Question#:	1
Topic:	Visa Overstay Report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For several years your Department has been working on a report of per-country visa overstay rates based principally on biographic data from flight manifests. Secretary Napolitano committed to share that report with the House Committee on Homeland Security by the end of 2013, but failed to do so. On February 26, 2014 you told the House Committee on Homeland Security that you had "seen a draft of the report" but that "it needed further work." That was over a year ago. You stated at the hearing on April 28 that the report was still not ready for release. The information in this report is critical to any attempt Congress may make to improve the Visa Waiver Program and strengthen visa program security. Can you commit to sending this Committee a copy of the overstay report, including whatever caveats you deem appropriate, by June 1?

Response: DHS is committed to releasing a report as soon as possible.

Question#:	2
Topic:	Foreign Fighters
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: I discussed in my opening statement the recent reporting concerning ISIS and the threat it presents to the country. FBI Director Comey has stated that there are investigations into suspected ISIS sympathizers underway in all 50 states.

Can you describe and evaluate the current threat that ISIS poses to the U.S. homeland?

Response: The Islamic State of Iraq and the Levant (ISIL) poses a serious threat to the Homeland as evidenced by the arrests of several dozen individuals who have attempted to travel to Syria as well as the disruption of several plots in the Homeland inspired by the group. Perhaps the greatest threat the group poses to the United States is through its group of supporters. Supporters of the group almost certainly have aspirations to target U.S. military facilities and other targets in the United States; however, due to the individualized nature of radicalization to violence it is difficult to predict triggers that will contribute to these individuals attempting acts of violence. Recent calls by ISIL to attack military, law enforcement, and other government personnel, attempts by supporters of the group to compile and disseminate information on U.S. military personnel, and several thwarted plots by ISIL and al-Qa'ida sympathizers in the West to attack United States military and law enforcement are emblematic of the threat the group poses.

Although likely not directed by the group, several attacks and plots in the West and N. America targeting uniformed personnel were likely inspired by a September 2014 audio message attributed to ISIL spokesman Abu-Muhammad al-Adnani, in which al-Adnani urged lone offenders in the West to attack "soldiers, patrons, and troops…their police, security, and intelligence members," or similar subsequent calls for Western ISIL supporters to commit attacks at home. Adnani suggested lone offenders should kill such government personnel "in any manner" and that potential attackers should "not ask for anyone's advice" prior to striking because such attacks are legitimate.

ISIL recruiters in Syria are growing their influence in the United States by effectively leveraging social media in unprecedented ways through platforms such as Twitter. This instantaneous communication, combined with the push for lone offender attacks by ISIL, raises our concerns that attacks can happen with little or no warning. FBI Director Comey has publicly stated that ISIL has "hundreds, maybe thousands of people across the country" who are receiving recruitment overtures from the terrorist group or directives to attack the United States.

Individuals interested in interacting with overseas violent extremists in the past mostly sought to establish connections via violent extremist Web forums, but the proliferation of

Question#:	2
Topic:	Foreign Fighters
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

social media has changed this dynamic. While in the past operatives might be carefully vetted, particularly by al-Qa'ida and its affiliates, social media allows for wider dissemination of an individual's message as individuals decreasingly need approval to see another individual's messages.

ISIL has engaged in long-running social media campaigns to urge supporters to conduct attacks in the group's name and many ISIL supporters use social media to further encourage this violence; however, with only a quick snapshot about someone's thoughts, it's difficult for law enforcement and the intelligence community to differentiate individuals who are only making inflammatory statements online from those prepared to act on them.

Question: Would you describe it as the same or worse than the threat posed by Al Qaeda immediately after 9/11?

Response: The threat environment today has changed considerably since 9/11. The security measures established after 9/11 have significantly reduced the possibility of success of another complex, large scale operation. Nevertheless, the threat from individuals or small groups who subscribe to the ideology of al-Qa'ida, its affiliates, or its adherents, or offshoot groups like the self-described Islamic State of Iraq and the Levant, presents a different set of challenges. Over the past several months, the number of individualized or small-scale plots and terrorism-related arrests in the United States has increased. Individuals who become radicalized to violence have access to social media and communications tools that did not exist in 2001. Law enforcement and homeland security measures have had significant successes in detecting and disrupting terrorist plots. Homeland security and law enforcement will need to continue to evolve and improve in the future. Through efforts such as "If You See Something, Say Something," and community engagement, we today also rely on a more informed and aware public.

Question: Can you outline the steps DHS has taken to protect the homeland from this threat since the rise of ISIS?

Response: DHS has taken a number of actions that have enhanced our ongoing security measures to protect the Homeland:

- Countering Violent Extremism. DHS is currently leveraging its efforts to counter violent extremism to support local prevention and intervention efforts regarding radicalization to violence, recruitment, travel, and violent extremist use of the Internet, and is raising awareness of communities on how to mitigate these threats.

Question#:	2
Topic:	Foreign Fighters
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- DHS now has a senior executive whose sole responsibility is coordinating and improving the Department's CVE efforts.

- ESTA Enhancement. In November 2014, DHS increased the data fields that are collected from Visa Waiver Program (VWP) travelers under the Electronic System for Travel Authorization (ESTA) before they can travel to the United States. These travelers are from countries where a visa is not required for U.S. entry for visits for business or pleasure within the scope of the VWP.

- Information Sharing. DHS, along with the Federal Bureau of Investigation and the National Counterterrorism Center, has continued to issue joint intelligence bulletins to our colleagues in state and local law enforcement, apprising them of recent events and threats.

  - DHS engages in international cooperation through bilateral and multilateral efforts to share information with foreign allies.

    - The Preventing and Combating Serious Crime Agreements that the U.S. Government has signed with 40 foreign partners provide each signatory with reciprocal access to fingerprint repositories for the purposes of combating crime and terrorism.
    - In April, 2015 DHS and the State Department concluded a biometric immigration and visa information sharing arrangement with Canada for reciprocal, large-scale access to fingerprint repositories, including to prevent illicit travel. Similar negotiations are underway with Australia, New Zealand, and the United Kingdom.

  - DHS, through CBP, can provide capacity building assistance to foreign partners on creating and using advance passenger information and other data systems to identify terrorists through travel data--consistent with the obligations called for in UN Security Council Resolution 2178 for all nations to set up such systems.

- Aviation. Beginning in July 2014, the Secretary directed enhanced screening at certain foreign airports that are last points of departure to the United States. Since then, a number of foreign governments have themselves enhanced aviation security through regulatory changes, technology enhancements, and training to improve their overall aviation security posture. DHS will continue to adjust its security measures to ensure the highest levels of aviation security without unnecessary disruption to travelers.

Question#:	2
Topic:	Foreign Fighters
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Protecting Federal Facilities. The Secretary directed the enhancement of our Federal Protective Service at federal buildings in major cities around the country.

Question: Last September, Canada announced that it will invalidate the travel documents of any citizen who travels overseas with the intention of joining an extremist group. Has the Department ever recommended to the Department of State that the Department of State use its statutory authority to revoke a passport for someone believed to be departing the U.S., or who has already departed the U.S., with the intention of joining an extremist group?

Response: Given the Department of State's authority to revoke a passport in cases where the holder's activities abroad are causing or are likely to cause serious damage to the national security or foreign policy of the United States, the Department could recommend that the Department of State rely on this authority to revoke the passport of an individual who travels overseas with the intention of joining an extremist group. To date, DHS has not made such a request, but may in the future, depending on the facts and circumstances unique to a specific case.

Question#:	3
Topic:	Syria 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Has DHS at any time considered, or is it currently considering, a parole program for Syrians with approved immigrant petitions similar to the Haitian Family Reunification Parole Program?

On December 9, 2014, Anne C. Richard, Assistant Secretary for the Bureau of Population, Refugees, and Migration, said that the State Department is "reviewing some 9,000 recent [United Nations High Commissioner for Refugees] referrals from Syria. We are receiving roughly a thousand new ones each month, and we expect admissions from Syria to surge in 2015 and beyond." How many total refugees does DHS anticipate admitting from Syria?

Response: At the request of more than 70 members of Congress in 2013, USCIS considered whether to establish a parole program for Syrians in Syria but decided that establishing such a program was not warranted. USCIS is not considering establishing such a program at this time.

The Department of State has estimated that the United States will admit between 1,000-2,000 Syrians as refugees in Fiscal Year 2015. USCIS does not have an estimate on the number of Syrian refugees who will be admitted to the United States in future years.

Question#:	4
Topic:	Syria 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

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."

Please explain in detail what security and background checks will be performed on potential Syrian refugees.

Please explain how the government intends to address the concerns identified in Mr. Steinbach's testimony regarding the limitations of FBI databases.

Response: USCIS is working closely with DHS Intelligence & Analysis (I&A), FBI, NCTC, ICE the State Department, and other Intelligence Community and Law Enforcement partners to ensure the vetting of Syrian refugee resettlement applicants is as robust as possible, leveraging all relevant information available to the U.S. Government. The details of these checks are classified, as public disclosure could compromise their effectiveness. However, USCIS and I&A, along with our partners in the interagency, are prepared to brief you and your staff on the specifics of these checks.

Question#:	5
Topic:	Unaccompanied Alien Children
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Already 15,647 minors have been detained this fiscal year, and it is projected that the numbers will surpass last year's count. What can you tell us about the number of unaccompanied alien children in fiscal year 2015? Will there be a surge and will you be prepared this time?

Response: During the first six months of Fiscal Year 2015, apprehensions of unaccompanied children (UC) along the Southwest Border were down 45 percent when compared to the same period last year. We assess that Central America UC migration likely will fall below FY14 levels, but it is unknown at this time how it will compare to prior years.

DHS has been diligently working with interagency partners through the Unified Coordination Group (UGC) and Joint Task Force-West (JTF-W) to plan for and deter any future increases involving unaccompanied alien children. The whole of government planning approach includes media campaigns abroad, as well as contingency plans to ensure agencies would be prepared to surge resources to address the transportation, medical care and shelter needs in the event of an unanticipated increase in arrivals. This planning has better positioned the U.S. Government to rapidly respond while taking into account important humanitarian protections afforded to unaccompanied children under our laws.

Question#:	6
Topic:	Employee Retaliation
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: When questioned by Congressman Young of Iowa on April 15, Director Saldana made it clear that she believes law enforcement officers should follow policy directives, even if those directives instruct ICE personnel to perform a duty or function that is contrary to the statute.

Do you agree with Director Saldana that agents should follow policy directives even if they are contrary to the letter of the law?

Response: The Department of Homeland Security, including U.S. Immigration and Customs Enforcement (ICE), does not view the new DHS guidance regarding the apprehension, detention and removal of undocumented immigrants in the United States as being contrary to law.

The Department-wide guidance ("Policies for the Apprehension, Detention and Removal of Undocumented Immigrants") provides strategic direction for the administration and enforcement of existing immigration laws with consideration given to the unique nature of each Component's mission. The memorandum provides the agencies with clear guidance regarding how best to leverage limited resources to enforce the nation's immigration laws, while simultaneously working to strengthen public confidence in our immigration enforcement efforts. ICE is implementing this guidance to ensure that the Department is prioritizing the identification, apprehension and removal of those who are unlawfully present in the United States that pose a danger to national security or a risk to public safety.

DHS issued this memorandum after a comprehensive legal review, and the Department is confident its policies are lawful.

Question: If agents instead decide to follow the law, will the Department, under your leadership, respect their decision to do so without fear of retaliation?

Response: The Department of Homeland Security's policies regarding the apprehension, detention, and removal of undocumented individuals do not require employees to act in an unlawful manner. DHS takes seriously its responsibility to protect whistleblowers from unlawful retaliation.

Question#:	7
Topic:	DACA
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In a January 22, 2015, letter, Chairman Grassley, Chairman Sessions, and Chairman Johnson requested answers to a number of questions relating to DACA and DAPA/expanded DACA implementation. The February 26, 2015, response from USCIS Director Leon Rodriguez did not provide complete responses to the below questions, which were asked again following the March 3 USCIS oversight hearing and to which we still have received no reply:

How many USCIS personnel were transferred from adjudications work on existing legal visa programs to administer DACA? According to the March 3 hearing testimony, "the initial stand up for [DACA, USCIS] took on with the existing workforce that [USCIS] had." In light of that testimony, is it USCIS's position that none of USCIS's existing workforce was diverted from its regular duties to handle DACA adjudications? Please explain your answer.

Response: No, that is not our position. While USCIS began to hire additional staff to increase its adjudicatory capacity, some existing USCIS Service Center Operations staff were trained and assigned to process DACA requests that were received beginning August 15, 2012.

USCIS Field Operations did not divert any personnel to specifically administer DACA; however, field employees did on occasion assist by interviewing DACA requestors, conducting fraud or national security-related inquiries, and providing outreach to populations who may be eligible for DACA. These tasks may have briefly redirected certain employees from adjudication of other types of requests; however there was no discernable impact to the processing times of other forms of benefits administered by USCIS.

Question: What is the actual cost of adjudicating the I-821D for Deferred Action for Childhood Arrivals (DACA), including direct costs for adjudication, management costs, and support and overhead, not the cost of taking the biometrics or adjudicating the application for an employment authorization document (EAD)? Please provide the exact dollar cost of adjudicating the I-821D only.

Response: USCIS has not calculated the exact dollar cost of adjudicating only the form I-821D. A DACA request requires individuals to file both Forms I-821D and I-765, together with a $380 fee for the Form I-765 and an $85 biometric services fee. DACA revenue collected from requestors paying the required fees since 2012 has been sufficient to cover all DACA costs.

Question#:	7
Topic:	DACA
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What are the actual costs of creating and adjudicating EAD applications? If there are "excess fees" collected in the $380 fee set by rule in September 2010, what are they? If the cost of the EAD application exceeds actual costs, why was an extra amount added to the fee in the first place? What was the extra amount intended to cover?

Response: USCIS sets its application and petition fees at levels that are intended to ensure the recovery of the costs of funding its entire operations. The individual fees established are meant to produce fee-based revenue that is sufficient to cover the forecasted costs of operating the agency. USCIS uses activity-based cost modeling to review its costs and to identify the comparative level of effort required to process each type of application or petition. As a result, USCIS has established different fees for each of its applications and petitions based on the relative effort expended because the effort required to adjudicate any two benefit types is never exactly the same.

DHS last adjusted the Form I-765, Application for Employment Authorization (EAD), fee in the final rule, "U.S. Citizenship and Immigration Services Fee Schedule," published on September 24, 2010, and effective on November 23, 2010. USCIS established a $380 fee for the I-765. The EAD fee was determined by assigning all of the known direct costs of processing the EAD to the Form I-765 and then adding an appropriate share of indirect overhead costs. USCIS then added an amount to each fee to recover the costs of fee waivers, exemptions and form types that do not require a fee, or that have a reduced fee that does not fully recover costs under law or other policy reasons.

The cost model for the 2010 fee rule identified that the actual cost of processing the EAD prior to the reallocation of costs and the addition of the surcharge was $338. The following table displays the specific activity costs that make up the I-765 base fee.

Activity	**Activity Cost**
Conduct Security Check	**$14**
Fraud Detection and Prevention	**$31**
Inform the Public	**$38**
Intake	**$15**
Issue Document	**$25**
Make Determination	**$60**
Review Records	**$69**
Management and Oversight	**$86**
Total	**$338**

Question#:	7
Topic:	DACA
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Lastly, USCIS added an additional $42 to the estimated cost of the I-765 which reflected the reallocation of $9 to the I-765 to keep the N-400 fee ($595) the same as it had been under the 2007 fee rule, and an additional $33 to reflect other policy decisions. These items are described in the table below.

Title	**Description**	**EAD Surcharge**
EAD cost to keep the N-400 fee $595	**This is the cost assigned to the I-765 relating to holding the Form N-400 at the FY 2008/2209 fee review rate.**	**$9**
Other policy decisions	**Represents the cost of fee waivers and exemptions, workload that does not generate revenue, and policy decisions to hold certain immigration benefit fees lower than the total cost identified by the PCM model.**	**$33**
		Total $42

Question: What are the actual costs of collecting biometric information? If there are "excess fees" collected in the $85 fee set by rule in September 2010, how much are they? If the biometric fee exceeds actual costs, why was such an extra amount added to the fee in the first place? What was the extra amount intended to cover? Please provide the exact dollar cost of collecting biometric information.

Response: The biometric fee, as adjusted in the September 2010 fee rule that became effective in November 2010, did not include any "excess" costs. USCIS projected that the cost was $86 but rounded that figure to the nearest $5 increment. It is important to note, however, that the costs are not only for collection of biometrics, but also to conduct required law enforcement checks, to maintain this biometric information and to reuse the biometric information to support other benefit requests, and for related services.

Question#:	8
Topic:	press report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: According to a recent press report, 11,028 DACA recipients have had their employment authorization lapse because USCIS wasn't able to adjudicate the renewal application for employment authorization document (EAD) in time. The article quotes a USCIS spokesperson saying that the agency "has heard concerns about delays in adjudicating some of these cases and is looking into measures to address the issue without compromising the integrity of the adjudication process." Please explain what "measures" are being considered.

Response: While it is true that, as reported, 11,028 DACA renewal requests were approved after the initial grant of DACA had expired, not all of these individuals filed timely within the recommended window of between 150 days and 120 days before the expiration of their initial/most recent DACA approval. Of the 11,028, only approximately 3,485 of these individuals actually filed at least 120 days prior to the expiration of their initial grant.

To better position SCOPS in meeting the 120 day processing goal for an even larger percentage of the renewal requests, we have taken the following actions.

- We updated public-facing guidance and the customer service, Service Request Management Tool (SMRT) process to allow for an inquiry once a DACA renewal request has been pending for 105 days as opposed to the previous 120 days.
- We had routinely examined certain DACA requests pending for between 90-120 days to determine if they were “ripe for adjudication.” We have reduced the window for these cases to 60-90 days.
- We are putting cases presenting complex adjudication issues in front of an adjudicator earlier in the process.
- Beginning in late March, we started mailing filing reminder notices to all DACA recipients who have not submitted a renewal request 180 days from expiration of their deferred action period as opposed to the previous 100 days.

Each DACA renewal request has its own unique circumstances and is evaluated on a case-by-case basis. Delays in processing DACA renewal requests are typically due to one or more of the following:

- Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to capture fingerprints and obtain a photo ID. No-shows or reschedules will also require additional correspondence and processing time.

Question#:	8
Topic:	press report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
- Evidence of unauthorized travel that require additional information/clarification.
- Name/date of birth discrepancies that may require additional evidence/clarification.
- The renewal submission was incomplete or contained evidence that a requestor may not satisfy the DACA renewal guidelines, and USCIS must send a request for additional evidence or explanation.

Question#:	9
Topic:	Section 212(d)(5)(A)
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 212(d)(5)(A) of the Immigration and Nationality Act provides that the Secretary of Homeland Security may "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 current guidelines for adjudication of advance parole requests for DACA recipients are much broader than the statutory criteria. USCIS will grant advance parole if the DACA recipient's travel abroad will be in furtherance of:

humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;

educational purposes, such as semester-abroad programs and academic research, or;

employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Is the Department considering changing the criteria that are considered in applications for advance parole or otherwise considering expanding the availability of advance parole to DACA recipients or any other class of alien eligible to receive advance parole?

Response: USCIS is not currently considering changes to the advance parole policy for DACA.

