

Question#:	1
Topic:	USCIS's Refugee Corps
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Background: In December of 2012, you provided written testimony to a House subcommittee on Counterterrorism and Intelligence, specifically addressing “efforts to deter exploitation by terrorist groups of the U.S. Refugee Admissions Program.” Specifically, you mentioned the USCIS’s Refugee Corps created in 2005, which provides USCIS officers with specialized training, including instruction on refugee law, grounds of inadmissibility, fraud detection and prevention, security protocols, interviewing techniques, credibility analysis, and country conditions research. You also stated the operations in Damascus, Syria, had been suspended for a period after March of 2011. In your opening statement at this subcommittee hearing on October 1, 2015, you stated, “we’ve succeeded in meeting the refugee admission ceiling of 70,000 for a third year in a row.” However, FBI Assistant Director of Counterterrorism Michael Steinbach testified, “The concern in Syria is that we don’t have systems in places on the ground to collect information to vet. . . . the concern is we would be vetting databases that don’t hold information on those individuals. . . . You’re talking about a country that is a failed state. That is, does not have any infrastructure . . . so all of the datasets – the police, the intel services – that normally you would go to to seek information don’t exist.” On a separate note, you also testified the Tsarnaev brothers, responsible for the Boston Marathon Bombing, were not refugees to the United States.

What specific factors have changed since March 2011 to make you confident operations can now continue in Syria? Please provide details.

Response: DHS/USCIS is not currently operating in Syria. Syrian refugees are being interviewed in Turkey, Jordan, and Egypt, with smaller numbers interviewed elsewhere.

Question: How has the Refugee Corps training been modified to account for the threat of ISIS infiltration in the Syrian Refugee program?

Response: Refugee officers receive extensive training in asylum and refugee law, regulations, policies and procedures in addition to training on country conditions of refugee source countries, and eliciting testimony from those who have endured and fear trauma and persecution. They attend a five-week training course including an overview of international human rights law, U.S. refugee and asylum law, non-adversarial interviewing, interviewing survivors of torture, eliciting testimony, cross-cultural communication, working with an interpreter and an applicant’s representative (in asylum) or modifying an interview to accommodate applicants who are unrepresented (in both asylum and refugee cases).

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After the combined five-week course, refugee officers attend an additional three-week course on refugee-specific law, regulations, procedures and policies. Throughout this training, officers are instructed that they have the duty to elicit testimony from refugees because refugees are unrepresented at their interviews and may suffer from conditions affecting their ability to articulate their claim. Several mock interviews are conducted to assess the new officers' technical knowledge as well as their non-adversarial interview skills. Officers receive additional training on country conditions and issues specific to the populations they will be interviewing.

Before they may interview refugees from the Middle East, officers must attend another five-day training specific to those caseloads. This course had been three-days long and completion was required to participate in Iraqi adjudications. Since the refugee program began to accept larger numbers of Syrian referrals as well, a Syria component was added and the course lengthened by two days. The training includes information on country conditions, armed groups operating in Iraq and Syria (including ISIS), and a classified briefing.

Question: Approximately how many hours of the 18-to-24-month admission process is a U.S. official actively working on vetting a particular individual?

Response: Security checks for vetting refugees are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. A standard suite of required inter-agency biographic and biometric security checks has been developed for all refugee applicants. The USRAP works in close coordination with federal law enforcement and intelligence community partners as part of the vetting process. The interagency effort makes it impossible for USCIS to estimate the average number of hours spent vetting each individual applicant.

Question: What guarantee can you provide that the current measures will eliminate any threat of ISIS infiltration?

Response: We cannot provide a guarantee that the current measures will eliminate all risk associated with the U.S. Refugee Admissions Program (USRAP). The inter-agency screening and USCIS interviewing processes are designed to limit that risk as much as possible, and to ensure that we know as much as possible about each refugee who seeks admission to the U.S. enabling the most informed decision possible. Adopting a strong, unequivocal position on national security allows the USRAP to minimize risk to the greatest extent possible.

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Question: Is the FBI's Assistant Director of Counterterrorism's testimony that the United States does not have systems in places on the ground in Syria to collect enough information false? If so, why would he testify as much? If not, how can the USCIS officers' specialized training overcome this lack of information from those requesting refugee status from Syria?

Response: It is not possible to eliminate all risk associated with the U.S. Refugee Admissions Program (USRAP). While not a traditional security check, USCIS officers conduct extensive interviews with refugee applicants to develop all relevant issues related to eligibility for refugee resettlement and admissibility to the United States. Officers receive additional training on country conditions and issues specific to the populations they will be interviewing. USCIS has instituted Syria-specific training for officers adjudicating cases with Syrian applicants. This training includes information on country conditions, armed groups operating in Iraq and Syria and a classified briefing.

Question: Although you have met the refugee admission ceiling of 70,000 for the last three years, what have you sacrificed to meet that ceiling?

Response: While we strive each year to realize the refugee admissions ceiling authorized by the President so that precious resettlement slots do not go unused, we are equally committed to ensuring the integrity of the program and our nation's security. We are constantly looking for ways to improve, refine, and streamline the security vetting regime for refugee applicants so that Congress and the American people can be confident that we are admitting deserving refugees to the United States. Refugee screening processes have not been compromised in order to reach the refugee admissions ceiling.

Question: What additional measures will you take to meet the 85,000 ceiling for the upcoming year?

Response: USCIS will hire and train additional staff to address the increased FY 2016 admission ceiling. New officers selected would most likely enter on duty in the late third quarter/early fourth quarter 2016 (after required medical and security clearances) and be trained in the fourth quarter. These new hires would be available for circuit rides beginning in the first quarter of FY 2017. Until new refugee officers are hired and trained, USCIS will rely on staff borrowed from other programs and trained to conduct refugee adjudications, drawing largely on asylum officers who are already protection-trained.

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USCIS is also working to review its procedures to identify potential efficiencies, such as increased use of technology, to facilitate case processing.

Question: What sacrifices will you be forced to make in order to meet that new ceiling, and won't that negatively affect your assurances of national security?

Response: USCIS will need to hire additional refugee officers, and until they are hired and trained, USCIS will rely on staff borrowed from other programs, largely from the Asylum Corps because they are already protection-trained. Because many staff will be borrowed from the Asylum program, increasing admissions to meet the higher ceilings will have a significant impact on the Asylum program's operations, especially affirmative asylum adjudications.

Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for all applicants. The refugee vetting process in place today employs the highest security measures required for any category of traveler to the United States to protect against risks to our national security. USCIS continues to engage with law enforcement agencies and the Intelligence Community to ensure that refugee vetting for Syrian applicants is as robust as possible. While promoting humanitarian and national security mandates can be a challenge, they are not at odds with one another. Instead, by adopting a strong, unequivocal position on national security, the USRAP is able to direct precious resettlement opportunities to those truly in need of protection while maintaining the security of our nation.

Question: If not refugees, what was the status of the Tsarnaev brothers in the United States?

Response: Laws and policy relating to the confidentiality of such information preclude USCIS from speaking about the specifics of individual cases publicly. USCIS would be happy to work through the Chairman's office to arrange a classified briefing on this matter.

