



South Carolina's Anti-Refugee Act (S. 997)

Background

Although refugees undergo a [rigorous vetting process](#) before being admitted to the U.S., [S. 997](#) attempts to stop the resettlement of all refugees in South Carolina. In reality, it only hurts organizations helping to resettle refugees. The bill attempts to address valid but [unsubstantiated concerns](#) that refugees might pose a security threat to South Carolina through a number of ineffective and overly broad provisions. The bill was introduced on January 14, 2016 and [passed](#) the South Carolina Senate on March 24, 2016 by a 39-6 vote. The South Carolina House Judiciary Subcommittee approved the bill, and it is pending before the full Committee.

How is S. 997 Anti-Refugee?

- (1) Requires Refugee Registration and Tracking. Under S. 997, **all** refugees, including Christians seeking to escape religious persecution, must register with the Department of Social Services by providing their personal, contact, and employment information, which allows the department to potentially track refugees placed in the state.
 - Building such a registry would be an unfair and discriminatory practice that would single out law-abiding people based solely on their refugee status, and would possibly violate federal privacy laws. In addition, requiring refugees to register and directing the Department of Social Services to potentially track refugees is not part of the United States' strong respect for liberty and long-standing tradition of welcoming refugees fleeing violence, war and persecution. There have been examples in history in which requiring people to register in such a database has been the first step to discrimination, internment and even persecution.
- (2) Creates Civil Liability. Under S. 997, organizations sponsoring refugees pursuant to the Refugee Resettlement Program may be held civilly liable if a refugee they helped resettle committed specified acts of terrorism or violent crime and there is clear and convincing evidence that the sponsor organization knew or should have known that the refugee posed a threat to commit those acts.
 - S. 997 would place severe and potentially unconstitutional burdens on those organizations, including faith-based organizations that work on refugee resettlement as part of their faith and free exercise of religion. S. 997 raises due process and religious liberty concerns by potentially making such organizations civilly liable if a refugee they resettled commits specified terrorist or criminal acts in the future.
 - The language creating civil liability is overly vague because it is unclear whether a refugee must be convicted of the crime for an organization to be liable, what time period an organization could face liability, and what constitutes clear and convincing evidence that the organization knew or should have known that the refugee posed a threat.
- (3) Fails to Improve Public Safety. While the bill requires the State Law Enforcement Division to confirm that any refugee placed in South Carolina does not pose a public safety risk, it is unclear what steps they would take that are different from the rigorous vetting process that occurs before refugees arrive in the United States. This process includes the Department of Homeland Security, State Department, Federal Bureau of Investigation and other national intelligence agencies independently reviewing a refugee's biometric data against security databases to ensure the individual does not pose a public safety risk.