Question#:	10
Topic:	Prof. Martin's criticisms
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In an article dated November 25, 2014, former DHS Principal Deputy General Counsel criticized the assertion that the proposed new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program would involve "case-by-case review." Prof. Martin writes that with respect to the averral of "case-by-case review" in DACA cases: "in actual operation ... the new deferred action programs will function so that anyone who meets the class-based criteria will be virtually guaranteed a grant." Mr. Martin's conclusion could equally well apply to the Haitian Family Reunification Parole Program, the program to parole Russian and Chinese tourists onto the Commonwealth of the Northern Mariana Islands, or any other exercise of parole based on class-wide eligibility criteria. Please respond to Prof. Martin's criticisms.

Response: Adjudication of DACA requests requires a case-by-case consideration of each request and provides for individualized adjudicatory judgment and discretion. Even if it is determined that a requestor has satisfied the threshold DACA guidelines, USCIS may exercise and, in fact has exercised discretion to deny requests where other factors made the grant of deferred action inappropriate. For example, USCIS has denied DACA requests when it has had reason to believe that requestors submitted false statements or attempted to commit fraud in a prior application or petition even when the requestors otherwise satisfied the DACA guidelines.

Question#:	11
Topic:	Cuban nationals
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Cuba is perpetually on ICE's list of recalcitrant countries because it refuses to take back people who are not identified in the repatriation agreement negotiated between the U.S. and Cuba in 1984. As a result of this policy, it is my understanding there are over 30,000 Cuban nationals, including many criminals, with final orders of removal who are freely walking the streets of the United States.

What is the current population of Cuban nationals with final orders of removal currently in the United States? How many of such Cuban nationals have a criminal record?

Response: According to U.S. Immigration and Customs Enforcement records, as of May 9, 2015, there were 34,654 Cuban nationals on ICE's docket with a final order of removal. Of these, 27,563 individuals had at least one criminal conviction.

Question: In the ongoing talks between the U.S. and Cuba, does the Administration plan to make repatriation of all of those 30,000+ Cuban nationals, and not just some subset of that group, a condition of granting diplomatic recognition to Cuba? If not, why not?

Response: The Government of Cuba only allows for the return of Cuban nationals pursuant to a 1984 repatriation agreement, where Cuba agreed to accept the return of 2,746 named Cuban nationals who, in most circumstances, migrated to the United States in 1980 via the Port of Mariel. U.S. Immigration and Customs Enforcement (ICE) officials met with Cuban officials at the January 2015 bi-annual U.S.-Cuban Migration Talks. While the Government of Cuba has not proposed, nor set a date for the next bi-annual U.S.-Cuban Migration Talks, the status of removals is an agenda item the U.S. would like to discuss at that time.

In Addition, ICE has requested support from the Department of State to place an Assistant Attaché for Removal at the U.S. Embassy in Havana, Cuba. Having an ICE ERO representative at the U.S. Embassy in Havana, Cuba will be essential to establishing and implementing a new repatriation agreement with the Cuban Government.

Question#:	12
Topic:	Chinese nationals
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: China is also perpetually at or near the top of ICE's list of recalcitrant countries because it refuses or unreasonably delays issuance of travel documents to its nationals with final orders of removal. However, ICE recently signed a repatriation agreement with China that establishes a pilot program whereby two Chinese officials are brought to the United States for several weeks per year to work on repatriation cases.

What is the current population of Chinese nationals with final orders of removal currently in the United States? How many of such Chinese nationals have a criminal record?

Does DHS plan to remove China from its list of recalcitrant countries as a result of concluding the recent repatriation agreement?

Response: According to U.S. Immigration and Customs Enforcement (ICE) records, as of May 9, 2015, there were 38,307 Chinese nationals on ICE's docket with a final order of removal. Of these, 1,717 aliens had at least one criminal conviction.

ICE does not have plans to remove China from the list of recalcitrant countries as a result of concluding the recent repatriation agreement. Despite the signing of the March 2015 memorandum of understanding with China, there has not been enough progress on this issue to justify taking China off of the list of recalcitrant countries at this time.

Question#:	13
Topic:	Department of State
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Has the Department of State ever communicated to DHS, either formally or informally, that the use of visa sanctions under section 243(d) of the Immigration & Nationality Act (INA) is a non-starter?

Response: Section 243(d) of the Immigration & Nationality Act (INA) provides the Department of the State (DOS) with authority to discontinue the granting of visas to citizens, nationals, subjects, or residents of a country that fails to or unreasonably delays repatriation of its nationals after being notified of the failure or unreasonable delay by the Department of Homeland Security. The Departments of Homeland Security and State are in agreement about the importance of enforcing U.S. immigration laws and the difficulty of doing so effectively if recalcitrant nations resist repatriation of their nationals. The Departments of State and Homeland Security accordingly work together to ensure that other countries accept the return of their nationals in accordance with international law by pursuing a graduated series of steps to gain compliance with the Departments' shared expectations, which include:

- Issue a demarche or series of demarches;
- Hold a joint meeting with the Ambassador to the United States, Assistant Secretary for Consular Affairs, and Director of U.S. Immigration and Customs Enforcement;
- Consider whether to provide notice of the U.S. Government's intent to formally determine that the subject country is not accepting the return of its nationals and that the U.S. government intends to exercise authority under section 243(d) of the INA to encourage compliance;
- Consider visa sanctions under section 243(d) of the INA;
- Call for an interagency meeting to pursue withholding of aid or other funding.

While this process sets forth a general protocol, specific steps—including the use of visa sanctions under INA § 243(d)—are considered by the Department of Homeland Security in consultation with the Department of State and the interagency and in light of the potential impact on U.S. foreign and domestic policy interests.

Question#:	14
Topic:	MOU
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: According to testimony from Gary Mead, former Executive Associate Director for Enforcement and Removal Operations at ICE, ICE and the Department of State concluded a memorandum of understanding (MOU) in April 2011 "establishing ways in which [the Department of State] and the `Department of Homeland Security will work together to ensure that other countries accept the return of their nationals in accordance with international law." According to Mr. Mead's testimony, the MOU provides that ICE and the State Department will pursue the following steps, in the order set forth below, in an attempt to increase compliance among countries that systematically refuse or delay repatriation of their nationals:

issuing a demarche or series of demarches at increasingly higher levels;

holding joint meetings with the Ambassador to the United States, DOS Assistant Secretary for Consular Affairs and the Director of ICE;

considering whether to provide notice of the U.S. government's intent to formally determine that the country is not accepting the return of its nationals and that the U.S. government intends to exercise the provisions of Section 243(d) of the INA to gain compliance;

considering visa sanctions under Section 243(d) of the INA; and

calling for an interagency meeting to pursue withholding of aid or other funding.

With respect to each of the countries on ICE's current list of top recalcitrant countries, at what point is the U.S. Government in the series of steps set forth in the MOU? Please give specific dates when each of steps (a)-(e) set forth in the April 2011 MOU, and reproduced above, were accomplished for each of the countries on ICE's current list of top recalcitrant countries.

Response: Since Mr. Mead's testimony in April 2011, the Departments of Homeland Security and State and have been working together to try and address instances in which certain countries have been slow to accept the repatriation of their nationals.

While Section 243(d) of the Immigration & Nationality Act (INA) authorizes the Department of the State (DOS), upon the request of the Department of Homeland Security (DHS), to discontinue the issuance of visas to a country that fails to or unreasonably delays repatriation of its nationals, this effective tool must be used in a

judicious manner, as its invocation may nevertheless adversely impact other U.S. foreign relations objectives. Thus, when considering the use of Section 243(d) sanctions, DOS and DHS may rule out the imposition of visa sanctions against a recalcitrant country if there are potential repercussions to U.S. foreign policy.

Recognizing the need for such a cost-benefit analysis, with respect to each of the countries DHS has identified as being particularly challenging with respect to their repatriation efforts, in response to your question, DHS notes the following additional information:

- Cuba has not been issued a demarche. The State Department via the biannual bilateral migration talks regularly inform the Government of Cuba (GOC) that they have an obligation to accept the repatriation of its nationals. The GOC only allows for the return of Cuban nationals pursuant to a 1984 repatriation agreement. U.S. Immigration and Customs Enforcement (ICE) and the Department of State (DOS) met with Cuban officials in January 2014, July 2014, and January 2015 and discussed repatriations. As part of those discussions the GOC agreed to consider repatriation on a case basis of Cuban nationals not on the 1984 agreement. In March 2015, the Department of State took additional steps in relation to this issue. In April 2015, the GOC refused to accept identified Cuban nationals for repatriation.

- China was issued demarches on July 1, 2010 and October 28, 2011. Although China requires a lengthy verification process to identify its citizens, on March 27, 2015, the Governments of China and the United States signed a repatriation agreement in an effort to streamline travel document issuance.

- India was issued a demarche on June 6, 2010. Since 2012, the Government of India has steadily issued travel documents on recent cases, making small progress in clearing their backlog of pending cases.

- Liberia was issued a demarche on July 27, 2011. ICE and DOS leadership met with the Liberian Ambassador on November 15, 2012. Although the Government of Liberia conducts interviews of detained Liberian nationals, the Government of Liberia continues to delay travel document issuance.

- Pakistan was issued a demarche on May 19, 2010. ICE and DOS leadership met with the Pakistani Ambassador on August 9, 2011. Although ICE has seen improvements in repatriation efforts with the Government of Pakistan,

Question#:	14
Topic:	MOU
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

particularly with high profile cases and cases involving Pakistani nationals that recently entered the United States, the Government of Pakistan continues to delay travel document issuance in some cases.

- Iraq was issued a demarche on July 27, 2011. A meeting with the Iraqi Ambassador, DOS, and ICE leadership was held on March 19, 2014, to continue repatriation discussions. Despite meetings with U.S. Government officials and the demarches, the Government of Iraq systematically refuses and or/delays the issuance of travel documents. Consequently, Iraq was issued a second demarche letter on March 31, 2015.

- Laos has not been issued a demarche. For those cases that the Government of Laos can confirm are nationals of Laos, the Government of Laos timely issues travel documents. However, because the majority of the Lao individuals whom ICE seeks to repatriate are not issued travel documents because of the limits of Laos' nationality laws (and/or the individual's lack of identity documents), ICE continues to have challenges repatriating Lao individuals in agency custody.

- Cape Verde has not been issued a demarche because travel documents are generally issued for those cases that have family members residing in Cape Verde. However, Cape Verde will not issue travel documents for those aliens who immigrated to the United States as children, and who have no family or support system in Cape Verde.

- Eritrea has not been issued a demarche. The Embassy of Eritrea is generally unresponsive to travel document requests.

- The Gambia has not been issued a demarche. Engagement with their government has experienced delays due to the recent coup attempt.

- Iran has not been issued a demarche. Iran does not maintain an Embassy in the United States, but maintains an Iranian Interests Section at the Embassy of Pakistan. Although they issue travel documents, they do so at a very low rate.

- Guinea was issued a demarche in July 2010. The Director of ICE met with the Ambassador of Guinea on August 25, 2011, to discuss repatriations. The DOS Assistant Secretary of Consular Affairs and the ICE Director also met with the Guinean Ambassador for a follow-up discussion on May 22, 2012. ICE and DOS continue engagement efforts to facilitate travel document issuance.

Question#:	14
Topic:	MOU
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Algeria was issued a demarche on March 13, 2015, in response to the Government of Algeria's systematic delay in issuing travel documents.

- Mali has not been issued a demarche. Mali reports that efforts are being made to modernize their records infrastructure. In the interim, travel documents are issued slowly. ICE continues engagement efforts to facilitate travel document issuance.

- Mauritania has not been issued a demarche. The Embassy of Mauritania indicates that travel document issuance decisions can take more than a year, even when evidence of Mauritanian citizenship is provided. ICE continues engagement efforts to facilitate travel document issuance.

- Bhutan has not been issued a demarche and has only been recently added to the recalcitrant country list. The United States and Bhutan do not have formal diplomatic relations; however, the countries do maintain a cordial association through the Bhutan Mission via the United Nations and through the U.S. Embassy in New Delhi. ICE continues engagement efforts to facilitate travel document issuance.

Question#:	15
Topic:	imposing visa sanctions
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: During the hearing you said, with respect to imposing visa sanctions under INA 243(d): "I don't necessarily believe that we ought to suspend immigration, travel from any of these countries because of this particular issue."

Have you ruled out ever imposing INA 243(d) sanctions on a recalcitrant country? If so, why would such a sanction be ruled out if such a move has worked in the past (e.g. Guyana 2001)?

Are there visa-related sanctions that could be imposed on recalcitrant countries that would not necessarily involve the imposition of a ban under INA 243(d) on issuance of visas in one or more categories?

Response: Section 243(d) of the Immigration & Nationality Act (INA) provides the Department of the State (DOS) with authority to discontinue the issuance of visas to nationals of a country that fails to or unreasonably delays repatriation of its nationals after being notified of the failure or unreasonably delay by the Department of Homeland Security.

To date, the United States has invoked INA section 243(d) only in one instance. On September 7, 2001, the Attorney General requested that DOS implement sanctions against Guyana. As a result, on October 10, 2001, the Department of State discontinued granting nonimmigrant visas to employees of Guyana, along with their spouses and children. The imposition of sanctions against Guyana had a dramatic, positive effect. Similarly, threats of sanctions under section 243(d) resulted in timelier issuance of travel documents from Ethiopia and Jamaica. While visa sanctions under section 243(d) of the INA may be an effective tool in obtaining repatriation cooperation, the severity that makes them potentially effective also has the potential to negatively impact other U.S. foreign relations objectives if not used judiciously. Thus, when considering the use of section 243(d) sanctions, the Departments of State and Homeland Security may rule out imposing visa sanctions against a recalcitrant country if the benefits are outweighed by the potential repercussions to U.S. foreign policy interests.

Due to the foreign policy sensitivities of imposing § 243(d) visa sanctions, DHS is actively considering other tools at its disposal that do not involve the discontinuation of one or more categories of visas. For example, DHS may choose to employ or seek interagency cooperation to implement any of the following methods to address a recalcitrant country. Generally, the following are considered in the order of progression

Question#:	15
Topic:	imposing visa sanctions
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

presented, although specific circumstances may warrant employing these options in a different progression.

- **Pre-Certification of Biometrics (DHS and DOS)**
  DHS has the authority to determine what information, evidence, or other documentation must be collected in order to establish eligibility for a visa, admissibility to the United States, and classification of an alien as an immigrant or nonimmigrant. If appropriate and feasible, DHS will coordinate with DOS to issue guidance requiring uncooperative nations to certify their nationals' citizenship and biometric identifiers and verify additional biographic information as a prerequisite to issuing a visa.

- **INA §§ 212(d)(3) and (d)(4)(A): Nonimmigrant Discretionary Waivers (DHS)**
  The CBP Admissibility Review Office (ARO) adjudicates nonimmigrant discretionary waivers under INA § 212(d)(3)(A) and INA § 212(d)(4)(A). Inadmissible aliens apply for these discretionary nonimmigrant waivers. Adjudication generally requires an examination of the applicant's purpose for travelling to the United States and his or her risk of noncompliance with our nation's laws. However, if the inadmissible alien is a national of a country that denies or delays accepting its nationals for repatriation, the ability of the United States to take enforcement action in response to any immigration violations is greatly diminished. To limit the operational challenges of seeking to repatriate waiver recipients to countries that are uncooperative in repatriating their nationals after admission to the United States, the ARO could consider as an adverse factor in its adjudications whether the applicant is a national from a country that denies or delays accepting its citizens for repatriation.

- **Suspension of Visa Referrals (DOS)**
  Under the visa referral process, a DOS Foreign Service Officer or other U.S. Government (USG) employee at an Embassy may refer a nonimmigrant alien, allowing the alien's visa application to be expedited. Under this process personal interviews and, in some cases, U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) registration requirements, may be waived. The visa referral system is intended to support U.S. national interests by furthering USG or Embassy/Consulate priorities. This visa policy, found at U.S. Department of State Foreign Affairs Manual Volume 9 – Visas, 9 FAM Appendix K, is inherently discretionary and thus can be restricted or suspended. For example, its use could be limited or discontinued for government officials and their dependents from countries deemed uncooperative in repatriation.

Question#:	15
Topic:	imposing visa sanctions
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- **Alignment of Visa Policies (DHS and DOS)**
  INA § Section 221(c) provides that the period of validity of an immigrant or nonimmigrant visa shall be based on the principle of reciprocity. In practice, Consular Affairs (CA) generally prescribes the maximum allowable visa validity periods as a means to facilitate legitimate travel while also reducing consular workload. At times, some countries fail to honor such visa validity reciprocity understandings. CA could revise the visa validity periods of some or all U.S. visa categories, or could focus first on the visa categories with the longest validity periods or those that most directly affect trade and remittances to a particular country.

  Furthermore, in 2003, the Secretaries of State and Homeland Security signed an MOU concerning the implementation of Section 428 of the Homeland Security Act of 2002.[1] The MOU establishes how the two agencies share authority for visa policy and processing. However, since it has not proven to be as effective a resource for aligning visa policies as envisioned, the Secretaries have committed to redoubling the Departments' efforts to maximize the effectiveness of these measures in allowing the prompt removal of certain aliens.

- **8 C.F.R. § 214.2(h)(5)(i)(F) and 8 C.F.R. § 213.2(h)(6)(i)(E): H-2 Visa Eligibility (DHS and DOS)**
  H-2 visas for temporary and seasonal workers are granted to beneficiaries who are offered a job by a U.S. employer. Beneficiaries may enter the United States for a temporary time of specified duration to fill the offered position. The employment must be a one-time need based upon low U.S. worker availability, seasonal, or cyclical needs. H-2 visas are only available for nationals of countries that the Secretary of Homeland Security has designated, with the concurrence of the Secretary of State, as eligible to participate in the H-2 program.

  The Secretary of Homeland Security, with the concurrence of the Secretary of State, also has the authority to remove countries from the designated list of H-2 eligible countries. When recommending removal from the H-2 eligibility list, several factors are considered, including: (1) The average length of time it takes a country to issue travel documents for the removal of citizens, subjects, nationals, and residents of that country; (2) the number of final and unexecuted orders of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal

[1] *See* Memorandum of Understanding between the Secretaries of State and Homeland Security concerning Implementation of Section 428 of the Homeland Security Act of 2002 (Sep. 29, 2003).

Question#:	15
Topic:	imposing visa sanctions
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

executed against citizens, subjects, nationals and residents of that country; and (4) such other factors as may serve the U.S. interest.

- **INA § 217: Visa Waiver Program (VWP) Eligibility (DHS and DOS)**
  Eligible countries are designated for participation in the VWP at the discretion of the Secretary of Homeland Security, acting in consultation with the Secretary of State. VWP designation is predicated on the satisfaction of specific requirements set by U.S. law and on the outcome of an exhaustive mandatory review of a candidate country's security, law enforcement, and immigration/border control capabilities and vulnerabilities. Participating countries are also required to accept the repatriation of any citizen, former citizen, or national against whom a final order of removal is issued no later than three weeks after the order is issued.

Biennial reviews are conducted for continuing designation in the VWP, and the Secretary of Homeland Security, with the concurrence of the Secretary of State, has the authority to remove countries from the list of VWP eligibility.

Question#:	16
Topic:	Funding for Detention Beds
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: During the past two fiscal years, the Department has released more than 66,500 criminal aliens back into our communities. While I know the courts play a small role in some of those releases, the vast majority of these criminal aliens - approximately 60 percent - have been released pursuant to your own discretion, NOT a court order. Some of these aliens have gone on to commit additional crimes, including assault, battery, rape, and homicide. And yet, the President's proposed 2016 budget, though increasing the total number of detention beds by 40, would actually reduce the number of detention beds reserved for criminal aliens by setting aside for family units over 2,700 beds that were previously filled by criminals. So, how can you say that removing criminals is a priority while at the same time asking Congress for less funding for detention beds to hold criminal aliens and releasing thousands of known criminals into U.S. neighborhoods?

