

Senator Cornyn Questions for the Record

Questions for Leon Rodriguez, former USCIS Director, now Partner at Seyfarth Shaw LLP

1. Mr. Rodriguez, you mentioned that USCIS had implemented a number of measures, like recurrent vetting of certain populations, to make sure that they were not national security risks.

- a. Does the USCIS recurrent vetting process cover all students?

As of the time of my departure from USCIS, USCIS did not to my knowledge ordinarily perform recurrent vetting for student visa holders. I am specifically aware of the use of such vetting for refugees from certain countries -- I do not know specifically which additional populations or categories of visa holders were subject to recurrent vetting.

The vetting measures used for refugees are the strictest and most extensive. Where warranted based on a careful assessment of risk, DHS has access to the vetting procedures I discussed during my testimony.

- b. Does USCIS re-vet foreign nationals who are in the United States in another nonimmigrant status and seek to change to student status or work in a sensitive area of research?

I would defer to USCIS as to its current procedures for background check and other vetting in the event of change of status from one non-immigrant status to another, including student status. As indicated above, DHS has extensive vetting tools available where risk levels warrant their use.

- c. If DHS or another federal agency discovers that a specific student or researcher has stolen U.S. intellectual property that is not controlled under the export laws, does USCIS have the legal authority under the immigration laws to terminate the student or researcher's status or work authorization?

Yes, USCIS has the ability revoke visas and corresponding work authorization, where it possesses information that a beneficiary has engaged in criminal conduct.