Question#:	2
Topic:	FDNS
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Background: Your directorate’s website states, “FDNS was created to strengthen the ability of the U.S. Citizenship and Immigration Services (USCIS) to provide the right benefit to the right person at the right time; and no benefit to the wrong person.” ISIS terrorists seem to fit the bill as “wrong persons.” In your opening statement at this subcommittee hearing on October 1, 2015, you testified, “USCIS has begun an additional layer of enhanced review of Syrian refugee applicants.” You also mentioned that Syria does not have any computer databases we can access to run an applicant’s information against. In fact, FBI Assistant Director of Counterterrorism Michael Steinbach testified, “The concern in Syria is that we don't have systems in places on the ground to collect information to vet. . . . the concern is we would be vetting databases that don't hold information on those individuals. . . . You’re talking about a country that is a failed state. That is, does not have any infrastructure . . . so all of the datasets – the police, the intel services – that normally you would go to seek information don't exist.”

How confident are you that the policies, programs, and procedures your directorate has implemented to detect and deter fraud will be enough to ensure national security?

Response: USCIS has a high degree of confidence in the abilities of our officers, policies, programs, and procedures to identify and handle potential fraud or national security concerns. Refugee applicants are subject to the most stringent security screening of any traveler to the United States. USCIS takes our role in protecting the homeland and national security very seriously and continues to work with law enforcement and intelligence community members to identify additional opportunities to protect the integrity of the process and to guard against dangers to the United States. Additionally, USCIS Headquarters staff review Syrian refugee cases prior to DHS interview to identify potential national security concerns. For those cases with potential national security concerns, USCIS conducts open source and classified research on the facts presented and synthesizes an evaluation for use by the interviewing officer. This information provides case-specific context relating to country conditions and regional activity and is used by the interviewing officer to develop lines of inquiry related to the applicant’s eligibility and credibility.

Question: Approximately how many hours of the 18-to-24-month admission process is a U.S. official actively working on vetting a particular individual?

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Topic:	FDNS
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Response: Security checks for vetting refugees are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. A standard suite of required inter-agency biographic and biometric security checks has been developed for all refugee applicants. The USRAP works in close coordination with federal law enforcement and intelligence community partners as part of the vetting process. The interagency effort makes it impossible for USCIS to estimate the average number of hours spent vetting each individual applicant.

Question: Do you see holes in the program, and what are you doing to plug those holes? Please provide specifics.

How would you respond to the FBI's Assistant Director of Counterterrorism's testimony that the United States does not have systems in place on the ground in Syria to collect enough information to properly screen refugees?

Response: USCIS is continuing to engage with the law enforcement and intelligence communities, including exploring training opportunities and potential screening enhancements, to ensure that refugee vetting for Syrian refugee applicants is as comprehensive and robust as possible. USCIS is aware of the challenges that Assistant Director Steinbach identified and, as an additional measure, USCIS Headquarters staff review Syrian refugee cases prior to DHS interview to identify potential national security concerns. For those cases with potential national security concerns, USCIS conducts open source and classified research on the facts presented and synthesizes an evaluation for use by the interviewing officer. This information provides case-specific context relating to country conditions and regional activity and is used by the interviewing officer to develop lines of inquiry related to the applicant's eligibility and credibility.

Question#:	3
Topic:	Funding of FY16 Refugee Operations
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In your testimony you discussed how your office had for some time been planning for refugee operations in Fiscal Year 2016 based on the assumption that the Administration would propose to resettle 75,000 refugees during FY16. You talked about how the last-minute change to 85,000 refugees affected your planning and about how you asked the USCIS Chief Financial Officer whether there were sufficient funds in the Examinations Fee Account to cover the processing of the additional 10,000 refugees. You testified that the USCIS CFO assured you there were indeed sufficient funds in the Examinations Fee Account

What is the additional cost to USCIS of processing the additional 10,000 refugees?

Response: USCIS estimates that its additional cost to achieve a level of 10,000 Syrian refugee admissions in FY 2016 is approximately \$18.3 Million. This is based on USCIS's estimate of \$27.4 Million in increased costs to achieve the 85,000 admissions ceiling in FY 2016 compared to the 70,000 admissions ceiling for FY 2015. Because two thirds (10,000) of the 15,000 increase are the Syrian population, USCIS multiplied the \$27.4 Million by 2/3 to arrive at approximately \$18.3 Million. USCIS does not specifically budget for or track its refugee program costs by refugee nationality.

Question: Will taking the funds from the Examinations Fee Account required to cover the additional costs described in question #1 have any impact on other USCIS programs? If so, which programs will be impacted and in what way?

Response: Funding the additional USCIS costs related to the increase in the refugee admissions ceiling will not impact any other USCIS programs.

Question: What would the funds taken from the Examinations Fee Account to cover the additional cost described in question #1 have been used for had they not been diverted to cover such cost?

Response: The increase in the refugee admissions ceiling will be funded from available unassigned fee revenue carried forward in the Immigration Examinations Fee Account from prior fiscal years. As a result, the funds will not be diverted from other programs in FY 2016. If the funds were not needed for the increase in the refugee admissions ceiling, they would remain available (if needed) to carry out all other activities authorized by the Immigration and Nationality Act (INA) Section 286 (m) and (n), i.e., to provide

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Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

immigration adjudication and naturalization services, including the costs of similar services provided without charge to asylum applicants or other immigrants.

Question#:	4
Topic:	Parole Program for Syrians
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In 2013 over 70 members of the House of Representatives sent the Secretary of Homeland Security a letter asking that the Department parole into the United States all Syrians with approved immigrant visa petitions. Under the Haitian Family Reunification Parole Program initiated earlier this year, the Administration has started to parole into the United States thousands of Haitians with approved immigrant petitions years before their immigrant visas are actually available. You confirmed in your testimony that this proposal, though initially rejected by the Administration, is once again under consideration.

Why would establishing such a parole program for Syrian nationals be necessary at all in light of the existence of the United States Refugee Admissions Program?

Response: There has been no determination that such a program is necessary.

Question: Why, specifically, did the Department initially decide not to implement the proposal?

Response: We determined that such a program would be less beneficial than refugee processing at this time. Because the U.S. Embassy in Damascus is closed, there are no means to access and process this population within Syria, the population that may have the greatest need for parole. The only alternative is to process those already outside Syria and those who may leave Syria in the future. However, those individuals may have access to refugee processing. The U.S. Government is currently processing Syrian refugees in the region, in Istanbul, Amman, and Cairo. We believe it the best use of resources and the best option for vulnerable Syrians to be processed as refugees using the existing infrastructure of the U.S. Refugee Admissions, as opposed to establishing a separate process with new infrastructure to process requests for parole for family members awaiting visa eligibility. We have informed UNHCR that we welcome refugee referrals of those with close family ties to the United States.

Question: How many Syrians is the Administration contemplating including in such a parole program?

Response: Since the determination has been made to process Syrians through the U.S. Refugee Admissions as opposed to setting up a separate parole program, we cannot provide any estimated numbers.

Question#:	4
Topic:	Parole Program for Syrians
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Please explain how such a program would not violate the congressional proscription on using parole “to circumvent Congressionally-established immigration policy or to admit aliens who do not qualify for admission under established legal immigration policies.”

Response: Since the determination has been made to process Syrians through the U.S. Refugee Admissions as opposed to setting up a separate parole program, we are not invoking the Secretary’s discretion under section 212(d)(5)(A) of the Immigration and Nationality Act.

Question#:	6
Topic:	Screening of Syrian Refugees
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Under section 101(a)(42) of the Immigration and Naturalization Act a refugee is generally defined to be someone who is outside their country and “who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

Under United States law, may someone merely seeking a better life for them and their children be classified a refugee?