Response: U.S. Immigration and Customs Enforcement (ICE) is committed to making certain that both discretionary and non-discretionary releases are executed in a way that promotes public safety and protects our communities. ICE exercises its detention and release authorities in accordance with applicable law, including U.S. Supreme Court precedent.

In March 2015, ICE Director Sarah Saldaña announced enhanced oversight and release procedures with respect to discretionary custody determinations involving certain criminal aliens. The new procedures are intended to enhance public safety and public confidence in ICE's enforcement and administration of immigration laws. These procedures include: supervisory approval for discretionary releases of certain categories of criminal aliens, including senior manager review of discretionary release decisions for individuals convicted of crimes of violence; ensuring that detention capacity is not a determinative factor in the release of an individual with a serious criminal conviction; and developing a capability to provide appropriate criminal alien release information to state law enforcement authorities in relevant jurisdictions.

ICE will ensure the most cost-effective use of its appropriated funding by focusing costly detention capabilities on priority aliens, while placing lower-risk individuals in non-custodial settings subject to appropriate release conditions, including potential enrollment in alternatives to detention programs.

The Fiscal Year 2016 President's Budget fully funds 34,040 detention beds—31,280 adult beds and 2,760 family beds. Given current operational models, ICE predicts this

Question#:	16
Topic:	Funding for Detention Beds
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

level of beds will allow ICE to detain the current mandatory population, as well as the highest-risk, non-mandatory detainees.

Question#:	17
Topic:	ICE Air
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: ICE Air Operations is responsible for moving and removing detainees in ICE custody by providing air transportation services to Enforcement and Removal Operations' (ERO) 24 field offices. ICE Air often transports detainees within the US or returns them to their countries of origin. The Department's Inspector General recently reported that ICE Air spent around $116 million for flights from October 2010 through March 2014. And, these flights did not fill every allowable seat and often flew at less than 80% of the aircraft's capacity.

Other than just reducing removals, what are you doing to reduce possible waste and ensure that precious allotted resources are not being frivolously spent on these charter flights?

One of the recommendations from the Inspector General is for ICE to capture complete and accurate data to support operational decisions. What will you do to ensure adequate data is collected on, why detainees missed flights, or what is optimum seat capacity?

Response: U.S. Immigration and Customs Enforcement (ICE) is committed to improving the efficiency of the agency's removal operations, including those conducted by ICE Air. During the Office of the Inspector General's (OIG) audit, ICE Air was in the midst of a major, previously planned consolidation and transition effort that was intended to address a number of the issues raised in the final report. Since then, ICE Air has made great strides in enhancing staffing and growing its organizational structure, training, data quality and integrity management, and systems modernization.

While ICE agrees with the general findings of the OIG report, the agency strongly disagrees with the report's use of empty seats on flights as a measure of efficiency, primarily because delaying the removal of individuals in order to fill empty seats causes the agency to incur ancillary costs that may exceed the cost of the seats. Each and every mission must be assessed in its own right, to include variables such as the number of detainees; whether there are failures to comply cases on the manifest that may not be returned by commercial means; conditions and restrictions as set by the receiving country; and bed space management on a national level. ICE Air Operations is flexible and adaptable in support of removal management for all 24 field offices it serves, as well as fiscally responsible and accountable.

In furtherance of the agency's interest in ensuring data quality and integrity, while improving operational efficiencies, ICE has been working to automate specific data

Question#:	17
Topic:	ICE Air
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

points relating to all ICE Air missions to, among other things, record air charter and commercial air operations flight data and clean, reconcile, and store data.

Regarding optimum seat capacity, while a full flight is always preferable, it is not always possible. It is important to note that some countries place conditions and restrictions on the return of their nationals, limiting the number of returnees, as well as placing limitations on the number of daily/weekly/monthly flights. In addition, some countries may specify landing times (to include the time required in between flights on the same day) so that they may accommodate the return of their nationals in an orderly and dignified manner.

ICE determines whether to proceed with a given flight – even if it will contain some empty seats -- after considering a variety of factors, on a mission-by-mission basis. Specifically, the agency conducts a cost-benefit analysis, weighing the costs of not flying a mission (e.g., extended detention times for each of the individuals scheduled to be removed, whether or not an individual's travel document will expire in the near future, or money spent procuring the charter flight), against the costs of having some number of empty seats. Conversely, though a flight may be initially chartered with the expectation that all/most of its seats will be filled, several factors outside of the agency's control may result in an unexpected change of plans, e.g., the individual's filing and/or procurement of a judicial stay of removal, his/her threatening to do harm to him/herself and/or immigration officers, or otherwise attempting to obstruct his/her removal, or the inability to obtain medical clearance to continue with the individual's removal. Regardless of the reason(s), in cases where a detainee is unable to board a scheduled flight, ICE works to identify alternates when feasible.

Question#:	18
Topic:	ICE Enforcement and Removals
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: At the hearing, you indicated that you were not sure of the total number of aliens with final orders of removal who are currently in the United States, however, you acknowledged that "it is a large number by your measure and mine, and it's an unacceptable number." Please provide the number of aliens with final orders of removal who are currently in the United States.

U.S. Border Patrol statistics for Fiscal Year 2014 indicate that 486,651 aliens were apprehended at the border or ports of entry (nationwide) while attempting to unlawfully enter the United States. How many of these 486,651 aliens are still in the United States?

At the hearing, you were asked how many of the 479,371 individuals who were apprehended at the Southwest Border in FY 2014, are currently in the United States. You responded by indicating that "a lot have been removed," but were unable to provide a total number. How many of those 479,371 individuals are currently in the United States?

How many of the 136,986 individuals (68,541 unaccompanied alien minors; 68,445 individuals designated as members of family units) apprehended during the last year's border surge remain in the United States?

Response: As of July 4, 2015, 925,193 aliens with a final order of removal have an active case[2] with ICE. This figure includes aliens whose final orders are not executable, such as due to pending appeal or ICE's inability to obtain a travel document.

Of all U.S. Border Patrol (USBP) apprehensions in fiscal year (FY) 2014, 167,940 aliens had an active case with ICE, as of July 4, 2015; of those, 163,038 were aliens apprehended at the Southwest Border.

Of the family unit members and unaccompanied children apprehended by USBP in FY 2014, 111,985 had an active case with ICE, as of July 4, 2015.

[2] Aliens with an active case with ICE include those who are in immigration proceedings, as well as those who have been ordered removed but whom ICE is still supervising on the non-detained docket, coordinating removal, and/or has been unable to confirm departure. Not included in active cases are cases that are closed, and cases in which the alien was removed by CBP, or not turned over to ICE.

Question#:	19
Topic:	memorandum
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In the November 20, 2014, memorandum you issued titled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," you state that aliens "who have been issued a final order of removal on or after January 1, 2014" are priorities for removal.

How many individuals with final orders of removal issued after January 1, 2014, have been removed?

How many individuals with final orders of removal issued after January 1, 2014, are still in the United States?

Response: As of May 9, 2015 U.S. Immigration and Customs Enforcement has removed 296,622 aliens with final orders of removal issued after January 1, 2014.

As of May 9, 2015, there were 94,494 aliens with an active case and a final order of removal issued after January 1, 2014.

Question#:	20
Topic:	DUI offenses
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The November 20, 2014, memorandum you issued titled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," defines as a "significant misdemeanor," and thus, a priority for removal, an alien convicted of driving under the influence. However, it is my understanding that your Department - specifically, U.S. Immigration and Customs Enforcement (ICE) - has been developing guidance that narrows the scope of DUI offenses from consideration as Priority 2 offenses - in essence, saying a DUI is not really a DUI. Will you confirm that any offense related to DUI is a priority under this category?

Response: Individuals convicted for driving under the influence (DUI) will generally fall within Priority 2 of the Department's civil enforcement priorities as individuals convicted of significant misdemeanors. In light of variances in state laws, and in order to ensure consistency in the application of the Department's enforcement priorities, when determining whether a conviction for DUI is a significant misdemeanor, the elements of the applicable state law must be considered. The Department has carefully studied both federal law and the various state legal regimes criminalizing impaired driving, and we believe that we have developed an approach that is both faithful to the Secretary's enforcement priorities and can be effectively administered by our employees. That approach is outlined in detail here: https://www.ice.gov/immigrationAction/faqs.

Question#:	21
Topic:	interior removals
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Total removals have dropped from 389,834 in FY09 to 315,943 in FY14. Interior removals plummeted from 237,941 in FY2009 to 102,224 in FY2014. In FY2009, interior removals accounted for 62% of all removals; in FY14 they accounted for only 32%. During the hearing you claimed that one of the main reasons why interior removals are down is because border apprehensions are down. But that doesn't explain why interior arrests are down. Why has the number of interior arrests decreased?

Response: A significant factor contributing to the decrease in interior arrests is the increase in the number of jurisdictions that have limited state and local law enforcement's ability to cooperate with U.S. Immigration and Customs Enforcement (ICE) detainers. There are currently approximately 200 jurisdictions nationwide that are no longer honoring immigration detainers.

The decrease in detainer acceptance has created a significant resource drain, as arrests previously made by one officer in a custodial setting are now required to be conducted "at-large" by multi-officer teams. An arrest that took one man-hour to make, may now take significantly more man-hours. Not only does this process greatly increase public and officer safety risk and decrease efficiency, it significantly reduces the number of officers available to make other arrests.

ICE recognizes that some of its state and local partners have concerns with regard to cooperating with DHS in its enforcement of the immigration laws. The most effective way to address these concerns is through cooperative efforts, including the Priority Enforcement Program (PEP). The objective of PEP is to implement a new interior enforcement approach in a way that supports community policing by focusing on convicted criminals and individuals who threaten public safety by working with state and local law enforcement to take custody of dangerous individuals and convicted criminals before they are released into the community. ICE is committed to working with all jurisdictions that are interested in partnering with us. PEP is tailored to bring back on board those state and local jurisdictions that had concerns with, or legal obstacles to assisting us in implementing Secure Communities.

When ICE is able to take custody of an alien immediately upon his/her release from state or local law enforcement custody, we are better able to mitigate public and officer safety threats that coincide with ICE Enforcement and Removal Operations' mission to apprehend and remove criminal aliens and others who threaten public safety.

Question#:	21
Topic:	interior removals
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Further, in recent years, ICE has increased its focus on identifying, locating, apprehending, and removing convicted criminal aliens who are at-large, requiring significantly more officers, time, money, and other resources as compared to those individuals who are in a custodial setting. In Fiscal Year 2014, 85 percent of interior removals were of convicted aliens, demonstrating ICE's commitment and success in focusing on the most serious public safety and national security threats. While overall removals declined, ICE has sustained the improved quality of its removals by focusing on the most serious public safety and national security threats.

Question#:	22
Topic:	enforcement non-priorities
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: How many tens of thousands of aliens were made enforcement non-priorities by requiring that detainers only be lodged for aliens convicted of a priority offense rather than just arrested for such offenses?

Were any of the aliens ICE arrested during "Project Wildfire" DACA recipients? If so, what is the current status of their cases and how did they get DACA in the first place? Please provide a breakout for each alien.

Response: During calendar year 2014, over 12,000 ICE detainers were not honored by state and local jurisdictions because of legal and other concerns with Secure Communities. The release of these criminals threatens public safety. It also puts ICE officers at greater risk since they have to execute operations to locate and arrest convicted criminals at-large. Public safety is our primary concern. To address these challenges, we have ended Secure Communities and replaced it with the Priority Enforcement Program.

Project Wildfire was a surge operation focusing the efforts of 215 state, local and federal law enforcement agencies targeting transnational criminal gangs and others associated with transnational criminal activity. The operation, which ran from late February through March of 2015, led to the arrests of 1,207 individuals, of whom 976 were gang members or gang associates.

While most of those arrested were U.S. citizens, 199 were found to be foreign nationals originating from 18 countries in South and Central America, Asia, Africa, Europe and the Caribbean. The names of these 199 foreign national arrestees were provided to U.S. Citizenship and Immigration Services in order to determine whether they had approved or pending Deferred Action for Childhood Arrivals (DACA) applications the results of that USCIS vetting revealed that a total of 9 arrestees either had pending DACA requests or had been granted deferred action under DACA prior to their arrests. Specifically:

- Four had received deferred action under DACA, which was then terminated due to their arrests;
- Three had pending DACA requests, which were subsequently denied due to their arrests; and
- Two had seen their deferred action under DACA expire prior to their arrests.

Question#:	23
Topic:	homeland security grant funds
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Will you consider withholding any homeland security grant funds from entities that don't honor ICE detainers? To say that homeland security grant funds should never be withheld in order to compel cooperation with the Department in the removal of dangerous criminals because doing so would harm that community's homeland security preparedness results in the neglect of an immediate and real threat to the public safety, which it is also your charge to protect, posed by such dangerous criminals being allowed to freely walk the streets.

Response: Recipients of Homeland Security Grant funding are not required to comply with ICE Detainers as a condition of receiving an award. The purpose of the Homeland Security Grant Program is to assist States, high risk urban areas, Tribes, and local governments in preventing, preparing for, protecting against, and responding to acts of terrorism. Because of the program's purpose, withholding future Homeland Security Grant funding is not an appropriate means to ensure that a particular entity comply with ICE detainer requirements.

Question#:	24
Topic:	mandatory detainer authority
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: During the hearing Senator Sessions asked you whether you would support legislation "that would clarify ICE detainers and ... make them mandatory." You replied: "I don't believe that a federal requirement that the local sheriff or police chief respond affirmatively to a detainer from the federal government as the appropriate way to go." It is my understanding that the U.S. Marshals Service has mandatory detainer authority. The authority of the U.S. Marshals Service to "execute all lawful writs, process, and orders issued under the authority of the United States" and to "command all necessary assistance to execute its duties" is set forth at 28 USC 566(c). Do you believe the U.S. Marshals Service should not have mandatory detainer authority? In light of this information do you still believe ICE should not also have mandatory detainer authority?

Response: The United States Marshals Service is a U.S. federal law enforcement agency within the U.S. Department of Justice. Questions regarding the scope of the United States Marshals Service's legal authorities should be referred to the Department of Justice.

As recommended by the Homeland Security Advisory Council Task Force, ICE's detainer authority "must be implemented in a way that supports community policing and sustains the trust of all elements of the community in working with local law enforcement." Mandatory detainer authority is not the best way to achieve these goals.

Question#:	25
Topic:	E-Verify data
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Please provide the Committee with statistics on how many times USCIS has proactively provided ICE actionable enforcement leads from E-Verify data. Please also provide data on any ICE enforcement actions taken as a result of those leads. Has E-Verify data ever been searched to assist ICE in tracking down the location of dangerous alien fugitives? If not, why not?

Response: E-Verify is not a law enforcement tool but rather a tool for businesses to determine the eligibility of their employees to work in the United States. However, U.S. Citizenship and Immigration Services (USCIS) has provided leads to U.S. Immigration and Customs Enforcement (ICE) based on information that USCIS has collected. The data in the following table reflect the number of E-Verify referrals from USCIS to ICE and the number of investigations initiated due to those referrals. Where a case has since been resolved, that action is also noted. While opened individual investigations linked to USCIS referrals may be recorded, ICE does not track formal statistical data on E-Verify as a source of referrals linked to alien fugitives.

Please note, in the following chart the phrase "no action required" is an inclusive term simply indicating that the case was resolved in a non-criminal manner. This type of resolution may have included that the alien referred by USCIS had already departed the United States prior to the referral; that the referral may not have contained enough actionable information to start an investigation; that the alien may have already been in custody or judicial proceedings; or that the case may not have met civil immigration priorities or criminal thresholds for prosecution.

ICE Homeland Security Investigations **E-Verify Referrals** **FY 2009 - 2015 (1Q & 2Q)**			
Year	**USCIS Referrals to ICE**	**ICE Initiated Case from Referral**	**Action Take By ICE**
2009	3	0	No Further Action Required
2010	0	0	N/A

Question#:	25
Topic:	E-Verify data
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

2011	1	1	Referred to Fugitive Operations
2012	0	0	N/A
2013	11	8	I-9 audits conducted with investigations continuing
2014	7	1	I-9 audits conducted but with no further action required at this time
2015	1	0	Case undergoing ICE review
Totals:	**23**	**10**	

Question#:	26
Topic:	Secure Communities
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: There has recently been a lot of confusion about Secure Communities and the actual effect of your November 24, 2014 memorandum entitled "Secure Communities." With respect to Secure Communities, is IDENT/IAFIS interoperability for biometric information sharing by the federal government fully operational nationwide? In other words, does ICE continue to receive information about aliens being booked by local jurisdictions, just like it always has, and has the pool of aliens for whom ICE may lodge detainers based on such information shrunk even more by the Priority Enforcement Program (PEP)?

Response: U.S. Immigration and Customs Enforcement (ICE) continues to rely upon Automated Biometric Identification System/Integrated Automated Fingerprint Identification System (IDENT/IAFIS) interoperability to obtain biometric identification from the Federal Bureau of Investigations as part of the criminal background checks they conduct across the country.

The Priority Enforcement Program (PEP) will be the mechanism through which ICE will seek the transfer of individuals from state/local law enforcement custody. We believe PEP will allow us to accomplish these important law enforcement objectives while simultaneously addressing the significant legal challenges and unwillingness of certain state and local law enforcement agencies to transfer individuals under the Secure Communities program.

Question#:	27
Topic:	working groups
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Please explain how several ICE Enforcement and Removal Operations "working groups" that include outside advisors (e.g. the detention working group and the transgender detainee housing working group) do not violate the requirements of the Federal Advisory Committee Act. If they are operating contrary to the law, please describe steps you are immediately taking to bring them into compliance with the law.

Response: In response to your inquiry, U.S. Immigration and Customs Enforcement (ICE) reviewed the activities of the transgender detainee housing and the ICE/Non-governmental Organization (NGO) working groups. As neither group is covered by the Federal Advisory Committee Act (FACA), ICE remains in compliance with the law.

Transgender Detainee Housing Working Group
The transgender detainee housing working group began its work on September 15, 2014, and had a minimum of 14 members from several different offices, all of whom were ICE or Department of Homeland Security employees. The working group also benefited from the service of an academic liaison who, while not herself a member of the group, attended 13 out of 23 meetings. At various times, the working group received input and opinions from other academics as well. While the academic liaison provided her perspectives based on her experience in a correctional environment, she was not involved in the final deliberation and decision-making process. Nor did she draft any of the written materials produced by the group. The recommendations of the working group were generated with the input of its 14 full time federal employee members. As a result, the group's activities were not covered by the FACA. 5 U.S.C. App. §3.

ICE/NGO Working Group
With respect to the NGO working group, ICE solicits and receives regular input from various NGOs that work on detention issues. These groups provide stakeholder input which ICE receives as it would receive input from any reputable group actively working in the field. Based on the formative documents for the ICE/NGO working group, the group is co-chaired by two non-governmental agency stakeholders, and the working group does not seek consensus opinion on a particular issue from representatives of the private or non-government sectors. The NGO working group was intended to provide a mechanism for NGOs to express their concerns and viewpoints to ICE on these issues. ICE neither manages nor utilizes the group and does not control agenda topics. The information provided by NGOs at the meetings is individual input and does not constitute consensus recommendations. Therefore, the ICE/NGO working group is not a covered advisory committee. *See* 41 C.F.R. 102-3.40(e). Accordingly, ICE does not have plans

Question#:	27
Topic:	working groups
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

to modify the manner in which it administers the ICE/NGO working group, and acknowledges that it will comply with the FACA in those instances where it applies.

