

115TH CONGRESS
1ST SESSION

H. R. 1263

To exclude from the application of Executive Order 13796 certain Iraqi and Afghani special immigrants and refugees, to render certain Afghanis eligible for Priority 2 processing under the refugee resettlement priority system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2017

Mr. WELCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To exclude from the application of Executive Order 13796 certain Iraqi and Afghani special immigrants and refugees, to render certain Afghanis eligible for Priority 2 processing under the refugee resettlement priority system, 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 “Protecting Allies from
5 Visa Exclusion (PAVE) Act”.

1 **SEC. 2. PROHIBITION ON ENTRY INAPPLICABLE TO CER-**
2 **TAIN SPECIAL IMMIGRANTS.**

3 (a) IRAQI SPECIAL IMMIGRANTS.—Section 3(c) of
4 Executive Order 13769, entitled “Protecting the Nation
5 from Foreign Terrorist Entry into the United States”
6 (January 27, 2017), or any other provision of an Execu-
7 tive order, regulation, informal rule of guidance, or memo-
8 randum issued by the President or any other official in
9 the executive branch precluding issuance of visas to, re-
10 voking visas issued to, or precluding entry or admission
11 of, a class or classes of aliens, shall not apply to an alien
12 who is a national of Iraq or Afghanistan and has been
13 granted special immigrant status under section
14 101(a)(27) of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)(27)) pursuant to—

16 (1) section 1244 of the National Defense Au-
17 thorization Act for Fiscal Year 2008 (8 U.S.C. 1157
18 note);

19 (2) section 1059 of the National Defense Au-
20 thorization Act for Fiscal Year 2006 (8 U.S.C. 1101
21 note); or

22 (3) section 602 of the Afghan Allies Protection
23 Act of 2009 (8 U.S.C. 1101 note).

24 (b) REFUGEES.—Section 5 of Executive Order
25 13769, or any other provision of an Executive order, regu-
26 lation, informal rule of guidance, or memorandum issued

1 by the President or any other official in the executive
 2 branch precluding issuance of visas to, revoking visas
 3 issued to, or precluding entry or admission of, a class or
 4 classes of aliens, shall not apply to an alien who has been
 5 granted refugee status, has been approved for refugee ad-
 6 mission, or is a refugee applicant in the United States Ref-
 7 ugee Admissions Program under a Priority 2 designation
 8 pursuant to section 1243 of National Defense Authoriza-
 9 tion Act for Fiscal Year 2008 (8 U.S.C. 1157 note) or
 10 section 3 of this Act.

11 (c) EFFECTIVE DATE.—This section shall take effect
 12 as if enacted concurrent with Executive Order 13769.

13 **SEC. 3. UNITED STATES REFUGEE PROGRAM PROCESSING**
 14 **PRIORITIES FOR AFGHANIS.**

15 (a) IN GENERAL.—Refugees of special humanitarian
 16 concern eligible for Priority 2 processing under the refugee
 17 resettlement priority system who may apply directly to the
 18 United States Admission Program shall include—

19 (1) Afghanis who were or are employed by the
 20 United States Government in Afghanistan;

21 (2) Afghanis who establish to the satisfaction of
 22 the Secretary of State that they are or were em-
 23 ployed in Afghanistan by—

24 (A) a media or nongovernmental organiza-
 25 tion headquartered in the United States; or

1 (B) an organization or entity closely asso-
2 ciated with the United States mission in Af-
3 ghanistan that has received United States Gov-
4 ernment funding through an official and docu-
5 mented contract, award, grant, or cooperative
6 agreement;

7 (3) spouses, children, and parents whether or
8 not accompanying or following to join, and sons,
9 daughters, and siblings of aliens described in para-
10 graph (1) or paragraph (2);

11 (4) spouses, children, and parents whether or
12 not accompanying or following to join, and sons,
13 daughters, and siblings of Afghanis granted the sta-
14 tus of a special immigrant under section 101(a)(27)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(27)) based on faithful and valuable service
17 to the United States Government; and

18 (5) Afghanis who are members of a religious or
19 minority community, have been identified by the
20 Secretary of State, or the designee of the Secretary,
21 as a persecuted group, and have close family mem-
22 bers (as described in section 201(b)(2)(A)(i) or
23 203(a) of the Immigration and Nationality Act (8
24 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United
25 States.

1 (b) IDENTIFICATION OF OTHER PERSECUTED
2 GROUPS.—The Secretary of State, or the designee of the
3 Secretary, is authorized to identify other Priority 2 groups
4 of Afghanis, including vulnerable populations.

5 (c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—
6 Organizations and entities described in subsection (a)(2)
7 shall not include any that appear on the Department of
8 the Treasury’s list of Specially Designated Nationals or
9 any entity specifically excluded by the Secretary of Home-
10 land Security, after consultation with the Secretary of
11 State and the heads of relevant elements of the intelligence
12 community (as defined in section 3(4) of the National Se-
13 curity Act of 1947 (50 U.S.C. 401a(4))).

14 (d) APPLICABILITY OF OTHER REQUIREMENTS.—
15 Aliens under this section who qualify for Priority 2 proc-
16 essing under the refugee resettlement priority system shall
17 satisfy the requirements of section 207 of the Immigration
18 and Nationality Act (8 U.S.C. 1157) for admission to the
19 United States.

20 (e) NUMERICAL LIMITATIONS.—In determining the
21 number of Afghani refugees who should be resettled in the
22 United States under paragraphs (2), (3), and (4) of sub-
23 section (a) and subsection (b) of section 207 of the Immi-
24 gration and Nationality Act (8 U.S.C. 1157), the Presi-
25 dent shall consult with the heads of nongovernmental or-

1 ganizations that have a presence in Afghanistan or experi-
2 ence in assessing the problems faced by Afghani refugees.

3 (f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No
4 alien shall be denied the opportunity to apply for admis-
5 sion under this section solely because such alien qualifies
6 as an immediate relative or is eligible for any other immi-
7 grant classification.

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