



Summary of S. 2363

State Refugee Security Act of 2015

December 2015

Senator Ted Cruz (R-TX) introduced the “State Refugee Security Act” to require the Federal government to give States advanced notice of the intent to resettle refugees within the State. The bill also allows state governors to block refugee resettlement under certain circumstances.

The bill requires the Federal government to give States 21 days’ notice of the intent to resettle a refugee in the State. Section 2 establishes Immigration and Nationality Act (INA) Section 207(g) to require the Office of Refugee Resettlement to notify a State at least 21 days before a refugee is resettled there.

The bill gives State governors the authority to block the resettlement of refugees if the Federal government failed to provide “adequate assurance” that the immigrant does not present a security risk. Section 2 establishes INA Section 207(h) to prohibit the resettlement of a refugee in a state if the governor certifies to the Director of the Office of Refugee Resettlement that in the governor’s “sole determination” the federal government failed “to provide adequate assurance that the alien does not present a security risk to the State.”

Why this Bill is Necessary.

While only the federal government may decide who can enter the United States as a refugee, generally, federal law requires cooperation between federal, state, and local governments when it comes to the *resettlement* of refugees admitted to the United States. Federal law states that the Director of the Office of Refugee Resettlement (which falls under the U.S. Department of Health and Human Services), “**shall consult**” with state and local governments and voluntary non-profit agencies “concerning the sponsorship process and the intended distribution of refugees among the states and localities **BEFORE their placement....**” (See 8 U.S.C. § 1522(a)(2)(A))(emphasis added).

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However, the Obama administration has been ignoring this statutory requirement and frequently resettling refugees in states without providing any notice to state officials. This bill seeks to end this practice by requiring a specified amount of advanced notice and empowering governors to block resettlement when they are not satisfied that the federal government has properly vetted the refugee for national security risks.

To learn more about the role of states in the refugee resettlement process, read [FAIR's Fact Sheet](#).

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Federation for American Immigration Reform
25 Massachusetts Avenue, NW, Suite 330 • Washington, D.C. 20001
(202) 328-7004 • info@fairus.org