Question#:	28
Topic:	arrests
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Please provide a chart with a breakout of administrative arrests by ICE/Homeland Security Investigations for fiscal years 2010-2015.

Response:

Administrative Arrests by U.S. Immigration and Customs Enforcement/ Homeland Security Investigations by Fiscal Year (FY) (2010-2015 [Q2])					
FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015 (Q1 & Q2)
20,818	18,902	19,472	14,680	14,721	4,389

Question#:	29
Topic:	ICE alternatives to detention (ATD) program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The Committee has for years heard about the ICE alternatives to detention (ATD) program. However, I have concerns about how successful it is in actually helping the agency effectuate the removal of the aliens who may, at some point in time while on the non-detained docket, participate in the program. Accordingly, please provide responses to the following questions.

Fill in the chart:

Response:

	1	2	3	4
Fiscal Year	# of Aliens in ATD Program	# of Aliens in Column 1 Who Have Been Removed (During Any Fiscal Year)	# of Violations Aliens in Column 1 Generated, Regardless of Whether the Violation Led to Termination from ATD	Cost to the Agency to Follow-Up on Violations in Column 3
2015 (YTD through March 31, 2015	34,023	619	162,322	
2014	41,027	2,234	298,497	
2013	40,684	2,901	209,634	
2012	35,936	2,841	213,410	
2011	32,065	2,733	191,790	
2010	24,269	1,804	180,986	

Question#:	29
Topic:	ICE alternatives to detention (ATD) program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

With regard to violations, as reflected in the chart above, electronic monitoring alerts are generated by the electronic monitoring equipment or the telephonic reporting system used by aliens enrolled in the Alternatives to Detention (ATD) program.

While, in many instances, ATD participants generated electronic monitoring alerts that would technically constitute a violation of a condition of their release, such alerts are not always the result of a participant's direct actions. Therefore, non-compliance cannot be automatically inferred from the fact that a violation was logged. Such alerts include, but are not limited to, audio messages delivered without a response from the participant, dropped calls due to lost cell signals, or situations where no motion is detected by the monitoring system or no position fix is available. In situations that require it, ICE will follow up to determine whether a participant has committed a sufficiently serious violation of a condition of their release so as to warrant removal from the program.

U.S. Immigration and Customs Enforcement (ICE) is unable to calculate the costs to the agency for follow-up regarding ATD violations. The costs to the agency to follow up on violations cannot be separated from the general costs associated with administering the ATD program because following up on violations is a normal part of the ATD case management process performed either by the contractor or by the ERO Officer assigned to each case.

Question: Please provide a detailed explanation of the ATD violation review process, including the types of violations, which staff follows up on them (e.g. officer or contractor), and what protocols are in place for determining what to do with each type of violation.

Response: In resolving violations, ICE deportation officers and/or contract personnel conduct case-specific reviews, to include records checks, upon receipt of electronic monitoring alerts to determine the nature of the violation and whether a re-evaluation of an alien's enrollment in ATD is warranted. Each violation, along with the details of the event and the alien's individual circumstances, is evaluated on a case-by-case basis to determine whether additional action- which could include, but is not limited to, efforts to locate the individual, escalation of the level of supervision, and/or termination from the ATD program- is appropriate. ICE may detain individuals terminated from the program due to non-compliance.

Question: Please provide your definitions for ATD success or failure.

Response: For statistical purposes, ICE uses the following metrics in order to calculate ATD compliance:

Question#:	29
Topic:	ICE alternatives to detention (ATD) program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Success Rate: The percent of participants who were terminated from ATD and were compliant during their time in ATD;
- Failure Rate (Absconder and Violator Rate): The percent of participants who were terminated from ATD due to failure to comply with program policies or absconded from the program; and
- Absconder Rate: The percent of participants who were terminated due to absconding from the program. (This is a subset of the failure rate.)

Question: Please provide a side by side comparison of the agency's ability to effectuate the removal of aliens in detention and on the detained docket, versus those who at one point in time were enrolled in the ATD program and are in the non-detained docket.

Response: The ATD program is a flight-mitigation tool that uses technology and case management to increase compliance with release conditions. ATD allows ICE to manage individuals who may pose a flight risk, but for whom detention may not be the most appropriate option given their unique circumstances. These individuals may be pre- or post-final removal order. In either case, the immigration proceedings and removal processes for those enrolled in ATD are not administered in a more expedited manner than other non-detained cases (although there are some groups prioritized for expedited case adjudication who may be more amenable to ATD, as determined on a case-by-case basis). It should be noted that the Executive Office for Immigration Review (EOIR) controls scheduling of detained and non-detained cases.

For individuals who have matters pending before EOIR or a U.S. Court of Appeals, ATD is designed to ensure they appear for their removal hearings and other appointments. In that regard, success is not measured by whether removal is effectuated but whether they appeared for removal hearings and otherwise complied with the conditions of ATD.

Enrollment in ATD, particularly GPS monitoring, in conjunction with the removal hearing process may encourage compliance with associated requirements leading up to removal (e.g., providing identity documents, making travel arrangements). In addition, it is a tool to assist ICE in locating and detaining those who are not complying with such requirements. ATD is not a determinative factor in an effective removal, because individuals are usually terminated from the program prior to their departure. In cases where ICE conducts the removal (e.g., removals via charter flights), aliens are generally terminated from ATD and detained prior to the removal. In accordance with 8 C.F.R. § 241.7, ICE may permit non-detained aliens to self-remove and depart the United States at his or her own expense. In these cases, those who are enrolled in ATD will be terminated from the program prior to their departure from the United States. Therefore, whether or

not the individual departs the United States would not be attributable to the ATD program.

Question#:	30
Topic:	Background Check Process
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Lapses in Background Check Process Exposed by the Rangel-Hernandez Case

In an April 17, 2015 letter, U.S. Citizenship and Immigration Services (USCIS) stated that:

All DACA requests presenting information that the requestor is or may be a member of a criminal street gang are referred to the Background Check Unit (BCU) within... The BCU is responsible for reviewing and resolving TECS hits and other criminal, national security, and public safety concerns... While records indicated that ...the case was appropriately sent to the BCU based upon derogatory information in the background check, the outcome of the resolutions process and final decision did not comply with USCIS policy. Given the fact that the individual was identified as a known gang member, his request should have been denied by the adjudicator.

Although USCIS admitted that an error had been made in this case, the letter did not disclose where that error occurred. In fact, USCIS throughout the letter implies that the lapse, perhaps, occurred at the adjudicator level.

Additionally, USCIS noted that it is in the process of reviewing prior DACA approvals to determine whether other known gang members have been approved. USCIS stated that during the review, it identified several cases that warranted further review. USCIS also noted that since fiscal year 2013, it had terminated 282 DACA requests due to criminal or gang issues.

To gain clarity, at the April 28th hearing, I asked you at which level did the error occur: BCU, adjudicator, or headquarters. You stated that "I believe that the error occurred ... once he was referred to those who normally conduct the background checks. I don't know the name of that unit, but I believe that the error occurred at that point."

Question: Could you please confirm that the error was in fact committed by the BCU?

Response: Yes, the error was committed by the Background Check Unit.

Question: To what extent does USCIS monitor the proportion of DACA background check errors?

Response: USCIS does not specifically track the number of DACA background check errors. When USCIS becomes aware of an error, action is taken to correct the error.

Question#:	30
Topic:	Background Check Process
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Does the background check unit responsible for this error process other immigration types? If so, please list these.

Response: The Background Check Unit may adjudicate any form type that is normally adjudicated at a Service Center if criminality or national security concerns exist.

Question: Recognizing that the background check process is vulnerable to human error, what comprehensive controls does USCIS have in place to prevent and identify mistakes such as the Rangel-Hernandez case when they occur?

Response: USCIS has taken the following proactive steps and measures to be sure other errors do not occur and to prevent such an error from occurring in the future:

- USCIS has provided refresher training in the following areas:
    - All Immigration Service Officers who adjudicate DACA requests received refresher training in interpreting and applying TECS records.
    - Officers received DACA refresher training regarding identifying public safety and criminality concerns, including but not limited to gang membership, significant misdemeanors, and three or more misdemeanor criminal offenses.
    - Additional refresher training was given to all officers who handle DACA requests on proper protocol and elevation of cases requiring USCIS HQSCOPS' review and concurrence prior to a final decision.
    - BCU Officers received refresher training in reviewing, applying and resolving TECS hits. USCIS will ensure that the BCU Officer who processes the resolution memo of the TECS hit obtains concurrence from a subject matter expert or supervisor prior to approving a DACA request involving specified public safety or criminality issues, such as criminal history or gang membership, that have been satisfactorily resolved and determined not to be disqualifying for DACA purposes.

- The refresher training was provided by USCIS Headquarters personnel who are subject matter experts in TECS and the DACA adjudication process. This training was mandatory for all ISOs who adjudicate DACA requests, all Immigration Service Officers who process resolutions related to TECS hits, and all supervisors and managers who oversee these processes. All listed training was provided between March 30 and April 10, 2015.

Question#:	31
Topic:	DACA requests terminated
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: At the hearing, you stated: "If you're a member of a criminal gang, a known member of a criminal gang, you should not be receiving DACA. You should be considered a priority for removal."

What removal priority level does the Department consider those that have had their DACA requests terminated?

Response: Regardless of whether an individual is a DACA recipient or had their DACA request terminated, absent their qualification for asylum or some other form of relief from removal, individuals convicted of an offense for which an element of the crime was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or individuals 16 years of age or older who intentionally participated in an organized gang to further the illegal activity of the gang, would be considered a Priority I case for purposes of removal.

Alternatively, if an individual's participation in a criminal street gang resulted in his/her conviction for a "significant misdemeanor," (e.g., burglary, unlawful possession or use of a firearm, etc.), or three or more misdemeanors arising out of three separate incidents, they would be considered a Priority 2 case for purposes of removal.

Question: Of the 282 (or more) DACA requests terminated due to criminal or gang issues:

i. Was USCIS aware of the criminal to gang issues prior to DACA approval? Please indicate how many cases USCIS was aware of.

Response: USCIS does not electronically track this information. Manual research by USCIS as of March 19, 2015 reveals that of the 281 terminations:

-261 terminations were based on post approval events

-7 terminations were based on convictions that occurred after the security checks were conducted, but prior to USCIS granting DACA.

-13 terminations were determined to have been approved in error as the criminal or gang information was available to the officer at the time of adjudication. Of these 13 cases, 3 were gang members. As addressed in more detail above, USCIS

has taken proactive steps and measures to be sure other errors do not occur and to prevent such an error from occurring in the future.

ii. Were these case approved in error? If so, please indicate at what level the error occurred (adjudicator, background check, or headquarters).

Response: The errors were made both by adjudicators and the Background Check Unit.

iii. How many have been referred for removal?

Response: USCIS does not electronically track this information. DACA cases that are terminated for "Egregious Public Safety (as defined by USCIS's policy memorandum PM-602-0050 on issuance of NTAs)" issues or gang issues are referred to ICE for issuance of an NTA for individuals not already in removal proceedings or otherwise known to ICE.

iv. How many have been removed?

Response: Of these 281 aliens, 78 were removed after termination of their DACA benefit. An additional 11 individuals were removed prior to their DACA termination date.

v. For the ones not referred or removed, please indicate how many and why referral or removal did not occur?

Response: According to ICE Records, as of July 13, 2015, 89 of the 281 aliens were removed. Of the remaining 192 DACA cases that have been terminated but not yet been removed, ICE Records indicate the following:

- 10 are currently in ICE detention;
- 77 were booked into ICE custody following termination of their DACA benefit, but have since been released;[3]
    - 4 of these cases have subsequently been closed without a removal (i.e. proceedings terminated);
- 83 are considered active cases but the individuals have not been booked into ICE custody since the termination of their DACA benefit;[4]

[3] Reasons include bond, orders of supervision, and orders of recognizance. ICE detainee releases are made pursuant to controlling law, regulations, and precedent legal decisions.

Question#:	31
Topic:	DACA requests terminated
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- 6 were never detained following termination of their DACA benefits and have since had their cases closed; and
- 16 do not currently have a case with ICE.[5]

[4] Includes one individual currently in Department of Health and Human Services Office of Refugee Resettlement custody.

[5] Represents cases with no NTA. May include active detainers and voluntary returns without ICE NTA being issued.

Question#:	32
Topic:	USCIS Discretion
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: USCIS Discretion to Approve Known or Suspected Gang Members and Others With Criminal Affiliations
In an April 17, 2015 letter, USCIS indicated that:

...guidance also provides that if an adjudicator has evaluated the totality of circumstances in such a case and believes that request should be approved as a matter of discretion, the request may be granted only after USCIS Headquarters...Even if the adjudicator believed there were mitigating facts sufficient to justify a positive exercise of discretion despite the TECS record, the case should have been elevated to USCIS ...Headquarters for review prior to a final decision being made."

Why does USCIS allow adjudicators, with approval from Headquarters, to approve known or suspected gang members? How many known or suspected gang members have been approved for DACA grants at the Headquarters level? Why were these cases approved?

What types of criminal affiliations would allow an applicant to receive a DACA grant?

Why does USCIS not have a "zero tolerance" policy on DACA approvals for applicants with gang or criminal affiliations? Will you pledge to create a "zero tolerance" policy for DACA applicants who are known or suspected gang members as well as those with criminal affiliations?

Response: USCIS Headquarters has not favorably exercised prosecutorial discretion in any cases where the requestor is a known or suspected gang member. To date, all known requests that have been raised to USCIS Headquarters presenting factors related to known or suspected gang membership have been denied. Cases where the record indicates suspected gang membership are referred for interview prior to raising the case to Headquarters. If the Service Center seeks to approve a case after interview, based on the fact that there is no substantial evidence indicating gang membership, the case must be elevated to Headquarters Service Center Operations Directorate for concurrence prior to approval. All such cases that have been approved have been fully vetted and a determination has been made that the requestor is NOT a gang member.

Question#:	33
Topic:	B-1 in Lieu of H-1B
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: On April 30, Jay Palmer, the whistleblower who revealed the abuses of the B-1 visa program being perpetrated by Infosys to bring workers to the U.S. as "business visitors" instead of through the H-1B visa program, wrote an op-ed in The Hill in which he argued that companies that aren't able to fill their cheap labor needs through the H-1B program "will just continue to fill their needs with B-1 visas and exploit this program and American jobs will continue to be lost." Mr. Palmer is right to be concerned about the abuse of the B visa program to bring foreign workers into the country. In the seminal case of Karnuth v. U.S. (279 U.S. 231 (1929)), the Supreme Court stated that "it cannot be supposed the Congress intended, by admitting aliens temporarily for business, to permit their coming to labor for hire in competition with American workmen, whose protection it was one of the main purposes of the legislation to secure."

On April 14, 2011, I sent Homeland Security Secretary Napolitano and Secretary of State Clinton a letter inquiring about the "B-1 in lieu of H" program that facilitates the type of B visa program abuse that Mr. Palmer is talking about. Specifically, I asked for the legal basis for the policy. The Department of State replied on May 13, 2011 that it was "in the process of discussing with DHS removing or substantially modifying the B-1 in lieu of H guidelines, which State first proposed eliminating in a 1993 Federal Register notice." What, if anything, is the Department of Homeland Security, either with or without the cooperation of the Department of State, doing to eliminate the B-1 in lieu of H guidelines?

Response: To address this issue, the Department of Homeland Security has been working on a proposal to amend the regulations pertaining to nonimmigrants admitted to the United States as temporary visitors for business (B-1) or pleasure (B-2). The proposed amendments will clarify the criteria for according B-1 or B-2 nonimmigrant classification to applicants for admission to the United States. Such clarification is necessary to ensure fair and consistent adjudication and enforcement, as well as to make the criteria more transparent.

Question#:	34
Topic:	H-1B Program Abuse
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: DHS Refusal to Investigate H-1B Program Abuse Allegations

Your Department recently declined to launch an investigation into whether employers are using the H-1B visa program to displace U.S. citizen and legal permanent resident workers in violation of federal law. Do you stand by USCIS Director Leon Rodriguez's response that it would be "premature" to investigate this matter? Please explain.

Response: Léon Rodriguez, Director of U.S. Citizenship and Immigration Services, responded to your April 9, 2015 letter on my behalf on April 28, 2015. The part of the response in question states as follows:

> "At this point, it would be premature for USCIS to speculate as to whether Southern California Edison's participation in the H-1B program has violated any laws. If facts come to our attention that indicate violations have occurred, USCIS will take appropriate action to maintain the integrity of our programs."

To further explain, USCIS is currently working with its partner agencies to review many of the employment-based visa petitions, labor condition applications and labor certification applications recently filed by Southern California Edison and by companies who may be staffing H-1B workers to Southern California Edison. Although it is premature at this point to reach conclusions regarding whether or not Southern California Edison or other companies whose employees may be providing services at Southern California Edison worksites have violated any laws, USCIS will continue reviewing this matter and, if appropriate, may perform an administrative investigation or refer cases to ICE Homeland Security Investigations.

Question#:	35
Topic:	Revenue
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: How much revenue has USCIS collected from the issuance of H-1B visas since October 1, 2009 -

from I-129 petition fees? Please break out fee revenue collected to cover actual I-129 adjudication costs and that part of the fee revenue in excess of actual adjudication cost plus subsidization of asylum and other programs that Congress has directed USCIS to provide at low or no cost.

from Premium Processing fees?

Response: Table 1 shows approximate revenue collections within the Immigration Examinations Fee Account generated from Form I-129, *Petition for Nonimmigrant Worker*, from petitioners for foreign workers seeking H-1B visa classification from October 1, 2009 through April 30, 2015. The table separately identifies the revenue from the portion of the fee that represents the estimated actual costs of adjudicating the H-1B I-129 petition and the amount ($75 prior to November 23, 2010, $50 thereafter) that represents the reallocation of costs of providing services to asylum and refugee applicants and other individuals at low or no cost.

TABLE 1
Approximate I-129 Petition Revenue from H-1B Filings
FY 2010 through FY 2015 through April 30, 2015

Fiscal Year	H-1B Cases Filed (Premium & Non-Premium)	I-129 Petition Fee without surcharge	Approximate H-1B Revenue from I-129 Petition Fee without surcharge	I-129 Petition Fee Surcharge	Approximate H-1B Revenue from I-129 Petition Fee Surcharge	Total I-129 Petition Fee	Approximate H-1B Revenue from total I-129 Petition Fee
FY 2010	247,643	$ 245	$ 60,672,535	$ 75	$ 18,573,225	$ 320	$ 79,245,760
FY 2011	267,952	$ 275	$ 73,686,800	$ 50	$ 13,397,600	$ 325	$ 87,084,400
FY 2012	307,774	$ 275	$ 84,637,850	$ 50	$ 15,388,700	$ 325	$ 100,026,550
FY 2013	299,277	$ 275	$ 82,301,175	$ 50	$ 14,963,850	$ 325	$ 97,265,025
FY 2014	325,547	$ 275	$ 89,525,425	$ 50	$ 16,277,350	$ 325	$ 105,802,775

Question#:	36
Topic:	H-1B visa program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Would your Department consider any of the following uses of the H-1B visa program to be violations of federal law:

Use of the program to reduce the overhead costs associated with the salaries and benefits of U.S. citizen or legal permanent resident employees?