Response: No, under U.S. law, a person meets the definition of a refugee only if he or she can establish past persecution or a well-founded fear of future persecution based on one of five protected grounds: race, religion, nationality, political opinion, or membership in a particular social group. Individuals seeking better lives for themselves or for their families—but who do not meet those statutory criteria—do not meet the definition of a refugee. For the legal definition of refugee, see section 101(a)(42) of the Immigration and Nationality Act (INA).

Question: Do individuals who fear gangs, gang recruitment, or who were victims of generalized crime or violence qualify for refugee status under United States law?

Response: Having a fear of gangs or being subject to generalized crime or violence does not alone establish that a person meets the definition of a refugee. However, fear of gangs, gang recruitment, or gang-based violence can form the basis of a claim if, among other things, the nature and severity of the treatment amounts to “persecution” and the applicant is targeted on account of one of the five protected grounds. U.S. law recognizes that not only governments but also non-state actors can be persecutors, if the government is unable or unwilling to control the non-state actor engaging in or threatening the harm.

Question: At a February 11, 2015, hearing before the House Committee on Homeland Security, FBI Assistant Director Michael Steinbach expressed significant concerns with admitting Syrian refugees to the United States, stating: “I’m concerned. We’ll have to take a look at those lists and go through all of the intelligence holdings and be very careful to try and identify connections to foreign terrorist groups.” He also said that the FBI’s databases do not have “information on those individuals, and that’s the concern.”

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Committee:	JUDICIARY (SENATE)

On September 9, 2015, Director of National Intelligence James Clapper stated: “I don't, obviously, put it past the likes of ISIL to infiltrate operatives among these refugees. So that is a huge concern of ours.” Earlier this year, the Director of the FBI told the House Committee on Homeland Security that FBI databases do not necessarily have information on whether refugees are affiliated with terrorist groups.

Another problem we have is that we may not be able to criminally convict refugees of terrorist activity they committed before coming to the United States but which the U.S. Government doesn't learn about until after they have entered this country. We also cannot detain such refugees indefinitely, and home countries often do not take back their citizens who have been associated with terrorism.

Since fingerprints and name checks aren't necessarily going to uncover terrorist group affiliation, how are we going to effectively screen these people?

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. A standard suite of required biographic and biometric security checks has been developed for all refugee applicants. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. The biographic checks include vetting refugee data against the State Department's Consular Lookout and Support System (CLASS). CLASS is a biographic name check database used to access critical information for visa adjudication and is run on all refugee applicants. CLASS contains information from TECS (formerly the Treasury Enforcement Communication System), the Terrorist Screening Database (TSDB), Health and Human Services (HHS), the Drug Enforcement Agency (DEA), Interpol, and the Federal Bureau of Investigation (FBI). In addition, refugee applicants meeting certain criteria are subject to Security Advisory Opinions (SAOs), including law enforcement and intelligence communities checks. Refugee applicants are subject to a third biographic check referred to as the Interagency Check (IAC); the IAC consists of screening biographic data against a broader range of intelligence community holdings. The biometric (fingerprint) checks include screening against the holdings of the Federal Bureau of Investigation (FBI) Next Generation Identification (NGI), the Department of Homeland Security (DHS) Automated Biometric Identification System (IDENT), and the Department of Defense Automated Biometric Identification System (ABIS).

While not a traditional security check, USCIS officers also conduct extensive interviews with each refugee applicant to develop all relevant issues related to eligibility for refugee

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resettlement and admissibility to the United States. Prior to departing the United States, all USCIS officers conducting refugee adjudications overseas are given caseload-specific training regarding country conditions, Officers develop lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity, or the persecution/torture of others, and they use a variety of interview techniques to assess an applicant's credibility.

Additionally, USCIS Headquarters staff review Syrian refugee cases prior to DHS interview to identify potential national security concerns. For those cases with potential national security concerns, USCIS conducts open source and classified research on the facts presented and synthesizes an evaluation for use by the interviewing officer. This information provides case-specific context relating to country conditions and regional activity and is used by the interviewing officer to develop lines of inquiry related to the applicant's eligibility and credibility.

Question: What happens when we find out, AFTER a refugee has been admitted, that the refugee is, or ever was, a terrorist? Where do we send them then?

Response: USCIS is not directly involved in apprehending or prosecuting refugees with suspected or confirmed ties to terrorism. As a component agency of the Department of Homeland Security, USCIS regularly coordinates with both ICE and CBP and provides support to law enforcement and the Intelligence Community (IC) through vetting and screening activities. When USCIS encounters derogatory information during subsequent immigration adjudications after a refugee has entered the United States, and the information is indicative of terrorist activity, USCIS informs and coordinates with the appropriate law enforcement entity and/or IC partner through established mechanisms to include coordination with respective Joint Terrorism Task Force (JTTF) representatives.

Question#:	7
Topic:	Security screenings 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Amy Klobuchar
Committee:	JUDICIARY (SENATE)

Question: How extensive would you say our security screenings for refugee admissions are in comparison to the security screenings provided to other groups of people entering the United States?

Response: Refugees are subject to the highest level of security checks of any category of traveler to the United States. Coordinating these checks is a shared responsibility between the Department of State and DHS. The process is multi-layered and intensive, involving multiple law-enforcement, national-security, and intelligence agencies across the Federal Government including the involvement of the National Counterterrorism Center, the Federal Bureau of Investigation's Terrorist Screening Center, and the Departments of Homeland Security, State, and Defense. The refugee resettlement program has forged strong and deep relationships with colleagues in the law enforcement, national security, and intelligence communities, and the USRAP continues to benefit enormously from their expertise, analysis, and collaboration. It is a dynamic process in which USCIS and the Department of State work closely with interagency partners to improve, refine, and streamline the security vetting regime for refugee applicants. Security screening of refugees, which includes both biometric and biographic checks, occurs at multiple stages throughout the process. Screening is initiated prior to an interview with a USCIS officer, while the refugee is located overseas, and further screening is conducted immediately before a refugee's departure to the U.S., as well as upon arrival in the U.S. No refugee applicant can be approved for travel and admission to the United States until all required security checks have been completed and cleared. If there is any reason to believe that an applicant might pose a security risk to the United States, that individual will not be approved for admission.

Question: Are refugees among the most carefully vetted of all travelers to the United States?

Response: Yes, refugees are among the most carefully vetted.

Question#:	8
Topic:	Approvals 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: At the hearing, Ms. Strack stated that the “average approval rate [for refugee applications] is about 80 percent.” Ms. Strack further stated that the approval rate is “running a little over 90 percent for Syrian applicants.” I would like more context for these statistics. Accordingly, please provide the following information:

For each fiscal year since Fiscal Year 2001, please provide the approval rate for applications for the Refugee Admissions Program, including the approval rates for specific regions of the world. If available, please provide specific approval rates by nationality.

Response: USCIS does not maintain the statistics requested.

Question: For each fiscal year since Fiscal Year 2001, please provide detailed information regarding the reasons why applications were denied for the Refugee Admissions Program (e.g., applicant was found not to be a “refugee” as defined in section 101(a)(42) of the INA, applicant's package was incomplete, application was denied under section 212(a)(3) of the INA).

Response: USCIS does not maintain the statistics requested.

