

World Relief on February 18, 2016. This action is pending in the Court of Common Pleas for Richland County, State of South Carolina, bearing Civil Action No. 2016-CP-40-918. This Notice of Removal is timely filed within the deadline prescribed by 28 U.S.C. § 1446(b).

II. PLEADINGS AND NOTICE TO STATE COURT

True and accurate copies of the Complaint and all other process, pleadings, and orders known to World Relief with respect to this action are attached as Exhibit “A” hereto and are being filed along with this Notice of Removal. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal is being served on the Plaintiff, and is being provided to the Clerk of Court for the Richland County Court of Common Pleas.

III. STATEMENT OF STATUTORY BASIS FOR JURISDICTION

A. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331

1. Bilbro asserts claims that give rise to federal question jurisdiction.

The Complaint makes various allegations that “arise under the Constitution, laws, or treaties of the United States” because the claims are entirely preempted by federal law . Though it is difficult to determine from the Complaint the legal basis of Bilbro’s claims, several overarching issues can be extracted from the his pleading. Bilbro seeks an injunction to halt “(a) [b]ringing in and placing in the state of South Carolina any more Refugees or Asylees . . . ; (b) APPOINTING A RECEIVER to oversee the Funding of the [refugee resettlement] Program and stop using any state funds or resources or county funds or resources for this program and to immediately issue a cease of the program until a full accounting of any and all Federal money used in this program . . . ;” and makes other demands relating to the process of vetting and “Screening for Immigration.” Compl. ¶ 7. The Complaint also alleges various failures of the federal refugee program:

- “to have integrity in the vetting process of these alleged ‘refuges,’” Compl. ¶ 8; and
- improper funding for the program “despite the requirement that it be 100% Federal Funded,” Compl. ¶ 10.

Though the Complaint fails to clearly state any cause of action against the Defendants, Bilbro’s claims plainly relate to and arise under the federal Immigration and Nationality Act and implementation in South Carolina of the federal Refugee Resettlement Program. A federal court has original, subject matter jurisdiction over state law claims that necessarily raise a federal issue. *Grable & Sons Metal Products, Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005). The United States Supreme Court has recognized “the commonsense notion that a federal court ought to be able to hear claims recognized under state law that nonetheless turn on substantial questions of federal law, and thus justify resort to the experience, solicitude, and hope of uniformity that a federal forum offers on federal issues.” *Id.* This Court has jurisdiction over these claims.

2. Bilbro’s claims are completely preempted by federal law.

Authority over immigration matters is exclusively federal, and the statutory and regulatory scheme that implement authority completely occupies the field. Federal immigration authority begins with the Constitution and goes all the way through extensive federal regulations. Article I § 8 c. 4 of the Constitution gives Congress the power “to establish an uniform Rule of Naturalization.” The Federal government has “broad, undoubted power over the subject of immigration and the status of aliens.” *Arizona v. U.S.*, 132 S.Ct. 2492, 2498 (2012). The Supreme Court has described “Federal governance of immigration and alien status [as] extensive and complex.” *Id.* at 2499. Critically, the Supreme Court has held that the “[p]ower to regulate immigration is unquestionably *exclusively* a federal power.” *DeCanas v. Bica*, 424 U.S. 351,

355 (1976) (emphasis added). Congress enacted the Immigration and Nationality Act (INA), through which it “established a ‘comprehensive federal statutory scheme for regulation of immigration and naturalization’ and implemented ‘the terms and conditions of admission to the country and the subsequent treatment of aliens lawfully in the country.’” *Chamber of Commerce v. Whiting*, 131 S. Ct. 1968, 1973 (2011) (citation omitted).

The depth and breadth of Congressional authority over admission and resettlement of refugees is evident in the enactment of the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 109, in which it stated that its purposes were “to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States and to provide *comprehensive* and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.” 8 U.S.C. § 1521 note (emphasis added). Any potential state law claims that may be contained in the Complaint relating to immigration law and policy are completely preempted by comprehensive federal immigration law.

As a result of this complete preemption, resolution of Bilbro’s claims necessarily involve a federal question, regardless of how he has stated his claim. The presence of a federal question confers jurisdiction upon the district court in this case. Because this Court may exercise federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331, it is removable to this Court pursuant to 28 U.S.C. § 1441(a).

IV. CONCLUSION

WHEREFORE, Defendant World Relief hereby removes this matter from the Richland County Court of Common Pleas to the U.S. District Court for the District of South Carolina, Columbia Division.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/Kristen E. Horne

Kristen E. Horne
Federal Bar No. 10136
E-Mail: kristen.horne@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Samuel W. Outten
Federal Bar No.
E-Mail: sam.outten@nelsonmullins.com
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, SC 29601
(864) 250-2300

Attorneys for World Relief

Columbia, South Carolina

March 10, 2016