Response: This issue falls primarily within the Department of Labor's jurisdiction; we respectfully refer you to the Department of Labor for a response.

Question: Use of the program to hire lower-cost foreign national employees in the wake of layoffs of U.S. citizen or legal permanent resident employees?

Response: This issue falls primarily within the Department of Labor's jurisdiction; we respectfully refer you to the Department of Labor for a response.

Question: Use of the program to force the retirement of U.S. citizen or legal permanent resident employees?

Response: This issue falls primarily within the Department of Labor's jurisdiction; we respectfully refer you to the Department of Labor for a response.

Question: Use of the program as a de facto international training program (i.e., bringing foreign national employees to the United States under the H-1B visa program to help them gain exposure to the U.S. business environment, with the advance intention of rotating them back out to foreign offices or subsidiaries)?

Response: H-1B employment is intended to be temporary, generally affording a maximum period of admission of six years per INA 214(g)(4), unless a foreign national qualifies to extend his or her stay beyond the six year limit under sections 104(c) or 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000, as amended by the 21st Century Department of Justice Appropriations Authorization Act. If an employer and its H-1B employees adhere to the terms and conditions of employment as stated in the approved H-1B petitions, then the potential ancillary benefit of gaining exposure to U.S. business culture is permissible under federal law. In addition, an employer may hire a foreign national temporarily in its U.S. office with an intention to subsequently relocate the employee to its foreign operations.

Question#:	37
Topic:	Executive Order 13636
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Executive Order 13636 and Presidential Policy Directive 21

On February 12, 2013, President Obama issued Executive Order 13636, Improving Critical Infrastructure Cybersecurity and Presidential Policy Directive 21, Critical Infrastructure Security Resilience (PPD-21), directing federal departments and agencies to work together and with the private sector to strengthen the security and the resilience of the Nation's critical infrastructure. The EO requires federal agencies to develop and incentivize participation in a technology-neutral cybersecurity framework, to increase the volume, timeliness, and quality of cyber threat information it shares with the private sector, and to work with their senior agency officials for privacy and civil liberties to ensure that privacy and civil liberties protections are incorporated into all of these activities. The EO and PPD-21 designated DHS as the lead for federal efforts to implement these requirements. DHS established an Integrated Task Force to coordinate interagency and public and private sector efforts, and to ensure effective integration and synchronization of implementation.

A May 7, 2014 GAO report found that federal agencies, including DHS, have taken a variety of actions intended to enhance federal and critical infrastructure cybersecurity, but that more efforts are needed by federal organizations, including the White House, DHS, and other agencies, to address a number of areas such as securing federal systems and protecting cyber critical infrastructure.

In February 2014, GAO identified and communicated to DHS actions critical to addressing its efforts to oversee and assist agencies in improving information security practices and to address cyber critical infrastructure protection. The following questions follow-up on DHS's efforts to implement these actions:

Question: Has DHS expanded its CyberStat reviews to all 24 federal agencies which the GAO indicated could lead to an improved security posture? If not, why and what is the current plan?

Response: Office of Management and Budget (OMB) Memo M-15-01 "Fiscal Year 2014-2015 Guidance on Improving Federal Information Security and Privacy Management Practices" provides Agency guidance on the Cyberstat reviews. OMB, supported by National Security Council (NSC) staff and DHS, continues to conduct CyberStat reviews of selected agencies. OMB has identified 13 Agencies that will undergo CyberStat reviews in FY15.

Question#:	37
Topic:	Executive Order 13636
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Have the Office of Management and Budget (OMB) and DHS followed the GAO recommendation to develop improved metrics to gauge the implementation of priority security goals, and if so, have the agencies implemented these recommendations?

Response: DHS and OMB have collaborated to develop improved metrics for the Fiscal Year 2015 Federal Information Security Management Act (FISMA) reporting periods. These are reflected in the updated Cybersecurity Agency Priority (CAP) goals which now measure three cybersecurity capabilities: Strong Authentication, Information Security Continuous Monitoring, and Anti-phishing and Malware Defense. Agencies have provided quarterly results on the updated CAP goals. In addition, the President's Management Council Scorecard aligns agency cybersecurity performance with the National Institute of Standards and Technology (NIST) Cybersecurity Framework.

Question: Has DHS developed a strategic implementation plan describing its cybersecurity responsibilities and a clear plan of action for fulfilling them? If so, what is the strategy and implementation plan?

Response: Guided by the 2015 National Security Strategy and the 2014 Quadrennial Homeland Security Review, DHS's overarching mission is the safety, security, and resilience of the United States against all threats and hazards; cyber and cyber security are critical facets of this mission. The threats to the Nation's infrastructure, networks, and end-users of cyber services continue to evolve, underscoring the need for a sophisticated and nuanced approach to Departmental cyber operations, whether they are security, resiliency, investigatory, or mission-enabling in nature. To that end, the Department of Homeland Security is currently working on its 2015 Cyber Strategy to unify and orient the Department's efforts toward priority outcomes, both with respect to the security of its own networks and its protection of other agencies. We will be happy to provide additional details on the strategy as it is completed and approved.

Question: How is DHS working with the federal agencies to develop continuous diagnostics and mitigation capabilities intended to protect networks and enhance the agency's ability to see and counteract day-to-day cyber threats?

Response: Through the Continuous Diagnostics and Mitigation (CDM) program, DHS provides Federal Executive Branch civilian agencies with tools and services to identify network security issues, including unauthorized and unmanaged hardware and software; known vulnerabilities; weak configuration settings; and potential insider attacks. Agencies can then prioritize mitigation of these issues based upon potential consequences or likelihood of exploitation. In this way, CDM helps agencies understand and manage their own cyber risks.

Question#:	37
Topic:	Executive Order 13636
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

DHS is moving aggressively to implement CDM across all Federal Executive Branch civilian agencies, and Memoranda of Agreement (MOA) with the CDM program cover over 97 percent of all Federal civilian personnel. Delivery Order 1, the first award under the CDM/Continuous Monitoring as a Service (CMaaS) blanket purchase agreement was for $59.5 million to purchase CDM tools for 21 agencies; this procurement demonstrated a 30 percent cost reduction over General Services Administration (GSA) pricing and resulted in $26 million in cost avoidance. A subsequent award was made for license maintenance of the tools procured in Delivery Order 1 that reflected a 50 percent cost reduction over GSA pricing. The first of six awards for Task Order 2 was made in February 2015 and will provide CDM tools and services to DHS itself. The additional awards will be issued through fiscal year (FY) 2015 and FY 2016, and ultimately will cover over 60 additional Federal agencies including 23 of the 24 Chief Financial Officer (CFO) Act agencies. Department of Defense, the 24th CFO Act agency, does not participate in the CDM-funded solicitation activities.

The CDM Federal Dashboard will provide DHS with summary data to understand relative and system risk across the Executive Branch. Local agency dashboards will provide each agency with detailed information into its specific, prioritized risks. Both dashboards will use commercial off-the-shelf technology. The agency-level dashboards will begin deployment in FY 2015, and the Federal dashboard is expected to fully deploy by FY 2017.

These dashboards will receive automated feeds from the CDM tools and will provide a new level of rigor and timeliness to our understanding of Federal agency cyber risk. Further, cyber threat indicators discovered through the use of these tools can be shared broadly with government and private sector partners.

Question: Has DHS expanded the Enhanced Cybersecurity Services program which is intended to provide classified cyber threat and technical information to eligible critical infrastructure entities as required by Executive Order 13636?

Response: Yes, the Enhanced Cybersecurity Services (ECS) program has three (3) fully operational Commercial Service Providers (CSPs) – AT&T, CenturyLink, and Verizon—and anticipates a fourth this summer. The fourth CSP is not a traditional Internet Service Provider and is outside of the Communications sector. The ECS customer base has expanded, and there are currently six (6) sectors receiving services: Finance, Energy, Defense Industrial Base, Commercial, Communications, and Federal Government. Additionally, DHS recently expanded ECS beyond critical infrastructure and is now available to all US-based public and private entities.

Question#:	37
Topic:	Executive Order 13636
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Has DHS identified a set of incentives designed to promote implementation of the National Institute of Standards and Technology cybersecurity framework? If so, what are they?

Response: The following menu of six incentives categories are recommended for further analysis by the Administration: Grants; Rate Recovery for Price-Regulated Industries; Bundled Insurance Requirements, Liability Protection, and Legal Benefits; Prioritizing Certain Classes of Training and Technical Assistance; Procurement Considerations; and Streamline Information Security Regulations. More information on each of these is available in the "Summary Report: Executive Order 13636 Cybersecurity Incentives Study" on DHS' public facing website. DHS looks forward to continued partnerships with NIST and other Federal entities to ensure that the Cybersecurity Framework is applied in efficient, useful and accessible ways.

Question#:	38
Topic:	GAO Report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Challenges Identified in April 22, 2015 GAO Report that DHS Needs to Address Regarding Cybersecurity of Federal Systems

In its April 22, 2015 report, Actions Needed to Address Challenges Facing Federal Systems, GAO found that given the risk posed by cyber threats and the increasing number of incidents, it is crucial that the federal government take appropriate steps to secure its systems and information. Several problem areas for the government's approach to cybersecurity were identified in this report and are the subject of the questions below.

What is the DHS strategy for addressing cyber risk to building and access control systems (computers that monitor and control building operations)?

Response: In response to the GAO report on the topic, and to address the cybersecurity gaps that exist in Federal Facility building and access control systems, the Department has initiated the "Federal Facility Cybersecurity Working Group". This group is comprised of members from across the Department – with the main participants being from the National Cybersecurity and Communications Integration Center's (NCCIC's) Industrial Control Systems Cyber Emergency Response Team (ICS-CERT), Federal Protective Service (FPS), and Infrastructure Protection's (IP's) Interagency Security Committee (ISC).

This group is utilizing the specialized capability of the ICS-CERT's field assessment teams, and is evaluating baseline assessments of several Federal Facility building automation and control systems. This baseline will allow the group to make informed decisions about recommendations for closing the specific gaps that are discovered during these assessments.

The group is also conducting a capabilities inventory of the Department's capabilities in the area of cybersecurity mitigation – in order to be able to match these capabilities with the gaps discovered within the assessment process. The intent is to utilize existing Department capabilities – not create new ones.

Per the recommendations in the GAO report, the Federal Facility Cybersecurity Working Group plans to issue a strategy document containing the findings and recommendations for implementation of mitigations in accordance with timelines agreed upon with the GAO. A significant component of the recommendations will be an update to the Design Basis Threat document – specifically updated for cybersecurity of these systems – that will be issued by the ISC.

Question#:	38
Topic:	GAO Report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Have DHS and OMB worked together to develop and clarify guidance to agencies for annually reporting the number of contractor-operated systems, and have the agencies established and implemented an IT security oversight procedures for such systems?

Response: Yes, this information is requested from agencies for the annual FISMA report. Agencies are also asked whether a FISMA eligible agency is contractor operated. Agencies also report on IT security oversight procedures, in relation to having Authority to Operate (ATO) in place.

Question: Has DHS worked with the 24 major federal agencies to address agency incident-response practices so that the effectiveness of their cyber-incident response programs are improved?

Response: While each department and agency must manage its own cyber risk and is responsible for its own cybersecurity, DHS coordinates with federal, executive branch, civilian departments and agencies (D/As) to share crucial cyber incident situational awareness through the National Cybersecurity and Communications Integration Center (NCCIC). NCCIC accepts, triages, and collaboratively responds to incidents; provides technical assistance to information system operators; and disseminates timely notifications regarding current and potential security threats and vulnerabilities. These lines of effort help to ensure that D/As (both large and small) are best equipped to manage their own cybersecurity risk.

Furthermore, DHS directly supports D/As in developing capabilities that will improve their own cybersecurity posture and DHS deploying technologies (some of which are described below) across the D/As' network enterprise to give DHS situational awareness to inform incident response efforts across the .gov.

Through the Continuous Diagnostics and Mitigation (CDM) program, DHS enables D/As to more readily identify network security issues, including unauthorized and unmanaged hardware and software; known vulnerabilities; weak configuration settings; and potential insider attacks. Agencies can then prioritize mitigation of these issues based upon potential consequences or likelihood of exploitation by adversaries. The CDM program provides diagnostic sensors, tools, and dashboards that provide situational awareness to individual agencies, and will provide DHS with summary data to understand risk across the civilian Executive Branch.

Question#:	38
Topic:	GAO Report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

DHS is moving aggressively to implement CDM across all federal Executive Branch civilian DAs, and as DHS purchases CDM tools and services for 97% of federal civilian, executive branch agencies by the end of FY15, we will increasingly gain much greater insight into the strength of federal IT systems. DHS is implementing a commercial off-the-shelf, or COTS, technology for the CDM dashboard to provide agencies with a detailed understanding of their cybersecurity risk and enable comprehensive situational awareness across the D/As. The agency-level dashboards will begin deployment in FY15, and the government-wide dashboard is expected to reach Full Operating Capability in FY17.

While CDM will identify vulnerabilities and systemic risks within agency networks, the National Cybersecurity Protection System (NCPS), also known as EINSTEIN, detects and blocks threats at the perimeter of the network or at the Internet Service Provider. EINSTEIN is an integrated intrusion detection, analysis, information sharing, and intrusion-prevention system. The most recent iteration, Einstein 3 Accelerated (E3A), supplements EINSTEIN 2 by enabling Internet Service Providers (ISPs), under the direction of DHS, to detect and block known or suspected cyber threats using classified cyber threat indicators.

The Department employs EINSTEIN 1 and EINSTEIN 2 only to identify data that is analytically relevant to a known or suspected cyber threat. Participating agencies currently have access to their network flow records through participation in EINSTEIN 1 and receive information about their own network data. E3A is currently deployed and covers approximately 45% of all Federal Executive Branch civilian agency traffic. We have provided EINSTEIN 3A to an additional 20% of the Federal, civilian, Executive Branch over the past nine months alone. EINSTEIN 3A now protects 15 Federal civilian Departments and Agencies and over 930,000 federal personnel with at least one of its two security "countermeasures." Forty-six (46) agencies have signed Memorandums of Agreement (MOAs) to participate in E3A services. EINSTEIN data is also used to increase broader situational awareness of cyber threats and help detect otherwise unknown threats. We look forward to working with Congress to further clarify DHS's authority to deploy this protective technology to federal Executive Branch civilian systems.

Question: Have OMB and DHS worked with the federal agencies to implement a consistent policy and procedures for responding to data breaches involved PII? What is that procedure?

Response: The Administration's policy is described in M-15-01, updated in Fall 2014. It notes that OMB Memoranda M-06-19, "Reporting Incidents Involving Personally

Question#:	38
Topic:	GAO Report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Identifiable Information Incorporating the Cost for Security in Agency Information Technology Investments," and M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information" established requirements for agencies to report incidents involving PII to DHS US-CERT. M-06-19 required that agencies report all incidents involving PII to US-CERT within one hour of discovering the incident. M-07-16 further clarified this requirement by stating that incidents involving the breach of PII must be reported to US-CERT whether in electronic or paper format.

In addition to these government-wide policies regarding incident notification as promulgated in relevant OMB memoranda, The NCCIC publishes guidance and best practices that help agencies identify and respond more effectively to cybersecurity incidents. Of particular note, NCCIC recently released an analytic report to government and private sector partners outlining technical indicators and key mitigations associated with recent cybersecurity compromises affecting bulk personally identifiable information.

Question: Has DHS developed guidance and services for smaller agencies that have not fully implemented their information security programs?

Response: DHS' Federal Network Resilience Division co-facilitates the Small/Micro Agency Chief Information Security Officer (CISO) Council in sharing services with smaller agencies that are available through DHS as well as identifying service requirements for potential future support.

Smaller entities in the private sector as well as government may also find the NIST Cybersecurity Framework of particular use, as it helps CISOs to prioritize and scale their organization's cybersecurity operations.

Finally, all entities – whether they be smaller agencies, state and local partners, or small and medium-owned businesses – can receive cyber threat indicators that are shared with the NCCIC.

Question#:	40
Topic:	DHS Use of Drones
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Cyber Threats and Incidents to Systems Supporting the Federal Government and National Critical Infrastructures

In its February 11, 2015 report entitled Report to Congressional Committees, High-Risk Series, An Update, GAO found that cyber threats and incidents to systems supporting the federal government and national critical infrastructures are increasing and that these threats come from a variety of sources and vary in terms of the types and capabilities of the actors, their willingness to act, and their motives. The report further found that advanced persistent threats - where adversaries possess sophisticated levels of expertise and significant resources to pursue their objectives - pose increasing risks. Over the past 8 years, the number of information security incidents reported by federal agencies to the US Computer Emergency Readiness Team (US-CERT) has increased from 5,503 in FY 2006 to 67,168 in FY 2014.

Question: What is DHS doing to prevent these attacks against the federal government and national critical infrastructures?

Response: Across the Federal Government, each department and agency is responsible for managing its own cybersecurity. However, under the Federal Information Security Modernization Act (FISMA) of 2014, DHS is provided with the authority to administer the implementation of federal cybersecurity policies. To carry out this important responsibility, DHS is authorized to issue binding operational directives, monitor agency cybersecurity practices, and provide operational and technical assistance.

The National Cybersecurity & Communications Integration Center (NCCIC) serves as a 24x7 centralized location for cybersecurity information sharing, incident response, and incident coordination. NCCIC partners include all Federal departments and agencies, including law enforcement, the Department of Defense, the Intelligence Community; State, local, tribal and territorial (SLTT) governments; the private sector; and international entities. The NCCIC provides its partners with enhanced situational awareness of cybersecurity and communications incidents and risks, and it provides timely information to manage vulnerabilities, threats, and incidents. In 2014, the NCCIC received over 97,000 incident reports, and issued nearly 12,000 actionable cyber-alerts or warnings. NCCIC teams also detected over 64,000 vulnerabilities on federal and non-federal systems and directly responded to 115 significant cyber incidents.

CS&C's cybersecurity work includes:

Question#:	40
Topic:	DHS Use of Drones
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Analysis. CS&C develops and distributes analytical products and services to all its stakeholders to aid in the understanding of emerging and non-obvious patterns and methods to manage risk and mitigate incidents.
- Incident management and response options. CS&C provides operational capabilities to collaboratively protect, prevent, mitigate, respond to, and recover from incidents that impact critical cyber assets.
- Information sharing. CS&C provides and receives relevant, timely and actionable threat, vulnerability, consequence, and mitigation information to customers to support risk management decision-making and incident prevention.
- Provide information and communications technology (ICT) services and solutions. CS&C deploys and delivers products and services that improve the interoperability, security and resilience of critical cyber assets.
- Build Capacity. CS&C builds partner capacity throughout the cybersecurity and communications communities through training and education, promoting best practices, and coordinating cost-effective government purchases of security technology and services.

Question: What has caused the huge rise in these attacks?

Response: The rise in number of cyberattacks on critical infrastructure from 2006 to 2014 reflects a number of situational factors. These include increased (and still increasing) use of cyber-based systems in critical infrastructure; the increase in cyberattacks and vulnerabilities overall, and the increased (and still increasing) visibility and reporting of attacks including improvements in scanning, monitoring and reporting.

There can be useful aspects of our increased visibility on attacks: DHS is deploying technical tools including EINSTEIN 3 Accelerated (E3A) to create situational awareness of cyber threats by screening Federal agency Internet traffic for cyber threats across multiple agencies, enabling strong correlation of events and the ability to provide early warning and greater context about emerging risks.