Question: For each fiscal year since Fiscal Year 2001, please provide the total number of waivers granted, by category, to refugee applicants under section 207(d)(3) of the INA.

Response: USCIS does not maintain the statistics requested.

Question: For each fiscal year since Fiscal Year 2001, please provide the breakdown, by nationality, and by protected ground for each nationality, of the total number of approved applications for the Refugee Admissions Program.

Response: USCIS does not maintain the statistics requested.

Question#:	9
Topic:	Section 207 of the INA
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: After being physically present in the United States for one year, refugees are required to apply to adjust their status to that of a lawful permanent resident. I would like more information about this process. For each fiscal year since Fiscal Year 2001, and in consultation with U.S. Immigration and Customs Enforcement, and the Executive Office for Immigration Review, where appropriate, please provide the following information regarding individuals who were initially admitted to the United States as refugees under section 207 of the INA:

The total number of applications to adjust status received.

Response: See chart below.

Question: The total number of applications to adjust status approved.

Response: See chart below.

Question: The total number of applications to adjust status denied, including, by ground of inadmissibility.

Response: See chart below. However, please note that statistics are not available by all specific grounds of admissibility.

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U.S. Citizenship & Immigration Services Form I-485, Application to Register Permanent Residence or Adjust Status Refugee Adjustments Receipts, Approvals, and Denials Fiscal Year 2001 - 2015 (Aug)				
FY	Receipts	Approvals	Denied Fraud	Denied Other
2001	90,615	78,614	21	6,350
2002	84,621	96,860	17	7,306
2003	57,809	28,634	1	2,458
2004	37,158	48,435	6	3,611
2005	41,161	80,517	3	3,920
2006	58,256	58,140	4	2,691
2007	50,910	32,159	9	1,304
2008	45,396	47,680	9	1,549
2009	65,821	85,974	34	3,537
2010	76,906	64,295	17	1,845
2011	85,031	81,477	12	1,835
2012	62,696	79,951	12	1,896
2013	57,594	49,768	19	1,665
2014	70,203	56,032	13	1,411
2015	62,630	66,700	3	1,533
Grand Total	946,807	955,236	180	42,911

Please note:

1) The report reflects the most up-to-date data available at the time the report is generated.

Database Queried: Oct 15, 2015

Report Created: Oct 15, 2015

System: Performance Reporting Tool (PRT)

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), KS

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Form Type: I-485

Data Type: Count of Refugee Adjustment Receipts, Approvals, and Denials

NOTE: Some applications approved, denied, or awaiting a decision may have been received in a previous reporting periods. Therefore approvals for some years may exceed the number of applications received.

Question: The total number of applications received that involved a waiver under section 209(c) of the INA.

Response: Because Form I-602, Application by Refugee for Waiver of Grounds of Excludability, is not required for every refugee or asylee who requires a waiver of inadmissibility at the time of adjustment of status, no History Action Code (HAC) is available in the system to track the total number of Form I-485 adjustment of status applications that involved a waiver under section 209(c) of the INA.

Question: The total number of applications approved that involved a waiver under section 209(c) of the INA.

Response: A waiver under section 209(c) does not require the completion of a Form I-602, Application by Refugee for Waiver of Grounds of Excludability, for every refugee or asylee who has been found inadmissible to the United States. For example, if a USCIS officer interviewing an applicant for adjustment of status identifies a ground of inadmissibility, the officer may elicit all relevant information and adjudicate a waiver without soliciting a Form I-602. Therefore, no History Action Code (HAC) is available in the system to track the total number of refugee and/or asylee Form I-485 adjustment of status applications received that involved a waiver under section 209(c) of the INA.

Question#:	10
Topic:	Refugee status
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: According to recent press reports, you have received 4,253 applications from individuals for the Central American Minors Refugee/Parole Program. Only 90 applications have been fully adjudicated, but out of those 90, 12 percent were granted refugee status, and 84 percent were granted parole.

For each individual granted refugee status pursuant to the program, please describe the specific reasons for granting refugee status, including identifying the protected ground upon which the individual claimed to be persecuted, and the definition of the “particular social group” for each application granted on account of that protected ground.

Response: Applicants who have been conditionally approved as refugees were found to meet the definition of refugee under section 101(a)(42) of the Immigration and Nationality Act (INA), are not inadmissible, and are not firmly resettled. Applicants must clear all required security checks prior to final approval. The USCIS Refugee Affairs Division does not systematically track which protected ground is the basis of the refugee claim. However, in this instance, given the small number of cases, it is possible to report that all cases these were approved because the applicants suffered or feared persecution on account of membership in a particular social group (PSG). USCIS does not systematically track the PSG underlying each refugee adjudication.

In assessing whether an applicant is a member of a PSG, USCIS adjudicators first examine whether the applicant and certain other members of his or her society share a common immutable trait, one that is either unchangeable or so fundamental to their identity or conscience that they should not be required to change it. Adjudicators then ask whether that trait is socially distinct by assessing whether the society in question meaningfully distinguishes individuals who possess it from those who do not. The adjudicator then determines whether the group of people has discrete boundaries and is defined with sufficient particularity to ascertain with certainty who is in the group and who is not. If all these requirements are met, the adjudicator generally will conclude that the applicant is a member of a PSG. In making these assessments the adjudicator is guided by relevant precedent regarding the criteria for establishing that a PSG exists in a society, such as, for example:

Ornelas-Chavez v. Gonzalez, 458 F.3d 1052, 1056 (9th Cir. 2006) (restating the well-settled principle that “persecution may be inflicted ... by persons or organizations which the government is unable or unwilling to control”); *Hernandez-Avalos v. Lynch*, 784 F.3d 944, 950 (4th Cir. 2015) (examining family as a particular social group and concluding

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that applicant's relationship to her son is why she, and not another person, was threatened with death if she did not allow him to join Mara 18); *Cordova v. Holder*, 759 F.3d 332, 339 (4th Cir. 2014) (finding nexus to particular social group established where applicant was targeted on account of his kinship ties to his cousin and uncle); *Matter of A-R-C-G-*, 26 I&N Dec. 388, 390 (BIA 2014) (finding that status within a domestic relationship which the applicant is unable to leave may define a particular social group); *Ming Li Hui v. Holder*, 769 F.3d 984 (8th Cir. 2014) (acknowledging "Chinese daughters [who are] viewed as property by virtue of their position within a domestic relationship" as a particular social group but denying asylum on other grounds); and the following cases related to particular social group and opposition to gang activity: *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014); *Crespin-Valladares v. Holder*, 632 F.3d 117 (4th Cir. 2011).

Of course, establishing membership in a particular social group is not the end of the inquiry. The adjudicator then must determine whether the applicant has met all the other requirements of refugee law, including showing that he was or has a well-founded fear of being targeted on account of membership in that group, that the harm involved is serious enough to be persecution, and that the state is unable and unwilling to protect from that harm.

Question: How many individuals have been granted parole pursuant to the program? For each individual granted parole, please explain specifically why parole was granted, and the specific reason under section 212(d)(5)(A) of the INA for which the alien was granted parole.

Response: Section 212(d)(5)(A) of the INA authorizes the Secretary of Homeland Security to "in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States" The Central American Minors Refugee/Parole Program (CAM) program was established as part of an integrated and comprehensive approach to address the underlying economic and security challenges facing Central American countries and the increase in unlawful migration of unaccompanied minors across the U.S. border.

