

Senator Mazie K. Hirono

Questions for the Record following hearing on May 10, 2017 entitled:

“Nominations”

Lee Francis Cissna

- 1) The Immigration and Nationality Act permits the Secretary of Homeland Security to parole foreign nationals into the United States on a case-by-case basis for urgent humanitarian reasons, or if there is a significant public benefit. Do you believe that this authority has been exercised appropriately by the Department?

Response:

Section 11(d) of Executive Order 13767 directs the Secretary of Homeland Security to “take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.” I understand that the agency, in consultation with the Secretary’s Office, is currently in the process of reviewing the use of parole authority. If confirmed, I would ensure that USCIS provides appropriate counsel to the Secretary during this extensive review to ensure that the law is faithfully executed.

- 2) In 2016, DHS announced the Filipino World War II Veterans Parole Program, an exercise of this parole power that allows Filipino veterans who fought alongside the United States in the Second World War to apply for reunion with their families or caregivers living in the Philippines. Several thousand such veterans live in the U.S., and, like other elderly Americans, many are dependent on family members or others for their care. Given that the program requires each application to be reviewed on an individual, case-by-case basis, would you agree that it meets the statutory requirements of the Immigration and Nationality Act and that it should be continued?

Response:

As I am not familiar with the operational details of the program, I am not in a position to offer an opinion at this time. However, I would expect that the Filipino World War II Veterans Parole Program, and all other existing parole programs administered by the Department, would be included in the review required by Executive Order 13767 on the manner in which parole authority is exercised.

- 3) Despite the fact that both of the President’s executive orders to freeze the refugee resettlement program were halted by multiple courts, it appears that the USCIS Refugee Corps is not conducting regular interviews and DHS has stopped re-rerunning security checks that have expired. Can you commit to continuing the refugee resettlement program, consistent with Congress’ intent and the court injunctions?

Response:

If confirmed, I commit to administering USCIS's responsibilities in relation to the refugee resettlement program in a manner consistent with the President's annual determination, any direction provided by the Secretary, congressional intent, and the relevant court injunctions, and as agency resources and operational limitations permit.

- 4) Following USCIS' 2016 fee study, fees for a number of USCIS applications increased, some quite dramatically. As Director, what means would you pursue to prevent the increase in fees connected to applications for citizenship or changes in immigrant status?

Response:

If confirmed, I would ensure that, after a fee study, all fees are subsequently set to a level that allows the agency to recover its costs, while also waiving fees for categories of applications or petitions that Congress has directed be waived and minimizing fee increases to the extent prudent or practicable for categories of applications or petitions that USCIS, as a matter of policy, has determined be minimized.

- 5) A number of states have asked USCIS for permissions to use its Systematic Alien Verification for Entitlements (SAVE) database to purge their voter rolls. This raises a number of concerns, because: there is no evidence of widespread voter fraud by immigrants, and, of the few cases that occur, most are unintentional; the SAVE database, as its name indicates, was intended to be used to determine eligibility for benefits, not for voting; the SAVE database has been shown to contain errors; and purges of voter rolls have been reported to have removed eligible voters, leading some to be blocked by courts.
- a. As Director, would you grant states the ability to use the SAVE database for voter purging purposes?

Response:

It is my understanding that several states have already been approved to use SAVE for voter registration purposes. If confirmed, I would ensure that any additional states seeking to use SAVE for voter registration purposes be authorized such use only after satisfying all applicable program requirements.

- b. What will you do to prevent errors in the SAVE database?

Response:

If confirmed, I would consult with the USCIS professionals who administer the SAVE program to assess the extent of any problems that may cause erroneous mismatches and determine appropriate steps to correct any such problems.

- c. Do you believe that there is evidence of widespread, intentional voter fraud by non-citizens? If so, what evidence do you have?

Response:

I have not thoroughly studied the issue of the existence of voter fraud by non-citizens.

- 6) The Federation for American Immigration Reform, or FAIR, has been designated as an anti-immigrant “hate group” by the Southern Poverty Law Center, and criticized by multiple civil rights groups for promoting white supremacist and white nationalist views. On May 2, DHS announced that the former executive director of FAIR had been appointed as USCIS ombudsman. The ombudsman is required by law to have a background in both immigration law and customer service, and to assist individuals in resolving problems with USCIS and propose changes to mitigate these problems.
- a. Do you believe that someone who has lead an anti-immigrant hate group is an appropriate person to lead a federal office that works directly with immigrants to resolve their problems?

Response:

I respectfully defer to the Department of Homeland Security for comment on Secretarial appointments.

- b. How can someone with well-known anti-immigrant views and associations with a white supremacist-aligned organization be an effective advocate for immigrants?

Response:

I respectfully defer to the Department of Homeland Security for comment on Secretarial appointments.