Moreover, what is reported as an "attack" may range from a botnet "knocking at the door" of the systems, to a sophisticated tailored malware. Numbers without context cannot tell us much, but we know as a nation that the cybersecurity challenge will continue to be of utmost importance, and we are cognizant of this in the DHS mission to secure and enhance the resilience of the Nation's cyber and physical infrastructure.

Question: What else can DHS do to help prevent these attacks?

Question#:	40
Topic:	DHS Use of Drones
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Response: Some agencies, in some cases, have questioned how deployment of EINSTEIN within the National Cybersecurity Protective System (NCPS) under DHS authority interplays with their existing statutory restrictions on the use and disclosure of agency data. As a result of this uncertainty, DHS has not been able to achieve 100 percent commitment from agencies to enter into Memoranda of Agreements authorizing the deployment of EINSTEIN capabilities to protect their systems. DHS and the Administration are seeking statutory changes to clarify this uncertainty and to ensure agencies understand that they can disclose their network traffic to DHS for narrowly tailored purposes to protect agency networks, while making clear that privacy protections for the data would remain in place.

Looking toward the future, DHS is advancing its cyber strategy to apply the full range of DHS authorities and capabilities to prevent cyber attacks. We are enhancing our protective capabilities to detect not only known cyber threats, but also recognize potential threats that have not been previously observed. Just as the human body achieves resilience by fighting new viruses with biological mechanisms that recognize when the body is under attack, DHS seeks to build similar mechanisms for networks using mathematical trend analysis of cyber events. We will collect the data needed for this from the government agencies that we protect, following the privacy protections detailed in our publicly available Privacy Impact Assessments. The concept comprises the ability to view the current state of cybersecurity, just as a traditional weather map provides a view of current weather. Our long-term goal is for networks and connected devices to know when to reject incoming traffic or even refuse to execute specific computer instructions because they are recognized as harmful due to their current behavior, even if the exact computer "disease" has not been seen before. This will help to create the resilience to deter many cyber threat actors by increasing the costs of individual cyber attacks.

DHS is strengthening its criminal law enforcement capabilities and focusing on strategically targeting the key elements in the cyber crime economy, primarily through the U.S. Secret Service and ICE-HSI, in order to deter, disrupt, and dismantle illicit cyber crime networks. We continue to foster and support the international law enforcement cooperation and capacity essential to combating cyber crime—an inherently transnational form of criminal activity, and to develop the capability of state and local law enforcement to investigate cyber crime.

DHS is committed to strengthening the unity of effort in executing our cyber mission to help prevent cyber attacks through the coordinated approach of strengthening our cybersecurity protective measures and effectively pursuing cyber criminals through law enforcement action.

Question#:	40
Topic:	DHS Use of Drones
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In a report dated December 24, 2014 entitled U.S. Customs and Border Protection's Unmanned Aircraft System Program Does Not Achieve Intended Results or Recognize All Costs of Operations, the DHS Office of Inspector General found that drones did not contribute to a more secure border and that there was no reason to invest additional taxpayer funds at this time.

Does DHS agree with this report?

Response: The U.S. Customs and Border Protection (CBP) disagrees with the report's inaccurate portrayal of the Unmanned Aircraft System (UAS) program's effectiveness, as well as its analysis of cost and cost per flight hour. The CBP MQ-9 Predator B UAS is a high endurance platform capable of flying over 16 hours in support of multiple mission-sets with various sensors that can be easily mounted and removed. Additionally, real-time information is transmitted from the UAS via satellite link to any designated CBP Communication and Control (C2) center to enhance situational awareness. In 2012, CBP's UAS program underwent a major upgrade with the addition of the Vehicle and Dismount Exploitation Radar (VADER) and the Sea Vue maritime surveillance radar; these two sensors give the MQ-9 a significant increase in land and maritime domain awareness capability. Since 2012, the UAS has contributed to over 33,000 detections at the US/Mexico Border and interdicted over 12,264 pounds of cocaine within the Western Hemisphere Transit Zone; which equates to nearly $1 billion that did not make it back to Transnational Criminal Organizations.

In addition, the OIG and CBP disagree over the proper use of the Office of Management and Budget (OMB) Circular A-126, "Improving the Management and Use of Government Aircraft" to calculate a cost per flight hour and how conclusions are reached. The OIG did not use generally accepted approaches to calculate and display total ownership costs. A variety of unrelated costs were lumped into a cost-per-flight-hour calculation, which DHS believes is inconsistent with calculation approaches from CBP, the U.S. Coast Guard, and the Department of Defense (DOD), as well as Office of Management and Budget guidelines.

The UAS is a proven, effective surveillance technology enhancing CBP's operational capabilities and increasing our awareness along the nation's borders and coasts.

Question: What is DHS doing to implement the President's February 15, 2015 Executive Memorandum "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems"?

Question#:	40
Topic:	DHS Use of Drones
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Response: The Unmanned Aircraft Systems (UAS) program strictly adheres to the privacy laws and policies protecting the people's rights. CBP, in conjunction with the Department's Civil Rights and Civil Liberties and Privacy office completed a Privacy Impact Assessment (PIA) on all airborne sensors to include UAS. This PIA can be found on CBP's public website. The Office of Air and Marine (OAM) has established uniform policies, procedures, and guidelines for conducting CBP surveillance operations while ensuring compliance with privacy law and policy.

OAM Operational Directive 2013-15 outlines UAS operations and privacy policy into sub- categories which defines general privacy considerations, data minimization and retention, data use, data quality and integrity, data security, operational guidelines and authorization.

It is OAM policy that in accordance with U.S. law and consistent with Operational Directive 2013-15, OAM agents and personnel may use CBP UAS to provide integrated and coordinated border interdiction and law enforcement support to homeland security missions; provide assistance, consistent with the prerogatives of the Department of Homeland Security (DHS) and CBP, to other federal, state, and local agencies in other law enforcement and emergency humanitarian efforts; provide airspace security for National Special Security Events; and combat smuggling and other cross-border violations.

Question#:	41
Topic:	Encryption and Going Dark
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The New York Times reported on April 26, 2015 that you and other DHS officials have argued for a technical compromise to allow greater security of electronic communications while enabling the FBI and intelligence agencies to decode emails and track the web activities of suspected terrorists or criminals. However, many computer security professionals at the RSA Conference argued that no such compromise was possible because such a system would also give the Russians and the Chinese a pathway in, too, and the federal government might abuse such a portal.

Please describe the technical compromises that you and other DHS officials proposed to computer security experts.

Response: This is a complicated issue with competing considerations. We know that any next steps in this space must take full account of the privacy rights and expectations of the American public, the state of the technology, and the cybersecurity of American businesses. As stated at RSA, the government will work with industry partners and with the public to explore these issues further.

Question#:	1
Topic:	citizenship for the beneficiaries
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Mike Lee
Committee:	JUDICIARY (SENATE)

Question: The President has repeatedly assured the American people that he is not creating a backdoor to citizenship for the beneficiaries of deferred action. Do you agree with that?

Response: Yes. The President did not create a backdoor to citizenship for the beneficiaries of deferred action. Deferred action is a longstanding administrative mechanism authorized under our immigration laws that has been recognized by both Congress and the U.S. Supreme Court. Deferred action is a case-by-case determination, in the exercise of prosecutorial discretion, to defer removal action against an individual for a certain period of time. Deferred action does not confer legal status on recipients, nor does it create an enforceable legal right to remain in the United States. Deferred action does not provide an independent pathway to lawful permanent residence or citizenship. Grants of deferred action are discretionary, temporary, and may be terminated by DHS at any time.

Question#:	2
Topic:	earned the right to be citizens
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Mike Lee
Committee:	JUDICIARY (SENATE)

Question: In April 2014, you told the U.S. Council of Mayors that immigrants who entered this country illegally have "earned the right to be citizens." Do you still agree with that?

Response: I presume you are referring to my January 2014 remarks to the U.S. Conference of Mayors, in which I stated, as I have on many occasions, that comprehensive immigration reform should include an earned path to citizenship for undocumented immigrants who qualify. Specifically, I said that "an earned path to citizenship for those currently present in this country is a matter of, in my view, homeland security" because providing such a path would "encourage people to come out from the shadows." S. 744, the bipartisan comprehensive immigration reform bill that passed the Senate in 2013, contained such a path. In my remarks, I added that "It is also, frankly, in my judgment, a matter of who we are as Americans to offer the opportunity to those who want to be citizens, who've earned the right to be citizens, who are present in this country – many of whom who came here as children – to have the opportunity that we all have to try to become American citizens." In referring to those who have "earned the right to be citizens," I was referring to the subset of undocumented immigrants who would qualify for an earned path to citizenship under comprehensive immigration reform such as S. 744. I continue to believe that an earned path to citizenship is a key component of comprehensive immigration reform.

Question#:	3
Topic:	backdoor to citizenship
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Mike Lee
Committee:	JUDICIARY (SENATE)

Question: Some members of our committee have repeatedly expressed concern that the Administration has-despite denying it-indeed created a backdoor to citizenship through the quiet use of its parole authority. That's because under the INA, aliens with U.S. citizen children can adjust their status and get green cards if they can find a way to get "paroled into the United States." And indeed, we know the Administration explicitly contemplated using parole as a way to accomplish that end. I have attached a 2010 DHS memorandum, leaked to the press, strategizing about how the Executive might take action on immigration without Congress's approval. That memorandum explicitly contemplates using parole as a means to enable undocumented aliens to adjust their status and obtain permanent residency and citizenship. Can you verify that this memorandum was written by employees of DHS?

Response: The referenced 2010 memorandum is an internal advisory document, which was part of a deliberative process of developing and continuing to refine DHS immigration policy. The draft document was deliberative and not final, and was not approved by DHS leadership for publication. DHS does not comment on internal draft documents.

Question#:	4
Topic:	Parole 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Mike Lee
Committee:	JUDICIARY (SENATE)

Question: Using parole in order to get green cards for entire classes of otherwise unauthorized aliens is illegal. A federal statute, INA § 212(d)(5)(A), says that parole is only available "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." But under the Administration's unilateral executive actions, recipients of the President's so-called "deferred action" can get advance parole if they want to travel outside the country and then want to be let back in. And according to USCIS Form I-131, which I'm also attaching, they can obtain that parole not just for humanitarian purposes, but also for educational or employment reasons, including "overseas assignments, interviews, conferences, or meetings with clients."

Do you think a meeting with a client in Toronto qualifies as an urgent humanitarian benefit or a significant benefit to the American public justifying parole?

If an alien approached our border without a visa, and asked to be paroled into the country because he has a business meeting in New York, would your agency grant that person parole? If not, why should an alien inside the United States unlawfully be granted advance parole - and later citizenship - because he has a client meeting in Toronto?

Response: The legal standard for parole is always the same. USCIS may, as a matter of discretion and on a case-by-case basis, authorize advance parole if the agency determines that doing so is justified for urgent humanitarian reasons or significant public benefit. Therefore, USCIS considers applications for advance parole on a case-by-case basis taking into account the totality of the circumstances.

The current guidelines for adjudication of advance parole requests for DACA recipients are consistent with INA § 212(d)(5)(A). Depending on the facts presented, travel for educational or employment reasons may, given the specific circumstances surrounding that travel, implicate urgent humanitarian and/or significant public benefit considerations.

USCIS cannot speculate as to whether it would grant advance parole to an individual in the situations described in the question without considering the facts and circumstances present in each case, and reviewing the evidence submitted in support of the request for advance parole.

Question#:	5
Topic:	Martinez v. United States
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Question: In Martinez v. United States, 740 F.3d 902 (4th Cir. 2014), the Fourth Circuit held that a criminal alien's "membership in a group that constitutes former MS-13 members," id. at 911- 12, constitutes an immutable characteristic under the "immutability" criterion of the test applied by the Board of Immigration Appeals to determine whether a group qualifies as a "particular social group" under Section 241(b)(3) of the Immigration and Nationality Act ("INA"). See 8 U.S.C. § 1231(b)(3). Specifically, the court observed that

[n]othing in the [INA] suggests that persons categorically cannot be members of a cognizable "particular social group" because they have previously participated in antisocial or criminal conduct. Rather, Congress has identified only a subset of antisocial conduct that would bar eligible aliens from withholding of removal, defined by the alien's engaging in past persecution, committing a particularly serious crime, or presenting a danger to the security of the United States. But Congress "has said nothing about barring former gang members."

Moreover, in arguing for its interpretation that a particular social group may not include members who engaged in past antisocial or criminal conduct, the government focuses on the former status of membership in a gang, failing to recognize a distinct current status of membership in a group defined by gang apostasy and opposition to violence.

Martinez, 740 F.3d at 912. This holding is troubling given the possibility that gang members and other dangerous criminal aliens may seek to remain in the United States by claiming adherence to a "particular social group" allegedly based on their "gang apostasy." House Judiciary Chairman Goodlatte and Rep. Randy Forbes previously raised this issue with former Attorney General Eric Holder in a February 2014 letter.

Do you agree that the INA's immutability criterion with respect to the statutory term "particular social group" should be construed to include membership in a group composed of members or former members of a criminal gang like MS-13?

Would you support legislation to close the loophole potentially created by the Fourth Circuit's finding of immutability with respect to former gang membership?

Under what circumstances do you believe that members or former members of criminal gangs like MS-13 should be granted withholding of removal and permitted to remain lawfully in the United States?

Question#:	5
Topic:	Martinez v. United States
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Would you support a "zero-tolerance" policy - or legislation that requires a "zero-tolerance" standard - with respect to award of benefits or relief from removal for criminal alien gang members or aliens formerly associated with criminal gangs like MS-13 within the United States?

Response: As a general matter, the Department of Homeland Security (DHS) continues to agree with the observations of several tribunals, including the U.S. Courts of Appeals for the First and Ninth Circuits and the Board of Immigration Appeals (BIA), that the protected ground of "membership in a particular social group" should not be predicated on criminal acts or associations. *See Cantarero v. Holder*, 734 F.3d 82 (1st Cir. 2013); *Arteaga v. Mukasey*, 511 F.3d 940, 945-46 (9th Cir. 2007); *Matter of E-A-G-*, 24 I. & N. Dec. 591, 595-596 (BIA 2008); *see also Matter of W-G-R-*, 26 I. & N. Dec. 208, 215 n.5 (BIA 2014) (citing *Arteaga* and *E-A-G-*).

The Fourth Circuit is not the only circuit to suggest that former gang membership might qualify an applicant for asylum or statutory withholding of removal based on the protected ground of membership in a "particular social group." *See Urbina-Mejia v. Holder*, 597 F.3d 360 (6th Cir. 2010); *Benitez Ramos v. Holder*, 589 F.3d 426 (7th Cir. 2009). But rather than address this important issue in piecemeal fashion, cabined by the facts of individual cases like *Martinez*, DHS believes that the rulemaking process represents the best method to build a more comprehensive framework for the adjudication of particular social group cases, including those tied to gang membership. In the meantime, U.S. Citizenship and Immigration Services has continued to adjudicate asylum and refugee applications consistent with the Department's position and BIA case law on this issue outside of the Fourth, Sixth and Seventh Circuits.

Question#:	6
Topic:	per-country visa overstay rates
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Question: During your testimony last week, you confirmed that the Department of Homeland Security ("DHS") has been preparing a report on per-country visa overstay rates using biographical data derived from flight manifests and other sources. In 2013, your predecessor, DHS Secretary Janet Napolitano, promised to provide that report to Congress by the end of 2013. When you testified before the House Homeland Security Committee over a year ago, you said that you had reviewed preliminary data but that the report still needed work. According to correspondence you sent earlier this year to Rep. Miller,

[t]he Fiscal Year 2014 overstay data have been compiled for air and sea arrivals, and the Entry/Exit Transformation Office is developing an interim report that presents overstay rates by country of citizenship for nonimmigrant visitors. In our effort to ensure the highest quality data integrity and analysis possible at this time, we are thoroughly reviewing these results.

The Department appreciates your leadership on this issue and agrees with you that release of an overstay report is necessary. We are also committee to ensuring our data is accurate and our analysis is sound. We are fully committed to releasing this report and will do so once we are confident in the report's accuracy.

When I asked you about the report last week, you testified that the report contained incorrect and unreliable data that you were not satisfied with and that could not be released at this time.

Please explain in detail what you believe the cause of the inaccurate or unreliable data to be.

Response: During the report generation, DHS identified two specific airlines that were providing incorrect departure manifest information for the greater part of Fiscal Year 2014. These data errors had a significant impact on the overstay rate of a few countries. Two airlines appeared to have been improperly transmitting considerable numbers of departing passengers as "Not on Board" their aircraft even though these travelers had made reservations and checked in for the departing flight. DHS believes that a large percentage of the "Not on Board" travelers were in fact on board the departing airline. For one of the airlines, the issue was confined to a specific flight that ran between JFK and Milan, Italy. In previous years, DHS has not released an overstay report because there were concerns about the quality of the data used for the report.

Question#:	6
Topic:	per-country visa overstay rates
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Question: Please describe in detail the sources used to compile the air and sea arrival data and, if applicable, explain why you believe that those data sources caused inaccurate or unreliable data to be introduced into the draft report.

Response: DHS utilizes the Arrival Departure Information System (ADIS) as the main source for the overstay report. ADIS is a data aggregation system that receives information from numerous sources within DHS and links the information together to develop a concise view of an individual's travel history. ADIS receives information from CBP's TECS, ICE's Student and Exchange Visitor Information System (SEVIS), NPPD/OBIM Automated Biometric Identification System (IDENT), and USCIS' Computer Linked Applications Information Management System (CLAIMS). TECS data includes border crossing (arrival), air/sea manifests received by carriers (departure), information from traveler I-94 submission, and records from admissibility inspections. SEVIS data is comprised of foreign student status records. CLAIMS data includes change of status information and extension of stay details. IDENT data includes encounter data associated with biometrics collected during various DHS operations that involve collection of electronic fingerprint records.

During the report generation, DHS identified two specific airlines that were providing incorrect departure manifest information for the greater part of Fiscal Year 2014. These data errors had a significant impact on the overstay rate of a few countries. Both airlines were improperly transmitting considerable numbers of departing passengers as "Not on Board" their aircraft even though these travelers had made reservations and checked in for the departing flight. DHS believes that a large percentage of the "Not on Board" travelers were in fact on board the departing airline. For one of these airlines, the issue was confined to a specific flight that ran between JFK and Milan, Italy.

Question: When do you anticipate that the report will be completed? DHS has promised to provide the report for years and has routinely failed to do so.

Will you commit to providing the report to the Senate Judiciary Committee within one month? DHS promised to provide the report more than two years ago.

Please explain whether there are other reasons for delay of publication of the report besides the data problems you cited in your testimony before the Senate Judiciary Committee.

Is publication of the report a priority for DHS? You wrote a few weeks ago that DHS is "fully committed" to releasing the report in a timely fashion.

Question#:	6
Topic:	per-country visa overstay rates
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Response: DHS remains committed to providing the overstay report to Congress. As an interim step towards meeting the legislative mandate, CBP is developing an interim report that identifies "expected departures" and "overstays" by country for FY 2014. In previous years, DHS has not released an overstay report due to issues with data quality. We are working to ensure that any report we issue provides the most accurate information possible.

