

Testimony of
Mr. Jonathan "Jock" Scharfen

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STATEMENT

OF

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REGARDING A HEARING ON

"OVERSIGHT OF U.S. REFUGEE ADMISSIONS AND POLICY"

BEFORE THE

SENATE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

September 27, 2006
3:00 PM

Mr. Chairman and Members of the Subcommittee:

I am honored to have this opportunity to discuss the President's proposal for refugee admissions in Fiscal Year (FY) 2007. U.S. Citizenship and Immigration Services (USCIS) enthusiastically supports the proposed ceiling of 70,000 refugee admissions for the upcoming fiscal year. As an organization, we are committed to providing the staff and resources to meet the goals outlined in the Annual Report to Congress on Refugee Admissions.

The U.S. Refugee Admissions Program has adapted to the shifting and complex nature of the world refugee situation in recent years by identifying and processing smaller groups of refugees who are often located in remote areas. This is illustrated by the fact that during FY 2006, USCIS officers traveled to more than 50 countries to interview refugee applicants from nearly 60 nations.

As you know, the Department of State has overall management responsibility for the refugee program and has the lead in proposing admissions ceilings and populations to be processed. As part of the Department of Homeland Security, USCIS has responsibility for interviewing applicants for refugee resettlement, adjudicating their applications, and ensuring that necessary security checks are fully performed. For the first time this fiscal year, members of the newly

formed Refugee Corps fulfilled this role for USCIS. The establishment of the Refugee Corps is a major success for the U.S. Refugee Admissions Program as a whole, and USCIS in particular. We are very grateful to the Members of this Committee and this Subcommittee for your steadfast support for this initiative from its conception to reality. The creation of a corps of Refugee Officers dedicated solely to refugee adjudications will not only provide greater consistency in adjudications, but will also increase flexibility in fielding adjudication teams, which is essential to meet the needs of a more diverse refugee program.

The first Refugee Corps Officer was hired just over a year ago, and today we have nearly 30 officers on board with others in the hiring pipeline. We plan to hire a total of 40 officers and seven supervisors. Our Refugee Officers are a talented group. They couple expertise in immigration law and adjudications with a wide range of academic and professional backgrounds and substantial international experience. The development of the Refugee Corps has coincided with an expansion of the Refugee Affairs Division at USCIS headquarters, as well, in order to support our overseas operations in areas such as training, fraud detection and deterrence, and quality assurance.

As part of the Department of Homeland Security, USCIS is dedicated to preserving and promoting our national security. At the same time, as the Secretary underscored on World Refugee Day this year, we are deeply committed to continuing to provide protection to deserving refugees around the world and to upholding our tradition as a nation of immigrants. It is the Administration's view that important national security interests and counter-terrorism efforts are not incompatible with our nation's historic role as a world leader in welcoming legal immigrants and refugees. Due to national security imperatives, legislation passed in recent years greatly expanded the definition of terrorist activity and terrorist organizations for purposes of determining which foreign nationals may be allowed to be admitted to this country. The legislative initiatives included a provision making aliens who provide "material support" to individuals or organizations that engage in terrorist activity inadmissible to the United States. The Immigration and Nationality Act (INA) does contain a discretionary exemption to the material support inadmissibility provision, which allows the Secretary of Homeland Security or the Secretary of State, in consultation with each other and with the Attorney General, to make an unreviewable discretionary determination that the terrorist inadmissibility provision does not apply with respect to material support afforded by a foreign national.

The broad language of the terrorist activity provision in the INA has had an impact on refugee admissions this year. However, the two recent exercises of the discretionary exemption authority by Secretary of State Rice for Burmese Karen refugees living in certain camps in Thailand show that the interagency process is capable of successfully addressing these challenging issues in a way that balances our need for security with our commitment to refugee protection. It was an important step to move forward on the ethnic Karen Burmese refugees in Thailand, and we are continuing to work on an interagency basis to consider other groups that may be good candidates for future exercises of exemption authority.

For USCIS' part, we consider the first exercise of Secretary Rice's material support exemption authority to have been very successful. Our Refugee Officers who worked in the Tham Hin camp in Thailand were able to explore all relevant facts and recommend sound decisions on the

eligibility of refugee applicants on a case-by-case basis. The overall approval rate for applicants in the Tham Hin Camp was approximately 80 percent, with roughly 30 percent of the total cases requiring the material support discretionary exemption. At present, the first refugees to benefit from these decisions have begun to arrive in the United States for refugee resettlement.

USCIS is committed to a strong partnership with its federal, international, and nongovernmental partners to support a robust U.S. refugee resettlement program. We are equally committed to ensuring the integrity of our adjudications process. We have taken a number of steps to enhance our ability to protect our nation's security and to deter and detect fraud. These measures include:

- ? Completion of interagency security checks prior to final adjudication of any refugee application.
- ? Development of the Training and Program Integrity section within the Refugee Affairs Division that is responsible for researching existing fraud trends, developing counter-strategies, and referring suspected cases of fraud for investigation and possible prosecution.
- ? Expansion of our fingerprinting capacity through the acquisition and deployment of portable fingerprinting equipment, employing appropriate standards to safeguard the information collected.
- ? For family reunification cases, 100 percent file review to ensure that information on proposed refugee applicants is consistent with the information provided in the original refugee file on family relationships.

We continue to collaborate with our partners, including law enforcement and national security colleagues, ranging from USCIS' own Office of Fraud Detection and National Security and DHS' Bureau of Immigration and Customs Enforcement to the Department of State, the United Nations High Commissioner for Refugees (UNHCR), and nongovernmental organizations, to achieve our common objective - offering refuge to some of the most threatened populations around the world, while continuing to ensure the security of those who offer this refuge, the American people.

This nation has long been the world leader in refugee resettlement efforts, and the American people have a right to be proud of the accomplishments of the U.S. Refugee Admissions Program.

I would be happy to respond to any questions you may have. Thank you.