In 2014, the U.S. experienced an unprecedented increase in the migration of unaccompanied children from El Salvador, Guatemala and Honduras using criminal

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networks, as outlined in the February 2015 GAO report.¹ In response, DHS and the Department of State have adopted a multi-faceted strategy to deter large numbers of children from using criminal cartels and smugglers to take the dangerous journey to the United States and to avoid the humanitarian challenges of any large scale irregular migration, particularly of families and unaccompanied children. The CAM program is one facet of that strategy, and the consideration of these policy goals as part of a case-by-case determination whether to exercise the parole authority as a matter of discretion is fully consistent with section 212(d)(5)(A).

To date, parole has been considered on a case-by-case basis for children who qualified for access to the CAM program (i.e., those with a parent lawfully present in the United States and whose claimed genetic, step, or legally adopted relationship had been confirmed by DHS) but who did not establish eligibility for refugee status. Parole generally has been conditionally approved in cases in which the USCIS officer has determined that such children demonstrated a well-founded fear of harm (usually from gang-related or other violence) and no serious adverse factors were present warranting a negative exercise of discretion. As of December 28, 2015, 410 cases which comprise 420 individuals have been conditionally approved for parole under the CAM program. Prior to final parole approval, applicants must clear all required security checks, pay for a medical exam, and pay for travel to United States on an International Organization for Migration (IOM) arranged flight.

¹ Available at <http://www.gao.gov/assets/670/668749.pdf>.

Question#:	11
Topic:	Temporary Protected Status
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: How many aliens in the United States currently have Temporary Protected Status? Please break down the response by country of nationality.

Response: USCIS provides an annual report to Congress detailing the number of individuals in the United States who are covered by Temporary Protected Status (TPS). The data provided in the table below reflects the information submitted in the 2014 report titled, *Temporary Protected Status: Calendar Year 2014 Annual Report*. USCIS will be compiling the annual TPS report for 2015 in January and will provide a copy of that report upon its completion.

The following table shows the number of TPS beneficiaries at the end of Calendar Year 2014, broken down by country of citizenship. Please note that Guinea, Liberia and Sierra Leone were initially designated for TPS on November 21, 2014. Consequently, USCIS had not issued any final approvals under these designations as of the end of Calendar Year 2014, reflected in the totals of zero for these countries in the table below. Beneficiaries under these three designations will be included in the 2015 report, along with beneficiaries under the initial designations of Nepal and Yemen, which occurred in Calendar Year 2015.

Country	Total
El Salvador	253,824
Guinea	0
Haiti	58,605
Honduras	83,041
Liberia	0
Nicaragua	4,293
Sierra Leone	0
Somalia	484
South Sudan	18
Sudan	501
Syria	4,610
Total	405, 376

Question#:	12
Topic:	Dzhokhar and Tamerlan Tsarnaev
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Please provide detailed information on the immigration histories of Dzhokhar and Tamerlan Tsarnaev, including, but not limited to, status at time of entry or admission to the United States, subsequent statuses, or immigration benefits received, and naturalization information, if applicable.

Response: Laws and policy related to the confidentiality of such information preclude USCIS from speaking about the specifics of individual cases publicly. USCIS would be happy to work through the Chairman's office to arrange a classified briefing on this matter.

Question#:	13
Topic:	P-3 program 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Could the P-3 program be expanded without undermining security?

Response: Access to the U.S. Refugee Admissions Program (USRAP) falls under the purview of the Department of State (State) and, therefore, State is best positioned to address this point. DHS consults with State with regard to USRAP access decisions, with particular attention to the potential for fraud and national security risks. Given the prior suspension of the P-3 program due to documented fraud, any expansion of the P-3 program must carefully address the benefits of family reunification while incorporating appropriate safeguards.

Question#:	14
Topic:	P-3 program 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Ms. Strack, at the hearing I asked you whether the P-3 program could be expanded to all applicants for resettlement who have relatives in the United States. Specifically, I am concerned that applicants might be rejected, even when they can demonstrate with 100 percent certainty that they have a family member living legally in the United States, simply because their U.S. family member was not first granted legal status as an asylee or refugee. You pointed out that the P-3 program had been suspended because of fraud in the system and asserted that because of this history any proposed expansion should proceed cautiously. I agree that we must guard against fraud in any important government program. However, I am not clear how the P-3 program's history speaks to my proposal for expansion of the eligibility criteria for access to the program.

The P-3 program was suspended because applicants claimed to have a family member in the United States when in fact they were not related to the U.S. resident identified in their applications.

What actions has USCIS taken to reduce the opportunity for this kind of fraud? Do you believe these efforts to reduce fraud have been effective?

Response: The P-3 program has undergone significant changes in recent years. In order to qualify for access under the P-3 program, an applicant must be outside of his or her country of origin, be registered or have legal status in the country of asylum, have had an Affidavit of Relationship (AOR) filed on his or her behalf by an eligible family member in the United States during a period in which the nationality was included on the eligibility list, and have been cleared for onward processing by the DHS/USCIS Refugee Access Verification Unit (RAVU).

Since the P-3 program resumed in October 15, 2012, after a suspension period due to fraud concerns, the AOR has been an official Department of State form (DS-7656). The form contains new language about penalties for committing fraud, and alerts filers that DNA evidence of certain claimed biological parent-child relationships will be required in order to gain access to a USCIS interview for refugee admission to the United States through the P-3 program.

Question: Is the immigration status of the U.S. relative relevant to an assessment of the resettlement applicant's relationship to a U.S. relative? In other words, if the U.S. relative first gained legal status as a refugee or asylee, is it somehow more difficult for a resettlement applicant to fraudulently claim a U.S. relative?

Question#:	14
Topic:	P-3 program 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Response: Qualifying individuals are persons who were admitted to the United States as refugees or were granted asylum, including persons who are lawful permanent residents or U.S. citizens who initially were admitted to the United States as refugees or were granted asylum. The U.S.-based filer must be at least 18 years of age at the time the Affidavit of Relationship (AOR) is filed and must file the AOR within 5 years of the date the individual entered the U.S. as a refugee or was granted asylum. The USRAP may reject any AOR for a relationship that does not comport with public policy, such as under-age or plural marriages.

Individuals who arrive as refugees provide significant family tree information during their initial adjudication which can be reviewed and verified during P-3 processing. Asylum applicants provide information about spouses, children, parents and siblings, during their initial adjudication which can be reviewed during P-3 processing as well.

Question#:	15
Topic:	Videoconferencing 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Can videoconferencing be used to make the refugee screening process more efficient?

Response: Currently USCIS regulations require that refugee eligibility interviews be conducted “in person.” 8 C.F.R. § 207.2(a). Videoconferencing therefore is not currently allowable. USCIS, however, is looking into the potential future use of videoconferencing for refugee interviews.

Question#:	16
Topic:	Videoconferencing 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: As you know, USCIS has studied the use of videoconferencing instead of in-person interviews in the context of credible fear interviews. The agency found no discernible statistical difference between conducting interviews in person and using videoconferencing. In fact, USCIS conducts 55 percent of its credible fear interviews through video, and an additional three percent by telephone. And that is in the context of interviews conducted in the United States, where it would be relatively easy for asylum officers to conduct interviews in person.

Yet, I understand that USCIS continues to conduct all interviews of Syrian resettlement applicants in person. When security concerns prevent DHS officials from traveling to Syria to conduct interviews, the result can be long delays at exactly the time when Syrian refugees are likely to be in the most danger.

