

**Nomination of Lee Francis Cissna
to be Director of United States Citizenship and Immigration Services, Department of
Homeland Security
Questions for the
Record Submitted May
31, 2017**

QUESTIONS FROM SENATOR WHITEHOUSE

1. As Director of United States Citizenship and Immigration Services (USCIS), what steps would you take to ensure that legal immigration processes run smoothly?

Response:

If confirmed, I would be committed to ensuring that the agency carries out its mission in a fair, lawful, efficient, and expeditious manner. I would consult with the professionals currently administering agency programs to learn about, prioritize, and develop improvements to agency operations to meet these goals. Such improvements may include streamlining adjudications, reducing backlogs, and correcting the problems in the agency’s “transformation” initiative.

2. You have indicated in public statements that you support restrictions on the H-1B non-immigrant visa program for high-skilled workers. What additional restrictions do you believe that program needs and why?
 - a) What reforms would you propose to prevent abuse of the H-1B system?

Response:

The President directed in section 5(b) of Executive Order 13788 that, “[i]n order to promote the proper functioning of the H-1B visa program, the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security shall, as soon as practicable, suggest reforms to help ensure that H-1B visas are awarded to the most-skilled or highest-paid petition beneficiaries.” If confirmed, I commit to implementing the President’s order by continuing a thorough review of the H-1B program and implementing recommended reforms, even those that may require changes to regulations and therefore take some time to implement.

- b) Would you support the creation of a telephone hotline and/or website that would allow American and foreign workers to report possible violations of H-1B visa rules?

Response:

In April 2017, USCIS announced the establishment of an email address/hotline dedicated to receiving information about suspected H-1B fraud or abuse (ReportH1BAbuse@uscis.dhs.gov). I strongly support this

initiative and, if confirmed, would promote its use.

- c) Institutions like hospitals and universities rely on the H-1B program to staff important positions, which sometimes need to be filled quickly. Under the Trump administration, USCIS has suspended premium (or “fast track”) processing for H-1B petitions, leaving these institutions unable to fill critical positions, like medical residencies. What is your opinion on USCIS’s suspension of fast track processing? What obligations does USCIS have to the institutions that rely on this established process? Should you be confirmed, what are your plans with respect to the status of this program?

Response:

I do not know all the details of the premium processing suspension you reference. However, if confirmed, I would request a briefing on the status of the premium processing program and, in particular, the suspension of premium processing for certain types of petitions, to help determine if continuation of the suspension is appropriate.

- d) Do you believe that a spouse of a foreign worker on an H-1B visa should be able to obtain a work permit? If not, why not?

Response:

The President directed in section 5(a) of Executive Order 13788 that, “the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security shall, as soon as practicable, and consistent with applicable law, propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of United States workers in the administration of our immigration system, including through the prevention of fraud or abuse.” USCIS regulations currently authorize spouses of certain H-1B workers to obtain employment authorization. If confirmed, I would consult with USCIS experts regarding whether any changes to such regulation are necessary in order to be helpful to the Secretary as he reviews current policies and implements this Executive Order.

- e) Qualified cybersecurity professionals are in high demand across the globe. What role does the H-1B visa system play in ensuring that the United States can attract the world’s top talent to help bolster our cybersecurity systems? Do you believe any reform is needed to help ensure that we do not face a shortfall of cybersecurity professionals?

Response:

The H-1B program allows U.S. employers to use skilled foreign workers to fill job openings they are not able to fill with U.S. workers. The H-1B program should be reformed to ensure that it admits only the highest skilled workers who are coming to fill jobs for which no qualified U.S. workers are available.

3. The Trump administration has recently sent signals that it intends to scale back the Temporary Protected Status (TPS) program, which provides humanitarian relief to nationals of countries coping with a severe conflict or natural disaster. Although DHS Secretary John Kelly did not terminate TPS protection for Haitians outright (as one of his top officials recommended), he extended their TPS protection for only six months and effectively warned them to put their affairs in order in preparation for impending deportation.

a) What are your views on the TPS program?

Response:

The TPS program is an important program that offers protection to populations unable to return to their country of origin.

b) Do you believe the United States has a role to play in providing humanitarian relief to people coping with severe conflicts or natural disaster?

Response:

I believe the United States is and should continue to be a global leader in the provision of humanitarian relief to such populations.

c) How should decisions to extend TPS protection be made?

Response:

Decisions to extend TPS protection should be made according to the criteria set forth in the Immigration and Nationality Act and relevant regulations.

d) Should a path to citizenship be available to TPS protectees?

Response:

It is my understanding that, under current law, TPS recipients may in certain circumstances be eligible to adjust to lawful permanent resident status and eventually become citizens via currently existing statutes. If confirmed, and if the Congress were to ever consider changing the TPS program to create a special path to citizenship for TPS recipients, I commit to providing Congress all appropriate technical assistance.

4. Senior military and State Department officials have warned that climate change is set to cause a refugee crisis of “unimaginable scale.” For example, Brig. Gen. Stephen Cheney, a member of the U.S. Department of State’s foreign affairs policy board and CEO of the American Security Project, said: “Climate change could lead to a humanitarian crisis of epic proportions. We’re already seeing migration of large numbers of people around the world because of food scarcity, water insecurity and extreme weather, and this is set to become the new normal.”

a) Do you believe that humans have contributed to climate change?

Response:

I have no expertise regarding climate change and am unable to provide an answer.

- b) Do you agree the climate change will exacerbate the global refugee crisis?

Response:

See answer to (a).

5. Do you support President Trump's executive order banning travel into the United States by people from six Muslim-majority countries?

Response:

I do not believe people should be denied entry to the United States based solely on their religion.

6. Do you believe that building an expensive border wall is an effective way to curb illegal immigration?

Response:

I possess insufficient expertise in the effectiveness of different types of border security technology to be able to answer.