Question#:	7
Topic:	EB-5 immigration program benefits
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

Question: This question concerns the March 2015 DHS Inspector General's ("IG") report finding that the former United States Citizenship and Immigration Services ("USCIS") Director Alejandro Mayorkas "exerted improper influence in normal processing and adjudication of EB-5 immigration program benefits" to applicants with political connections. Instead of being held accountable for steering immigration privileges to political VIPs, Mayorkas was promoted and is now your deputy at DHS.

On April 27, 2015, you provided Chairman Grassley and Ranking Member Leahy with a letter regarding the EB-5 program in which you summarize what you characterize as a "new protocol to regulate receipts of communications from outside individuals about specific EB-5 cases."

Will you commit to submitting a copy of the full protocol and all guidance that DHS is issuing on EB-5 to the Senate Judiciary Committee?

Mr. Mayorkas has stated that he disputes the IG's findings and claims they are incorrect. In response, you stated that you have full confidence in Mr. Mayorkas, that he's strengthened the integrity of the EB-5 program, and that he's doing an outstanding job. Do you agree with Mr. Mayorkas that the IG's report is incorrect and that Mr. Mayorkas did nothing improper?

One part of the new protocol that you summarized in your April 27 letter involves the issue of "leadership intervention" and states that USCIS senior leadership should not get involved in the adjudication process without an "impartial mission-related reason." Do you agree that Mr. Mayorkas's actions as discussed in the IG report show that he intervened inappropriately on several occasions and that his interventions into the adjudication process were not consistently mission-related?

Had the new protocol been in place while Mr. Mayorkas was at USCIS, do you agree that his conduct as detailed in the IG report would have constituted violations of the protocol? If not, please describe why Mr. Mayorkas's actions are compliant with the newly issued protocol.

Response: Enclosed please find the protocol that you reference. As you note, I continue to have full confidence in Mr. Mayorkas. He has been, and remains, an invaluable member of my leadership team, and as Director of USCIS he significantly improved the EB-5 program in multiple ways.

Question#:	7
Topic:	EB-5 immigration program benefits
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Perdue
Committee:	JUDICIARY (SENATE)

The IG report concluded that Mr. Mayorkas' involvement led to an appearance of favored treatment for certain individuals. As Mr. Mayorkas has stated, he regrets the perception that his involvement created.

The new EB-5 protocols are intended to reduce the likelihood that such perceptions would arise. Having in place a more formal process to govern leadership participation in EB-5 matters would have helped guard against the inadvertent creation of any appearance of favored treatment.

Had the protocol been in place at the time, Mr. Mayorkas would have sent a memorandum to the USCIS Deputy Director, the USCIS Chief Counsel, and the CIS Ombudsman or a delegate, describing why he proposed to intervene in a particular case. Upon receiving their recommendations, he would have determined whether his participation was appropriate, and if so, he would have documented that decision and the reasons for it.

Question#:	8
Topic:	outdated equipment
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Schumer
Committee:	JUDICIARY (SENATE)

Question: Many Customs and Border Protection officers are using outdated equipment and working in outdated facilities. Still, we know they do an outstanding job protecting our borders. Non-invasive inspection technology allows CBP officers to thoroughly inspect cargo and intercept contraband. There are ports of entry along the Northern Border, including in upstate New York, in dire need of recapitalization to update non-invasive inspection technology. Are these on the list of those being considered for recapitalization if Congress appropriates the necessary funding?

Response: Yes. The U.S. Customs and Border Protection (CBP), Non-Intrusive Inspection (NII) Recapitalization Plans include replacing technology deployed on the Northern Border (including upstate New York) that is past the vendor's life expectancy with next generation technology designed to enhance our capabilities of interdicting illicit contraband and weapons of mass destruction, while simultaneously facilitating the flow of commercial cargo into the United States. The FY 2016 President's Budget requested an increase of $85.3 million to support nationwide recapitalization of NII equipment.

Additionally, CBP has initiated public private partnership projects with the Fort Erie Public Bridge Authority and the Port Newark Container Terminal replacing radiation portal monitors (RPMs) with newer model RPMs and enhanced algorithms, to reduce the nuisance alarm rates by up to 60 percent at both locations. The enhanced algorithms are a nationwide project. However, older model RPMs will have to be replaced with newer model RPMs and developed with the enhanced algorithms in order to improve and refine nationwide operations.

Question#:	9
Topic:	wooden bedroom furniture
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Schumer
Committee:	JUDICIARY (SENATE)

Question: Importers of wooden bedroom furniture from China continue to evade duties that they must pay to the U.S. government for the privilege of doing business here, in violation of an explicit anti-dumping order. Customs and Border Protection indicted in 2013 that over $369 million in duties had gone uncollected since 2005. As a result, the wooden bedroom furniture industry in my state is suffering. Could you please provide estimates of the uncollected and collected duties for FY2013 and FY2014, describe what efforts are being taken to collect the uncollected duties and what steps that are being taken to reduce future duty evasion of this order?

Response: In Fiscal Year (FY) 2013 and FY 2014, U.S. Customs and Border Protection (CBP) collected $23.9 million in antidumping duty cash deposits on imports of wooden bedroom furniture from China (WBF). In FY 2013 and FY 2014, CBP billed and collected an additional $22.6 million in antidumping duties associated with WBF imports. The amount of uncollected antidumping duties on WBF for bills issued in FY 2013 and FY 2014 is $135.8 million.

CBP takes the collection of WBF duties seriously. Antidumping / Countervailing Duty (AD/CVD) enforcement is classified as a Priority Trade Issue (PTI), and CBP is committed to ensuring that AD/CVD laws are enforced. This designation as a PTI confirms that a concerted, systematic approach is implemented to facilitate legitimate trade, detect and deter circumvention of the AD/CVD laws, and liquidate transactions in a timely and accurate manner.

To improve upon the collection of WBF duties, CBP continues to utilize its legal authority to require additional security on WBF entries. CBP utilizes both continuous bonds and single transaction bonds (STB) to protect the revenue when CBP has reasonable evidence that a risk of revenue loss exists. These efforts to require additional security have been particularly effective at simultaneously protecting the revenue while facilitating compliance when utilized with regard to AD/CVD importations. CBP successfully implemented electronic bond filing (E-bond) earlier this year, which allows for the filing of bonds covering AD/CVD entries via a web-based bond application. This process greatly improves CBP's ability to demand, obtain, and subsequently collect upon the security provided in connection with WBF and other AD/CVD importations.

CBP leverages cooperative partnerships both inside and outside of the agency to ensure that WBF duties are collected successfully. CBP has established key partnerships with the U.S. Department of Commerce, U.S. Department of the Treasury, Office of the U.S. Trade Representative, U.S. Immigration and Customs Enforcement's Homeland

Question#:	9
Topic:	wooden bedroom furniture
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Schumer
Committee:	JUDICIARY (SENATE)

Security Investigations, and other partner agencies to improve AD/CVD collections. The future of AD/CVD collections will continue to rely on these key partnerships to identify and address patterns of non-payment. Partnerships with the trade community are also critical. U.S. industry, trade associations, importers, brokers, and sureties provide critical insight to CBP on AD/CVD collections issues. CBP meets regularly with representatives of the surety and customhouse brokerage communities to discuss AD/CVD issues.

Another key component of CBP's current strategy to improve collections of WBF and other AD/CVD debts involved the creation of a permanent team within CBP's Office of Administration dedicated solely to the collection of AD/CVD debts. This AD/CVD Collections Team recently celebrated its first anniversary and has changed the way CBP pursues WBF and other AD/CVD collections. This Team has been instrumental in increasing the continuous bond requirements for currently-active importers of WBF from China who pose a risk of revenue loss. CBP also employs a strategic approach to AD/CVD collections litigation, when necessary, to maximize the collection of AD/CVD through the court system.

In addition to improving on the collection of WBF duties, CBP has also taken action to specifically address attempts to evade payment of WBF duties. Enforcement of this AD/CVD order is a priority for CBP. The Agency is working to identify and penalize those who would try to evade this order, and regularly works with representatives of the wooden bedroom furniture industry to address areas of mutual concern.

CBP is carrying out numerous enforcement actions to detect attempts to evade the WBF order, including cargo inspections, entry summary reviews, audits, and coordination with U.S. Immigration and Customs Enforcement, Homeland Security Investigations. Since Fiscal Year 2013, CBP has conducted 17 audits on importers of wooden bedroom furniture, resulting in the identification of additional duties and fees owed to the Government. CBP's ten Centers of Excellence and Expertise (CEEs) are helping to increase uniformity and expertise across CBP to aid in AD/CVD enforcement. CBP has also employed its Laboratories and Scientific Services' assets to play key supporting roles in CBP's anti-evasion efforts.

There are still major challenges to the collection of uncollected AD/CVD on WBF from China, and to the efforts to thwart intentional actions to evade the payment of these duties. These challenges arise from the retrospective AD/CVD system, delays related to the filing of protests and other administrative challenges, the exploitation of 'shell' entities to avoiding duty payment, foreign-based importers' lack of reachable assets, and protections afforded entities by the bankruptcy process.

Question#:	10
Topic:	National Preparedness Grant Program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Charles E. Schumer
Committee:	JUDICIARY (SENATE)

Question: The President's budget proposed the consolidation of Department of Homeland Security state and local grants into one National Preparedness Grant Program. While I certainly appreciate the desire to increase efficiency and streamline bureaucratic grant processes, I am concerned that this could have unintended consequences. Specifically, I am concerned that consolidating the Urban Areas Security Initiative grant program with other grant programs could have tremendous implications for New York City's security infrastructure. Will you commit to working with me on ensuring that cities that face terrorism threats continue to receive all the support they need from your Department?

Response: Yes, DHS is committed to working with all members of Congress to ensure that cities facing terrorism threats receive needed support through the National Preparedness Grant Program. The legislative proposal to authorize the National Preparedness Grant Program will continue to place a high priority on high risk urban areas, which requires the FEMA Administrator to determine eligibility of high risk urban areas for funding on an annual basis based on their relative threat, vulnerability and consequence factors. The proposal maintains dedicated funding to those high-risk urban areas and would include proposed projects in the application submitted by the State Administrative Agency.

Question#:	11
Topic:	H-2B visas 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Thom Tillis
Committee:	JUDICIARY (SENATE)

Question: In previous years, USCIS visas approved more petitions for H-2B visas under the assumption that some people who were approved would end up not using their visa. This also helped to ensure that all H-2B visas were allocated for each fiscal year.

For FY 2015, did USCIS over approve a number of H-2B petitions above the statutory cap for visas, as it traditionally did in the past? If so, how many visa petitions were approved? If not, why has there been a change in how H-2B visas are allocated?

Response: When determining whether the H-2B cap has been met, U.S. Citizenship and Immigration Services (USCIS) takes into consideration, among other things, the actual number of Form I-129 (Petition for a Nonimmigrant Worker) H-2B petitions received and the number of beneficiaries covered by such petitions; the rejection rate for improperly filed petitions; the approval rate for H-2B petitions; and the Department of State's (DOS) refusal rate of applications for H-2B visas. Moreover, when considering the DOS refusal rate for H-2B cap utilization purposes, USCIS makes the necessary adjustments to account for those beneficiaries overcoming a previous DOS denial.

USCIS must use its best efforts to provide a reasonable estimate of the number of petitions it may approve before the annual cap will be reached, as it cannot precisely determine in advance how many beneficiaries of an approved H-2B petition will actually be granted an H-2B visa or otherwise provided H-2B status.

On April 2, 2015, USCIS announced it accepted and approved a sufficient number of H-2B petitions to meet the congressionally mandated annual cap of 66,000. USCIS accepted, through March 26, 2015, roughly 3,900 petitions consisting of approximately 77,000 beneficiaries towards the Fiscal Year 2015 (FY15) H-2B cap. As of April 30, 2015, USCIS had approved 3,746 of those FY15 H-2B cap subject petitions consisting of 74,294 beneficiaries. Based on our methodology, USCIS believed there was more than a sufficient volume of beneficiaries to fully utilize the FY15 cap.

While working with DOS to monitor the issuance of H-2B visas for FY15, USCIS determined that DOS received fewer than the expected requests for H-2B visas. A recent analysis of DOS H-2B visa issuance and USCIS petition data revealed that the number of actual H-2B visas issued by DOS was substantially less than the number of H-2B beneficiaries seeking consular notification listed on cap subject H-2B petitions approved by USCIS. In light of the new information, USCIS determined that H-2B visas were still available for the second half of the FY15 cap.

Question#:	11
Topic:	H-2B visas 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Thom Tillis
Committee:	JUDICIARY (SENATE)

On June 5, 2015, USCIS announced that it reopened the H-2B cap and began to accept additional FY15 cap petitions with employment start dates between April 1 and September 30, 2015. USCIS accepted cap subject petitions as long as the employment start dates on the valid Temporary Labor Certification (TLC) and Form I-129 matched, even if the start date occurred during the initial closure of the FY15 H-2B cap. On June 15, 2015, USCIS announced it accepted a sufficient number of H-2B petitions to meet the annual FY15 cap of 66,000 H-2B visas. June 11, 2015 was the final receipt date for cap subject H-2B worker petitions requesting an employment start date before October 1, 2015.

In order to ensure that the maximum number of H-2B positions permissible by statute is made available to qualified workers, USCIS accepted, through June 11, 2015, a combined total of approximately 4,300 Form I-129 H-2B petitions comprising of over 84,200 beneficiaries for the FY15 H-2B cap.

Although June 11, 2015 was the final receipt date for cap subject H-2B worker petitions requesting an employment start date before October 1, 2015, USCIS is still in the process of adjudicating some of these FY15 cap subject petitions. As USCIS adjudicates these pending FY15 cap subject cases to completion, and assuming the pending petitions are approvable, the number of beneficiaries of approved petitions that count against the FY15 cap will increase accordingly.

Question#:	12
Topic:	H-2B visas 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Thom Tillis
Committee:	JUDICIARY (SENATE)

Question: On March 26th, the Department of Homeland Security announced that it had reached the statutory cap for H-2B visas for FY 2015 and would no longer be adjudicating petitions for H-2B workers for the remainder of the year.

Given that the cap was reached much sooner than in previous years, is DHS currently undergoing an audit at the consulate level to determine if all 66,000 H-2B visa petition approvals have, in fact, been used for FY15?

Response: Please see our detailed response to Q11 outlining USCIS's recent analysis of DOS H-2B visa issuance and USCIS petition data.

USCIS will continues to work with the Department of State (DOS) to monitor the issuance of H-2B visas to determine if DOS received fewer than expected requests for H-2B visas and to decide whether additional visas are still available for FY15.

Question: How many H-2B visa petitions were approved by DHS before DOL/DHS made the announcement on March 3rd that it would stop issuing labor certifications and adjudicating petitions for H2-B visas?

Response: Please note that the USCIS temporary H-2B adjudication suspension began on March 5, 2015. Prior to the March 5, 2015 suspension, USCIS had approved 2,790 H-2B petitions requesting 58,142 beneficiary workers.

Question: When the H-2B visa program was suspended between March 3rd and March 17th, how many petitions for H-2B visas were pending with DHS?

Response: Between March 5, 2015, and March 17, 2015, 978 H-2B petitions consisting of 16,439 beneficiaries subject to the FY15 cap were pending with USCIS.

Question: How many petitions for H-2Bs were approved after the program resumed on March 17th?

Response: Between March 17, 2015 and April 30, 2015, USCIS approved 956 H-2B petitions consisting of 16,152 beneficiaries. As USCIS adjudicates these pending FY15 cap subject cases to completion, and assuming the pending petitions are approvable, the number of beneficiaries of such petitions will increase accordingly.

Question#:	13
Topic:	H-2B visas 3
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator Thom Tillis
Committee:	JUDICIARY (SENATE)

Question: It has come to my attention that the majority of North Carolina businesses, specifically the seafood industry, that rely on H-2B workers to supplement their existing American workforce were not approved to employ H-2B workers for FY15. This is especially alarming because North Carolina has traditionally been a state with one of the highest needs for H-2B workers.

What is the breakdown of H-2B visa issuances by state for FY15, FY14, and FY13?

Response: Please see the attached chart, *H-2B Approvals and Denials FY13 – and FY15*, which shows the number of H-2B petitions U.S. Citizenship and Immigration Services (USCIS) has approved and denied for Fiscal Year (FY) 13 and FY15 (through April 30, 2015) for each state. Note that the cap was not reached in FY13. USCIS is still collecting statistics as to the number of H-2B petitions that USCIS approved and denied for FY14. USCIS received sufficient H-2B petitions to reach the cap for the first half of FY14 on March 14, 2014, but the overall annual cap of 66,000 for H-2B workers was not reached in FY14.

As stated in Questions 11 and 12, the Department of Homeland Security's responsibility in managing the congressionally mandated H-2B cap involves monitoring the number of Form I-129 (Petition for a Nonimmigrant Worker) H-2B petitions received. The authority to issue visas resides with the Department of State (DOS). As such, USCIS defers to DOS on the actual number of H-2B visas issued by state in FY13 and FY14.

Question: For FY15, how many H-2B applications were from North Carolina businesses? How many were approved and how many were denied?

Response: As of April 30, 2015, USCIS had approved 74 H-2B petitions consisting of 1,944 beneficiaries and denied 3 H-2B petitions, consisting of 30 beneficiaries filed by businesses in North Carolina for the FY 15 H-2B cap. Combined, businesses in North Carolina have filed 77 H-2B petitions consisting of 1,974 beneficiaries for the FY15 H-2B cap.

Question#:	14
Topic:	operational control
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: The Secure Fence Act of 2006 promised to achieve "operational control" of the entire border and defined it as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband."

Your predecessor, Janet Napolitano, scraped the "operational control" yardstick to measure border security which the so-called "Gang of 8" bill replaced with an ambiguous term called "effective control" which is defined as "the ability to achieve and maintain, in a Border Patrols sector (a) persistent surveillance; and (b) an effectiveness rate of 90 percent or higher." "Effectiveness rate" is defined as "the percentage calculated by dividing the number of apprehensions and turn-backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year."

Is the southern U.S. border secure?

Response: Over the last 15 years – across the Clinton, Bush and Obama Administrations -- our government has invested more in border security than at any point in the history of this Nation. During the last 15 years, the number of apprehensions on our southwest border has declined significantly, from a high of 1.6 million in the year 2000 to a range of 300,000 to 400,000 in recent years. There was a surge last summer in one particular area on the Southwest border, when the number of migrants – most notably unaccompanied children and adults with children – illegally crossing our southern border into South Texas spiked to unprecedented levels. DHS responded aggressively and the numbers fell off sharply almost immediately. Overall apprehensions on the southern border this fiscal year are now 34% less than they were at the same point last year.

Question: What metric is the Department of Homeland Security currently using to determine the security of the Southern Border?

Response: Last April, I directed DHS to develop a Department-wide Southern Border and Approaches Campaign Plan. This plan will put to use, in a strategic and coordinated way, the assets and personnel of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, the U.S. Coast Guard, and other resources of the Department. As part of this effort, we are also developing, as a Department, better DHS-wide metrics for measuring and evaluating our border security efforts.

Question#:	15
Topic:	Gang of 8
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: The original draft of the "Gang of 8" bill required the Secretary of DHS to submit a "Southern Border Fencing Strategy" report within six months of enactment. However, there is no language in the bill that mandates the Secretary to build a single post of fencing. In fact, during the markup in this committee, an amendment sponsored by Senator Leahy was adopted that clarifies that nothing in this provision "shall require the Secretary to install fencing" if the Secretary, in her discretion, determines that fencing is not necessary.

Do we need more physical barriers like double-layer fencing?

