USCIS until after the President rescinds specified memoranda.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 is amended to eliminate the special repatriation requirements for unaccompanied alien children (UACs) who are nationals or residents of a country contiguous to the United States, and so apply to them the same removal requirements applied to all UACs who are not victims of a severe form of trafficking in persons and who do not have a fear of returning to their country of nationality or last habitual residence.

Any inadmissible UAC at a land border or port of entry, who fails to meet these victim criteria, must be returned to his or her country of nationality or of last habitual residence.

The Secretary of State's authority to negotiate agreements between the United States and countries contiguous to the United States for the repatriation of children is extended to agreements with any country, contiguous or not.

Procedural rights are specified for UACs who are not victims of a severe form of trafficking in persons, and who do not fear returning to his or her country of nationality or last habitual residence.

HHS must inform DHS about children apprehended during a specified period before enactment of this Act who are placed with an individual, and DHS must investigate the immigration status of that individual, and, if the individual is unlawfully present in the United States, initiate removal proceedings.

Paroled aliens cannot receive benefits under either the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or the Patient Protection and Affordable Care Act.

State and local law enforcement personnel are authorized to investigate, identify, apprehend, arrest, detain, or transfer

aliens to federal custody in order to enforce federal, state, or local immigration laws. State and local law enforcement personnel will enjoy immunity from personal liability in the performance of such duties.

The Immigration and Nationality Act is amended to prescribe procedural requirements for the transfer from state or local to federal custody of inadmissible or deportable aliens.

Appropriations are authorized for FY2015 and subsequent fiscal years for the incarceration of undocumented criminal aliens.

Bureau Of Justice Assistance, public safety, and community policing grants under the Omnibus Crime Control and Safe Streets Act of 1968, as well as compensation for the incarceration of undocumented criminal aliens, is denied to any state or local government that has in place a law or policy contravening the information collection and sharing requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

ICE may issue detainers to detain aliens arrested by a federal, state, or local law enforcement official for violations of any law, not just one relating to controlled substances.

The interoperable electronic data system ("Chimera system") under the Enhanced Border Security and Visa Entry Reform Act of 2002, which gives current, immediate access to information in federal law enforcement databases and the intelligence community relevant to an alien's admissibility or deportability, must also include the operation of the Secure Communities program. DHS must issue a detainer, take a deportable alien into custody, and initiate removal proceedings upon receiving notice under the interoperable law enforcement and intelligence electronic data system that a deportable alien is in federal, state, or local custody.

The Immigration and Nationality Act is further amended to specify that:

- in no instance shall the government bear any expense for counsel for any person in removal proceedings or appealing from any such proceedings,
- an alien's statements must be true more probably than not in order to establish a credible fear of persecution in an asylum interview, and
- the prerequisite of a bilateral or multilateral agreement is eliminated as a condition for the possible removal to a safe third country in response to an alien's application for asylum in the United States.

DHS must establish quality assurance procedures and take steps to ensure that:

- questions by DHS employees exercising expedited removal authority are asked in a uniform manner, and
- both these questions and the answers are recorded in a uniform fashion.

Department of Justice authority is suspended until January 20, 2017, for waiver of the inadmissibility of any alien unlawfully present in the United States who is the spouse or son or daughter of a U.S. citizen or of a lawful permanent resident alien.

Requirements are modified for the temporary protected status of aliens whose return to a foreign country would expose them to a serious threat to their personal safety.

Actions Timeline

- **Jan 8, 2015:** Introduced in Senate
- **Jan 8, 2015:** Read twice and referred to the Committee on Finance.