

**Questions for the Record for Francis Lee Cissna  
Senator Richard Blumenthal  
May 30, 2017**

**Asylum**

1. In Section 5 of President Trump’s Executive Order on Border Security and Immigration Enforcement Improvements, the president directs Secretary Kelly “to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations.”
  - a. **What action will you take in response to this Executive Order?**
  - b. **How will you ensure that compliance with the Executive Order will not adversely affect the ability of Asylum Officers to timely process asylum applications in other parts of the country?**
  - c. **What changes, if any, do you foresee making in the guidance given to Asylum Officers about how to make credible fear determinations?**
  - d. **What changes, if any, do you foresee making in the training given to Asylum Officers?**
  - e. **What steps will you take to ensure that Asylum Officers at the southern border are afforded sufficient time, especially when engaging with children and victims of trauma or abuse, to make credible fear determinations?**

**Response:**

**If confirmed, I would consult with the subject matter experts at USCIS – in particular, the Refugee, Asylum and International Operations (RAIO) Directorate – to determine the most effective and efficient manner in which to deploy USCIS resources to carry out Executive Order 13767, while minimizing the effect on asylum adjudications in parts of the country not affected by the Order.**

**Section 11(b) of Executive Order 13767 directs the Secretary of DHS to “take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.” If confirmed, I would consult with the subject matter experts at USCIS whether any new guidance for credible fear determinations or asylum-related training may be required to implement section 11(b) of E.O. 13767.**

**Regarding credible fear determinations for particularly vulnerable populations, I would, if confirmed, be committed to ensuring that all such adjudications are handled professionally and with all appropriate sensitivity.**

### Confidentiality

2. When immigrants apply for visas they share significant amounts of confidential information with USCIS.
  - a. **Will you share information received by USCIS with sister agencies in the Department of Homeland Security, such as Immigration and Customs Enforcement or Customs and Border Protection?**
  - b. **If yes, under what circumstances will you share confidential information obtained by USCIS with sister agencies?**

#### Response:

**If confirmed, I would consult with USCIS legal counsel and privacy experts to ensure that such information sharing, if any, is in compliance with the law and DHS policy.**

### Military Accessions Vital to the National Interests (MAVNI)

3. Many applicants for MAVNI visas are discovering that their visas authorizing their lawful presence in the country expire before completion of the background check required by the MAVNI program. For example, there are reports that in the Army, there are about 4,300 people awaiting the completion of their background checks and that the legal status of approximately 1,500 people who had enlisted had expired by November 2016.
  - a. **What steps will you take to prevent visas authorizing immigrants' lawful presence in the country from expiring before a background check is completed?**
  - b. **Would you automatically extend the expiration date of any existing visas held by immigrants who enlist until completion of their background investigations to prevent their legal status from expiring?**

#### Response:

**I am generally aware of the background check backlog affecting MAVNI enlistment applicants, but do not have complete information regarding the lawful status, if any, such applicants have in the United States pending the completion of their background check. If confirmed, I would consult with the career professionals managing the MAVNI process, including the Department of Defense, to understand the full extent of the backlog and to determine what appropriate steps, if any, can be taken to address it.**