Do you have any evidence that the use of videoconferencing to interview Syrian refugees would undermine security?

Response: Because USCIS regulations do not permit refugee eligibility interviews to be conducted by videoconferencing, USCIS has no evidence with regard to videoconferencing and Syrian refugee applicants.

Question: Would you consider using videoconferencing to increase the efficiency of the refugee screening process?

Response: Currently USCIS regulations require that refugee eligibility interviews be conducted “in person”, 8 CFR 207.2(a), therefore videoconferencing is not currently allowable. USCIS is considering the viability of videoconferencing in this context.

However, USCIS notes that videoconferencing processing may also present significant operational challenges in terms of remote staffing, interpretation, and operational infrastructure in the field to support the refugee’s participation in a videoconferencing interview such as the availability of necessary equipment, physical security requirements, and secure communication channels.

Question: It seems to me that videoconferencing could be a key mechanism for bringing greater efficiency to this process, and I’d like to help you. Would you keep me updated as you look into it?

Question#:	16
Topic:	Videoconferencing 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Response: Yes.

Question#:	17
Topic:	Security screenings 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Could screenings be better timed to avoid needless duplication and delay?

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. Part of the inter-agency review process is always focused on identifying efficiencies where possible, without jeopardizing national security given the impacts the screening may have on the overall logistical flow of processing. In the summer of 2015, the inter-agency enhanced certain screening activities so that they continue recurrently and seamlessly in the background, throughout the refugee processing timeline until entry into the United States. This served not only to assist with the efficiency of the program, but also enhanced the integrity of the program by ensuring the potential for new information collected by inter-agency partners is communicated at any time.

Question#:	18
Topic:	Security screenings 3
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: As several of the witnesses discuss in their testimony, applicants for resettlement in the United States go through a number of different screenings. As I understand it, these screenings generally have a limited validity period. If a certain amount of time has passed since the screening and an applicant has not resettled in the United States, the screening expires and the applicant has to start over. It is possible that a refugee could be delayed through no fault of her own if one screening expires before another can be completed, and the refugee has to endure the hassle, the expense, and the delay associated with completing the same screening twice. In some cases, an entire family could have their screenings expire while they wait for one family member to get final approval.

This question is for whoever can speak to the issue. It may be a few of you. Is the Administration considering ways to better time the resettlement application process to ensure that applicants do not have to needlessly go through the same screenings multiple times?

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. Part of the inter-agency review process is always focused on identifying efficiencies where possible, without jeopardizing national security given the impacts the screening may have on the overall logistical flow of processing. In the summer of 2015, the inter-agency enhanced certain screening activities so that they continue recurrently and seamlessly in the background, throughout the refugee processing timeline until entry into the United States. This served not only to assist with the efficiency of the program, but also enhanced the integrity of the program by ensuring the potential for new information collected by our inter-agency partners is communicated at any time.

Question: This seems like an area where the resettlement process could be made more efficient without any cost in terms of security. I would like to work with you on this. Would you keep me updated?

Response: Yes.

Question#:	19
Topic:	Approvals 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: What happens when an entire family is delayed because a single family member has not been approved?

Response: This is a complex issue, since some derogatory security check results may implicate other family members, and thus a case is not considered approvable until all security checks of all case members are clear. However, under certain circumstances where multiple cases involving extended family members are cross-referenced, it may be possible for certain cases to be approved for travel while other family members await clearances. State's Resettlement Support Center staff work with applicants in these situations to discuss their options.

As a matter of practice USCIS does not promote the separation of family members except in limited circumstances. This is compounded in the event the delay is related to a security check, which would then force USCIS to then consider the separation of family members for possible admission to the United States when they have known affiliations or connections to an individual that poses a risk to national security.

Question#:	20
Topic:	Approvals 3
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: As you know, families frequently apply to resettle together. For a family to be accepted, each member must be screened and approved. I have heard concerns that, as a result, entire families will often be stalled because a single family member's application has gotten delayed.

How often does that kind of thing happen-where a family is held up because of a single family member or maybe two family members?

Response: USCIS does not collect these data, but the Department of State may be able to generate a responsive report from its WRAPS database, which is the case management system used by the USRAP.

Question: Do you have a process for expediting consideration of particular applicants when clearing one applicant would allow an entire family to move forward? Can you describe that process? How often do you use it?

Response: Yes, mechanisms exist to expedite security checks, and they are used for parts of the process coordinated by both DHS and State on a regular basis. Typically either DHS or State will send a list of the cases to be expedited to a vetting partner on a periodic basis. However, potential delays due to certain security check results cannot be anticipated, rendering it impossible to ensure that expedited processing can be achieved in all cases where it has been requested.

Question#:	21
Topic:	Approvals 4
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: It seems to me that, if an entire family is delayed because of a single family member, the family might want to know what is going on. Then the family could choose whether to continue their application as a group or to let the approved members of the family move forward and leave the delayed member to follow them later.

Do you inform families when the whole family has been stalled because the application of a particular family member has been delayed?

Response: This is a complex issue, since some derogatory security check results may implicate other family members, and thus a case is not considered approvable until all security checks of all case members are clear. However, under certain exceptional circumstances, it may be possible for certain family members to be approved for travel while others await clearances. By statute and regulation, however, a derivative is not permitted to enter the United States prior to a principal applicant. As outlined in 8 C.F.R. § 207.7(a), a spouse or child:

shall be granted refugee status if accompanying or following-to-join the principal alien. An accompanying derivative is a spouse or child of a refugee who is in the physical company of the principal refugee when he or she is admitted to the United States, or a spouse or child of a refugee who is admitted within 4 months following the principal refugee's admission. A following-to-join derivative, on the other hand, is a spouse or child of a refugee who seeks admission more than 4 months after the principal refugee's admission to the United States.

DHS and the State's Resettlement Support Center staff closely coordinate these types of cases. RSC staff, rather than DHS, work with applicants in these situations to discuss their options, as some families prefer not to be separated.

Question: If not, would you be willing to consider doing so?

Response: Given that this is a complex issue, the question of whether a family member should be informed when the applications of other relatives are delayed would need to be discussed in the context of an overall review of the security check and USRAP process, consistent with applicable laws, policies and procedures.

Question#:	22
Topic:	IACs 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: How many IACs are stuck in limbo, and how can that be resolved?

Response: In the summer of 2015, the inter-agency enhanced certain screening activities so that they continue recurrently and seamlessly in the background, throughout the refugee processing timeline until entry into the United States. This enhancement not only helped improve program efficiency, but, also enhanced the integrity of the program by ensuring the potential for new information collected by our inter-agency partners is communicated at any time. As a result of these process changes, USCIS has 27,136 individual IAC's pending responses from the vetting agencies as of January 14, 2016, of which approximately 78 percent were requested on or after December 1, 2015.

Question#:	23
Topic:	IACs 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: As you know, applicants for resettlement go through a screening known as the Interagency Check, or IAC. This process is in addition to a number of other biographic and biometric checks that applicants have to undergo.

My understanding is that sometimes IACs are, at least initially, inconclusive. Applicants get back a determination of “not cleared” or “no decision”-meaning they have been neither approved nor denied. I have heard concerns that applicants who have gotten a determination of “not cleared” or "no decision" are left in limbo and not given a chance to clear up whatever ambiguity led to them receiving an inconclusive check.

As of today, how many applicants for resettlement have gotten a determination of “not cleared” or “no decision” but not yet had their cases resolved?

Response: “Not cleared” and “no decision” are two distinct categories with regard to refugee security checks. There are currently no individuals with a status of “no decision” related to an IAC. USCIS is currently working through a queue of approximately 1,740 individuals who have received a “not cleared” result from one of the interagency security vetting partners, which requires resolution and issuance of a final decision by USCIS.

Question: Do you give applicants the opportunity to provide information you need to move their cases from inconclusive to resolved?

Response: Whether applicants are scheduled for a re-interview to resolve security check information is determined on a case-by-case basis, taking into account the nature of the derogatory information. While it is not uncommon for certain aspects of the refugee screening process to uncover information that can ultimately be addressed during a re-interview, the information obtained during the IAC process typically represents some of the US Government’s most sensitive information, and it is often classified. In addition, significant effort is put into these processes by the inter-agency to ensure that information reported meets stringent thresholds and has a high degree of reliability.

If information is obtained through the IAC process that could be released to the applicant in order to allow the applicant to provide information to overcome what was provided to USCIS, we would work with our inter-agency partners to ensure that occurred appropriately without jeopardizing national security. In instances where classified information is reported back to USCIS, USCIS conducts an eligibility review to ensure the information reported during the IAC process relates to the applicant and whether there

Question#:	23
Topic:	IACs 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

is any information gleaned during the refugee processing that may provide additional context to the inter-agency check, causing them to reconsider the information contained within their holdings.

Question: Would you look into whether more can be done to let resettlement applicants help clarify any ambiguities in their checks-provided they can do so without accessing classified materials?

Response: USCIS will continue to work with our inter-agency partners to ensure that our screening processes are the most effective and efficient possible, and that we provide all appropriate opportunities for applicants to provide additional information.

Question#:	24
Topic:	National Security Issues Relating to Syrian Refugees 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: At last week's hearing, testimony confirmed what was already assumed by most people who are presently focused on the Syrian refugee issue, which is that the United States government has zero ability to access civilian records of any kind within the sovereign territory of Syria. This confirmation dovetails with admissions during other Administration briefings on this subject, in which representatives from the Federal Bureau of Investigation and other agencies have confirmed that Syria is an intelligence "black hole," and that there is virtually no way to obtain reliable data from anywhere in Syria. The combined feedback from this Administration is troubling, and raises concerns that the United States government could be admitting people into the United States who are posing as refugees but represent significant national security risks.

Can you confirm the following:

That United States government officials have no access to civilian local or municipal records within the sovereign territory of Syria?

Response: USCIS will work with your staff to schedule a classified briefing on this issue.

Question: That United States government officials have no access to civilian national records within the sovereign territory of Syria?

Response: USCIS will work with your staff to schedule a classified briefing on this issue.

Question#:	25
Topic:	National Security Issues Relating to Syrian Refugees 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Has the Assad government provided any assistance to help identify Syrian nationals who are asserting refugee status, either by supplying records or offering to verify claims made by alleged Syrian refugees? If the answer is yes, please provide additional details.

Response: The United States does not have any agreements in place with the Syrian Government for information sharing to assist with refugee processing. Also, for confidentiality reasons, USCIS does not share information about refugee applicants with the applicants' home country's government. Sharing such information could subject the individual to retaliatory measures by government authorities or non-state actors if the individual is repatriated, or endanger the security of the individual's family members or associates who may still be residing in the country of origin. Such disclosure could also give rise to a plausible protection claim when one would not otherwise exist by bringing an otherwise ineligible individual to the attention of the government authority or non-state actor against which the individual has made allegations to support the claim for protection.

Question#:	26
Topic:	National Security Issues Relating to Syrian Refugees 3
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Given the likelihood that the Assad government favors the refugee flow (since any legitimate Syrian nationals leaving Syria at this time are likely either opponents of the Assad government or ISIS operatives taking advantage of the refugee flow), would you acknowledge that the Assad government may have an incentive to allow an uncontrolled, unconditional exodus of Syrian nationals from Syria at this time?

Response: USCIS's role with regard to refugee processing is to adjudicate applications on a case-by-case basis. It is not within our jurisdiction to assess the Syrian Government's motivations with regard to the refugee flow from Syria.

Question#:	27
Topic:	National Security Issues Relating to Syrian Refugees 4
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Have any other Middle Eastern or European governments provided any assistance to help identify Syrian nationals who are asserting refugee status, either by supplying records or offering to verify claims made by alleged Syrian refugees? If the answer is yes, please provide additional details.

Response: USCIS is able to leverage existing information sharing where we have established agreements in place. For refugee applications, this bilateral/multilateral sharing does not occur on a systematic basis, but rather on an ad hoc basis.

Question#:	28
Topic:	National Security Issues Relating to Syrian Refugees 5
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Is it fair to state that, if an individual presents himself or herself to United States officials as a refugee, and asserts to be a Syrian national, but offers no objective or verifiable records or other information that assures identity or nationality, and provides no indication during his or her interview that their story is fabricated, the United States government will accept that refugee's claim that he or she is a Syrian national, without further verification? If the answer is yes, please explain the justification for this position.

Response: No. The U.S. Government does not automatically accept a refugee's claim of a specific nationality without further verification. While having verifiable documentation always assists our adjudicative process, the authenticity of documents is a concern that is present in all aspects of immigration adjudications and as such, USCIS Officers do not simply rely on documents to confirm relationships and statements. Officers are thoroughly trained in interview techniques to probe family relationships and the backgrounds of applicants to identify other aspects of the immigration claim that may call into question the legitimacy of the information presented to include whether an applicant was actually from the country of interest. USCIS officers conduct extensive interviews with each refugee applicant to develop all relevant issues related to eligibility for refugee resettlement and admissibility to the United States.

Prior to departing the United States, all USCIS officers conducting refugee adjudications overseas are given caseload-specific training regarding country conditions which includes familiarization with the specific country of origin an individual would be claiming to be from. Officers develop lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity, or the persecution/torture of others, and they use a variety of interview techniques to assess an applicant's credibility.

Question#:	29
Topic:	National Security Issues Relating to Syrian Refugees 6
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Is it fair to state that, if an individual presents himself or herself to United States officials as a refugee, but offers no objective or verifiable records or other information that assures identity or nationality, and provides no indication during his or her interview that their story is fabricated, and the individual's offered identity does trigger a derogatory hit on any of the security databases that are used to determine terrorist or criminal activity, the United States government will consider that individual to not be a security risk? If the answer is yes, please explain the justification for this position.

Response: No. The U.S. Government does not automatically accept a refugee's claim of a specific nationality without further verification. The U.S. Government also conducts extensive security checks and reviews before any final decision is made on whether an individual poses a security risk. Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. If an applicant were to trigger a positive match through one of these security checks, the individual would be considered a security risk, and a complete review of all information would be conducted before final adjudicative outcomes would occur. USCIS also denies cases based on the applicant's testimony, including cases in which there are no derogatory security check results.

Question#:	30
Topic:	National Security Issues Relating to Syrian Refugees 7
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: If an individual presents himself or herself to United States officials as a refugee as part of this flow out of Syria, but is identified as (or admits to being) a citizen of a nation other than Syria, is their application for refugee status automatically denied? If the answer is no, please provide a detailed explanation as to why such applications are not automatically denied.

Response: No, an application for refugee status would not be automatically denied based solely on the individual's claimed nationality; however, this would be a significant discrepancy that would need to be addressed at interview and overcome by the applicant in order to qualify for resettlement. In order to be eligible for access to the USRAP, applicants must be "of special humanitarian concern" to the United States. INA sec. 207(a)(3). As part of the eligibility review, USCIS first determines that the applicant has access to the U.S. resettlement program, in most cases for Syrian refugees, through a proper referral from UNHCR. If it were determined that the applicant has misrepresented any material facts during the process, it would then become a concern under the fraud and willful misrepresentation grounds of inadmissibility under INA section 212(a)(6)(C), and the case would be placed on hold for review and possible denial.

Question#:	31
Topic:	National Security Issues Relating to Syrian Refugees 8
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Please explain what provision of federal law (if any) would prevent United States officials who are involved in reviewing refugee applications from only approving applications of individuals who can demonstrate Syrian citizenship and identity.

Response: Section 207 of the Immigration and Nationality Act governs the refugee adjudication. To be found eligible for resettlement, a refugee applicant must: 1) be of special humanitarian concern to the U.S.; 2) meet the definition of refugee; 3) not be firmly resettled; and 4) be admissible to the United States. Refugees of special humanitarian concern to the United States are identified in the annual Report to Congress on Proposed Refugee Admissions following interagency consultations as required under section 207. For FY 2016, refugees of special humanitarian concern to the United States include certain Syrian nationals, as well as certain nationals of dozens of other countries who meet USRAP access criteria. There is no provision of federal law that would prohibit United States officials from limiting approval of refugee applications to Syrian nationals who can demonstrate Syrian citizenship and identity.

Question#:	32
Topic:	National Security Issues Relating to Syrian Refugees 9
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Please explain how it is not a massive national security risk to admit individuals to the United States who purport to be Syrian national refugees but can offer no objective or verifiable records or other information to establish their identity or nationality.

Response: It is not possible to eliminate all risk associated with the U.S. Refugee Admissions Program (USRAP). The inter-agency screening and USCIS interviewing processes are designed to limit that risk as much as possible, and to ensure that we know as much as possible about each refugee that seeks admission to the U.S. enabling the most informed decision possible. While promoting humanitarian and national security mandates can be a challenge, they are not at odds with one another. Instead, by adopting a strong, unequivocal position on national security, the USRAP is able to ensure that precious resettlement opportunities remain available to those truly in need of protection while maintaining the security of our nation

Question#:	33
Topic:	National Security Issues Relating to Syrian Refugees 10
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: At last week's hearing, your testimony and the testimony of other witnesses made it clear that the United States government's ability to screen the Syrian refugee flow for potential terrorism or national security threats depends almost entirely on their being flagged in an existing domestic or international terrorism or criminal database. While this allays some concerns, it does not address the fundamental reality of the security threat currently posed by ISIS in Syria, given that ISIS is drawing an abundance of recruits who may be local and not previously involved in domestic or international terrorism.

Does the United States government have any way to learn of an individual's possible affiliation with ISIS (or any other terrorist organization) in the absence of either some derogatory database hit or some indication in the course of interviews that the person is not credible?

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for applicants of all nationalities. A standard suite of required biographic and biometric security checks has been developed for all refugee applicants. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats.

While not a traditional security check, USCIS officers conduct extensive interviews with each refugee applicant to develop all relevant issues related to eligibility for refugee resettlement and admissibility to the United States. Prior to departing the United States, all USCIS officers conducting refugee adjudications overseas are given caseload-specific training regarding country conditions. Officers develop lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity, or the persecution/torture of others, and they use a variety of interview techniques to assess an applicant's credibility.

Additionally, USCIS Headquarters staff are reviewing Syrian refugee cases prior to DHS interview to identify potential national security concerns. For those cases with potential national security concerns, USCIS conducts open source and classified research on the facts presented and synthesizes an evaluation for use by the interviewing officer. This information provides case-specific context relating to country conditions and regional activity and is used by the interviewing officer to develop lines of inquiry related to the applicant's eligibility and credibility.

Question#:	34
Topic:	Federal Agency Costs Associated with Syrian Refugees 1
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: At last week's hearing, it was expressed that the United States was under a moral obligation to receive unspecified thousands of Syrian refugees, in large part because other nations (mostly, European and Middle Eastern nations) were apparently bearing the brunt of receipt of these refugees. It was suggested that the United States needs to do its part in accepting some percentage of these refugees because of the volume of refugees and the negative impact that volume is having on the region.

Please provide the following information regarding the recent unaccompanied alien child (UAC) influx at the U.S.-Mexico border:

How many UAC were received by European Union (EU) nations during the UAC influx over the last few years (broken down by nation and fiscal year).

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question: How much financial aid or support EU nations sent to the United States to support the UAC influx over the last few years (broken down by nation and fiscal year).

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question: How many UAC were received by Middle Eastern or Central Asian nations during the UAC influx over the last few years (broken down by nation and fiscal year).

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question: How much financial aid or support Middle Eastern or Central Asian nations sent to the United States to support the UAC influx over the last few years (broken down by nation and fiscal year).

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question#:	35
Topic:	Federal Agency Costs Associated with Syrian Refugees 2
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Are you aware of whether the United States has raised the issue of acceptance of Syrian refugees with either the government of the People's Republic of China or the government of the Russian Federation?

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question#:	36
Topic:	Federal Agency Costs Associated with Syrian Refugees 3
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Given that the Russian Federation now has a heavy combat role in Syria (and is theoretically contributing to the refugee outflow as a result of its military operations), should the Russian Federation have a greater role in the acceptance of Syrian refugees?

Response: USCIS is unable to address this question, as it outside the purview and jurisdiction of USCIS.

Question#:	37
Topic:	Federal Agency Costs Associated with Syrian Refugees 4
Hearing:	Oversight of the Administration's FY 2016 Refugee Resettlement Program: Fiscal and Security Implications
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: In conversations with congressional staff, it has emerged that the Department of State is defending its low number of admissions for Syrian Christian refugees on the ground that most Syrian Christian refugees have fled directly to Lebanon, and that the United States embassy in Beirut lacks the physical, personnel, or resource capacity to process refugees in Lebanon.

With the understanding that you do not represent the Department of State, can you shed any additional light on United States government facilities and resources that are currently present in the region that can be used by the Department of State (in addition the existing diplomatic facilities) for the processing of Syrian Christian refugees in Lebanon and/or elsewhere?

Response: USCIS cannot comment on the State Department's resources, but can describe our own operations in Lebanon. Only USCIS staff, not State Department staff, are authorized to conduct refugee eligibility determinations.

Worldwide, the State Department's Regional Security Officers (RSOs), who are part of the Diplomatic Security branch at State, make the decision on where it is safe for U.S. government employees to live and work. In Lebanon, their judgment for a number of years has been that USCIS employees who travel to Beirut to conduct refugee interviews must live and work in the U.S. Embassy, due to the security situation. From time to time in Lebanon, the RSO's office has permitted very limited excursions outside the embassy and allowed USCIS staff to work for a single day at the site of the State Department's contractor. The last time that the U.S. embassy in Beirut issued country clearance to a full team of USCIS officers was September 2014. The embassy in Beirut was able to support one USCIS officer to stay one night overnight in FY 2015 to interview a handful of emergency refugee cases. USCIS currently plans to return to Beirut to conduct refugee interviews in the second quarter of FY 2016.