Response: CBP continues to use the capability gap process to identify areas where border security capability gaps exist and to identify potential solutions in filling those gaps. Potential solutions may include pedestrian or vehicle fences.

Question#:	17
Topic:	Deferred-action
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Where does the executive branch derive its authority to create a "deferred action" program for an entire class of illegal aliens?

The relevant statutes plainly directs the executive branch in 8 USC 1225(a)(1), (a)(3), and (b)(2)(A)

- (a)(1)- "An alien present in the United States who has not been admitted or who arrives in the United States...shall be deemed for purposes of this chapter an applicant for admission."
- (a)(3)- "All aliens who are applicants for admission...shall be inspected by immigration officers."
- (b)(2)(A)- "An alien who is an applicants for admission...shall be detained for a proceeding."

Doesn't directing ICE officers to ignore their statutory duty effectively re-write the "shall's" above to "shall not's"?

Response: Deferred action is a long-standing administrative mechanism dating back decades, by which the Secretary of Homeland Security may defer the removal of an undocumented immigrant for a period of time. As Congress has recognized, the Department must prioritize its limited resources in the area of immigration enforcement. Deferred action is one important tool, repeatedly endorsed by Congress, by which DHS may exercise, on a case-by-case basis, its prosecutorial discretion. *See, e.g.,* 8 U.S.C. 1154(a)(1)(D)(i). In this way, DHS is like virtually all other law enforcement agencies in that it too must prioritize the use of its enforcement resources and efforts.

Question#:	18
Topic:	Parole 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Where in the law does it grant the President, Attorney General, or Secretary of Homeland Security the authority to parole into the United States an entire class of illegal aliens?

8 USC 1182(d)(5)-"The Attorney General [now the Secretary of DHS] may...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, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

Response: DHS grants parole on a case-by-case basis, in accordance with 8 USC 1182(d)5.

Question: How do you justify the administration's use of parole authority in the November 2014 executive action for a class of millions illegal aliens with a clear statutory grant of authority to only grant parole on a "case-by-case basis"?

Response: In my November 20, 2014 memoranda entitled *Policies Supporting U.S. Businesses and Workers and Families of U.S. Armed Forces Members and Enlistees*, I expressly instructed that parole be considered "on a case-by-case basis" for certain individuals whose entry would serve a significant public benefit, such as "inventors, researchers, and founders of start-up enterprises who may not yet qualify for a national interest waiver, but who have been awarded substantial U.S. investor financing or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting edge research" and certain "spouse [s], parent[s], and child[ren] of a U.S. citizen or lawful permanent resident who seeks to enlist in the U.S. Armed Forces."

Question: What is the current no-show rate for UACs given notices to appear (NTAs) during the border surge last summer?

Response: This issue falls within the jurisdiction of the Department of Justice, Executive Office of Immigration Review. We respectfully refer you to the Department of Justice for a response.

Question#:	18
Topic:	Parole 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Does the FBI conduct background checks on illegal aliens as part of application for DACA/DAPA?

Response: USCIS is not accepting requests for DACA under the expanded guidelines announced in November 2014 or for DAPA, due to a preliminary injunction imposed by the federal district court in *Texas v. United States*, No.1-14-cv-254 (S.D. Tex.). Thus, there are no DAPA requestors for whom background checks must be conducted. However, individuals requesting DACA under the original 2012 guidelines have their fingerprints screened against the FBI's Criminal Justice Information System (CJIS) / Next Generation Identification (NGI) for records of criminal arrests and/or convictions. Subjects are also biometrically screened against DHS's IDENT database, managed by the DHS Office of Biometric Identity Management. IDENT includes criminal and gang-related information, as well as biometrically-enhanced terrorism records. Additionally, all DACA requestors are screened against TECS, a U.S. Customs and Border Protection-owned system containing law enforcement communications and lookout information. TECS contains lookouts entered by law enforcement agencies, including the FBI, relating to known or suspected terrorists, gang members, convicted criminals, and other public safety concerns.

Question: Is the Department of Homeland Security's USCIS sending letters to the approximately 9,000,000 green card holders urging them to naturalize prior to the 2016 election?

Response: In an April 2015 report entitled "Strengthening Communities by Welcoming All Residents," the White House Task Force on New Americans recommended that USCIS identify opportunities to inform lawful permanent residents (LPRs) of their potential eligibility for naturalization. In response to this recommendation, USCIS is planning to inform LPRs who are seeking to renew or replace their green card about naturalization eligibility requirements and refer them to information about citizenship. USCIS plans to leverage existing on-line case status and e-filing systems to share this information with LPRs.

Question#:	19
Topic:	Leon Rodriguez
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: In the internal memo from Leon Rodriguez written April 14, 2015, in which he outlines the action plan for the newly released "Strengthening Communities by Welcoming All Residents: A Federal Strategic Action Plan on Immigrant and Refugee Integration" he mentions that this plan is designed to "ensure that the people who live in this country can fully participate in their communities."

What is meant by the ambiguous words "fully participate in their communities?"

Response: While immigrants are unable to participate in their communities in all the same ways as citizens (both native born and those who have been naturalized), they can contribute and participate through activities such as joining local or neighborhood associations, volunteering to help in their communities, and getting informed about the issues affecting their communities.

The benefits of naturalization extend beyond individual immigrants to our country as a whole. As a nation grounded in the fundamental value that all people are created equal, our promise of citizenship allows people of all backgrounds, whether native- or foreign-born, to have an equal stake in the future of our nation. Naturalization allows foreign-born individuals in the United States who meet all of the eligibility requirements to gain the rights and responsibilities of citizenship.

Only U.S. citizens can vote in federal elections, serve on a federal jury, apply for most federal jobs, and run for federal office and for most state and local offices. Additionally, citizenship can signal permanency in a community and allows individuals to set down roots with certainty of their future in the United States.

Question: Does full participation include voting?

Response: Please see the above response.

Question: Is registering the approximately 9,000,000 green card holders before the 2016 election part of that plan?

Response: The goal of the Task Force on New Americans is to develop and begin implementing a federal immigrant integration strategy.

USCIS views a lawful permanent resident's (LPR) decision to apply for naturalization as a personal choice. USCIS' role is to serve as the official source for immigration and

Question#:	19
Topic:	Leon Rodriguez
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

citizenship information so that LPRs can make informed decisions, and to ensure that those who choose to apply for naturalization have access to official information and preparation resources.

Question#:	20
Topic:	National Security
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: What is the greatest national security threat to the United States?

Response: Almost 14 years after 9-11, the Department faces a new reality in the global terrorist threat.

Today, it is no longer necessary for terrorist organizations to personally recruit, train and direct operatives overseas and in secret, and export them to the U.S. to commit a terrorist attack. Today, with new and skilled use of the internet, terrorist organizations may publicly recruit and inspire individuals to conduct attacks within their own homelands. Al Qaeda in the Arabian Peninsula no longer only builds bombs in secret; it publicizes its instruction manual in its magazine, and publicly urges people to use it.

The Department is also concerned about the so-called "foreign fighter" -- those who are answering public calls to leave their home countries in Europe and elsewhere to travel to Iraq and Syria and take up the extremists' fight there. Many of these individuals will seek to return to their home countries with that same extremist motive.

The recent wave of terrorist attacks and attempted attacks here and in Europe reflect the new reality. The Boston Marathon bombing in April 2013, the attack on the war memorial and the parliament building in Ottawa in October 2014, the attack on the Charlie Hebdo headquarters in Paris in January 2015, and the attempted terrorist attack in Garland City, Texas in May 2015: What do these recent waves of attacks and attempted attacks have in common? They were all conducted by homegrown or home-based actors, and they all appear to have been inspired, but not necessarily directed by, al Qaeda or ISIL.

Homegrown extremism and the unpredictability of "lone wolves" are of particular concern to me and the Department. The individualized nature of the radicalization process for homegrown violent extremists makes it is difficult to predict the triggers that will contribute to them attempting acts of violence. Since the Boston Marathon bombings, the Department has evolved to address the need to counter violent extremism (CVE) from an interagency perspective. Mindful of the potential for homegrown violent extremism inspired by radical ideology overseas, we continue to take steps to counter that potential threat, both through law enforcement and community outreach

Nuclear terrorism continues to be one of the greatest risks to our national security. Terrorists and other criminals have repeatedly stated their intent to acquire and use radiological or nuclear materials. As the President's 2015 National Security Strategy

Question#:	20
Topic:	National Security
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

observed, "No threat poses as grave a danger to our security and well-being as the potential use of nuclear weapons and materials by irresponsible states or terrorists."

Growing cyber threats also pose an increasing risk to our economy and national security. As a nation, we are faced with pervasive threats from malicious cyber actors. They are motivated by a range of reasons that include espionage, political and ideological beliefs, and financial gain. Certain nation-states pose a significant cyber threat as they aggressively target and seek access to public and private sector computer networks with the goal of stealing and exploiting massive quantities of data.

Question: Is ISIS in Mexico?

Response: DHS is unaware of credible information suggesting that the Islamic State of Iraq and the Levant has an operational presence in Mexico, although we cannot rule out the possibility that a handful of supporters of the group are present in the country. DHS also lacks credible information to confirm recent media reports of ISIL training camps along the Southwest Border. DHS Intelligence & Analysis can provide a classified briefing on our general assessment of the terrorist presence in Mexico should you wish.

Question: Have you apprehended anyone crossing the U.S. southern border connected to ISIS, Al Qaeda, Boko Haram, Al-Shabab or any other U.S.-designated terrorist organization?

Response: Since 2011, the U.S. Border Patrol has apprehended six subjects with connections to U.S.-designated terrorist organizations. Four Turkish subjects were apprehended in September 2014 – two in the Rio Grande Valley Sector and the other two in the Del Rio Sector. In November 2012, a Lebanese subject was apprehended in the El Centro Sector. In April 2011, a Lebanese subject was apprehended in the Laredo Sector.

Question#:	21
Topic:	domestic Article III civilian courts
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Do you think domestic Article III civilian courts are the appropriate place to try enemy combatants picked up on foreign battlefields?

Response: Where appropriate, enemy combatants should be brought to justice in our civilian justice system. In hundreds of cases, Article III courts have been used successfully to bring prosecutions against individuals accused of committing acts of terrorism.

Question: Section 501 of the Iran Threat Reduction and Syria Human Rights Act (22 USC § 8771(a)) states "The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 1001 (a) of title 20) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

I wrote a letter to the State Department on March 9th, 2015 regarding news reports that the University of Massachusetts Amherst recently announced that it will accept Iranian students into nuclear science and engineering programs, which is clearly contrary to Section 501. I asked the State Department to provide clarification on the Department of State's official position pertaining to Sec. 501, and any guidance the gave to the University of Massachusetts Amherst regarding accepting Iranian students into nuclear related fields of study?

The State Department responded, "Nothing in our interpretation of the 2012 Act has changed, nor has there been any further clarifying guidance or instructions since the August 2013 instructions form the Department of State. All Iranian citizens applying for F-1, M-1, or J-1 student visas seeking to study at the post-secondary level in any coursework that will help them pursue a career in Iran's oil, gas or nuclear sectors are ineligible under the 2012 Act."

Is this the interpretation of Section 501 of Iran Threat Reduction and Syria Human Rights Act?

Response: The Department of State's and Department of Homeland Security's (DHS) procedures are controlled by the existing language of the law, including specific requirements under 22 U.S.C. § 8771(a), and the President's implementing Executive Orders, *see* Exec. Order No. 13,645 (June 3, 2013); Exec. Order No. 13,628 (Oct. 9,

Question#:	21
Topic:	domestic Article III civilian courts
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

2012). Any questions regarding the Department of State's application of policies and procedures to individual cases should be referred to the Department of State.

Question: Have you provided visas to Iranian students in the F-1, M-1, or J-1 categories that are studying at post-secondary level in coursework related to oil, gas or nuclear sectors?

Response: Your question concerning issuance of F-1, M-1, and J-1 nonimmigrant visas to Iranian nationals for purposes of pursuing a course of study at post-secondary level in coursework related to oil, gas or nuclear sectors should be referred to the Department of State.

Question: Did you, or your designee at the Department of Homeland Security, issue guidance to the University of Massachusetts Amherst regarding accepting Iranian students to these fields of study?

Response: DHS did not issue guidance to the University of Massachusetts Amherst regarding accepting Iranian students to these fields of study.

Question: Will you provide a full list of all U.S. universities who are allowing Iranian students to participate in any of the following fields: business, management or computer science, nuclear science or engineering, or any other field that could be used to benefit Iran's oil, natural gas or nuclear energy sectors and the exact visa under which they were admitted to the United States for post-secondary level studies?

Response: Enclosed is a list of U.S. schools at which nonimmigrant Iranian students are studying business, management, computer science, nuclear science, or engineering. This list is based upon Classification of Instructional Program codes. The list also provides, for each school, the corresponding visa or visas pertaining to such students.

Question#:	22
Topic:	Visa Waiver Program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: I view the Visa Waiver Program as the Achilles heel of our immigration laws and our nation's security system, which has permitted dangerous individuals, such as Richard Reid, the Shoe Bomber, and Zacarias Moussaoui, to easily enter the U.S. on a visa waiver.

Between 2005 and 2010, more than 98 million people traveled to the U.S. through the Visa Waiver Program, and about 36 million people secured visas for travel, business, tourism, and other temporary purposes to the U.S. Meanwhile, according to INTERPOL, close to 45 million passports, including blank passports, and other travel documents, have been reported lost or stolen within the past 10 years. Such documentation could be used by dangerous individuals to fraudulently enter the United States and do us harm.

What steps are being taken by the Department of Homeland Security to prevent against dangerous individuals from being able to board planes and ships to the U.S. with fraudulent documentation, and to prevent them from entering the United States through our ports of entry?

What steps are being taken to prevent against foreign fighters with valid passports from countries that are designated Visa Waiver Program countries from boarding planes and ships to the U.S. and from entering the U.S. through our ports of entry?

Response: Participation in the Visa Waiver Program (VWP) creates a powerful incentive for better information sharing between the United States and international partners to prevent terrorist travel. VWP countries are required, pursuant to section 217(c)(2)(F) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1187(c)(2)(F), to conclude information sharing agreements with the U.S. Government regarding whether citizens and nationals of that country traveling to the United States represent a threat to the security or welfare of the United States. VWP countries are also required, pursuant to section 217(c)(2)(D) of the INA, 8 U.S.C. § 1187 (c)(2)(D), to enter into an agreement to report information on lost and stolen passports (LASP) to the United States via INTERPOL or another mechanism as designated by the Secretary of Homeland Security.

Prospective VWP travelers must submit an online application through the Electronic System for Travel Authorization (ESTA) prior to travelling to the United States. Information in ESTA applications is continually vetted against the INTERPOL Stolen and Lost Travel Documents (SLTD) database, which has resulted in approximately 35,000 ESTA denials. DHS also screens the information from all ESTA applications against U.S. holdings, including the Terrorist Screening Database, both when the

Question#:	22
Topic:	Visa Waiver Program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

application is received and immediately prior to the applicant's travel, and again upon entry into the United States, through the collection and analysis of Advance Passenger Information (API) and Passenger Name Records (PNR).

It is essential to understand that the VWP represents a single element of DHS's layered approach to securing the travel continuum. In addition to recurrent vetting of ESTA applications, the United States also screens API and PNR data that it collects on all incoming international flights against the SLTD, law enforcement records, immigration records, the terrorist screening database and other U.S. Government holdings. U.S. Customs and Border Protection (CBP) also operates the Preclearance and Immigration Advisory Programs at several key airports in VWP countries. These programs enable CBP to screen travelers at overseas locations prior to travel to prevent high-risk travelers from boarding planes bound for the United States. CBP performs additional screening, including fingerprint collection and an interview, on all travelers arriving in the United States, regardless of their airport of departure. If the CBP Officer detects any irregularities, he or she retains the authority to deny a traveler's entry to the United States. These processes are the primary tools used to determine whether an individual will be allowed to board an aircraft or enter the United States – irrespective of whether they are traveling under the VWP or not.

Screening databases are only as useful as the information they contain, and the VWP has helped drive bilateral and multilateral information sharing efforts. Primarily as a consequence of the VWP statutory requirement to report LASP information, VWP countries supply more than 70 percent of the lost and stolen travel document records that appear in INTERPOL's SLTD Database. Through the VWP-related terrorism screening information sharing arrangements, the U.S. Terrorist Screening Center (TSC) receives specific information that enhances DHS's ability to prevent known and suspected terrorists, including foreign fighters who may hold valid passports from VWP countries, from traveling to the United States. Although details are classified, the United States has gained knowledge on over 5,500 known or suspected terrorists thanks to these arrangements with VWP countries. This sharing has enhanced our ability to screen U.S.-bound travelers for connections to terrorism, and builds on existing information sharing efforts conducted through our Embassies overseas. DHS continues to urge its VWP partners to make terrorism information sharing even more routine.

DHS acknowledges that no single program is capable of deterring one hundred percent of threats one hundred percent of the time. That is why we continue to develop new, innovative, and mutually-reinforcing methods to address the evolving threat environment. Last November, for instance, I announced the addition of several data fields to the online ESTA application. These changes have already produced benefits to traveler screening,

Question#:	22
Topic:	Visa Waiver Program
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

which DHS is prepared to discuss in a classified setting. At my instruction, DHS is examining a series of proposals by which to further strengthen the VWP. Furthermore, CBP is currently evaluating the expansion of the Preclearance Program to additional airports in Europe, Asia, and the Middle East. These efforts will help to ensure that the U.S. border is not the first but the last line of defense against terrorists and other *mala fide* travelers.

Question#:	23
Topic:	visa waivers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: We also know that much of the current undocumented population, as much as 40 percent, is from foreign nationals who overstay their visas or their visa waivers. We need to better track who is leaving our country so that we know who is in our country, as well as who should be prevented from returning to our country.

What progress has been made in developing an operational biometric exit program at U.S. land, sea, and air ports of entry?

Response: Today, DHS has a fully functioning entry/exit system in the air and sea environments. We record the entry of every foreign national entering the United States by air, sea, and land port of entry. In addition, we currently collect information on all departing passengers by air and sea in the form of passenger manifests provided, by law, by the air or sea carriers. Traveler entries are matched against these departure records – or not – thereby informing DHS if an individual has overstayed his or her period of admission.

Departures of non-Canadian foreign travelers along the northern land border are provided to CBP through a data exchange with the Government of Canada, thereby providing entry/exit closure on our northern land border as well. Although Mexico's infrastructure and data collection does not provide the same opportunities as those found on the northern border, CBP continues to explore the best methods of obtaining data from travelers departing the United States and entering Mexico by land.

We have built this system while continuing to pursue a biometric exit solution—one that we will deploy when we are confident it is workable, thoughtful, cost-effective, and can meet both our goals of security and facilitated travel. In fact, CBP is moving forward with biometric exit through several initiatives. This summer, CBP expects to begin a mobile biometric exit test in Atlanta, Georgia, which will then expand to other airports over the next year. In the fall of 2015, CBP will test biometric exit in the pedestrian environment at the Otay Mesa, California land border crossing. Finally, through a partnership with DHS Science and Technology, CBP will deploy an operational field trial of biometric exit data collection at a large airport in 2016. CBP will utilize the information provided from these initiatives conducted to develop policy recommendations for a potential large scale biometric exit deployment strategy.

Question: Assistant Secretary Heyman promised me in 2013 that an overstay rate per country report would be provided, but I have yet to see this report.

Question#:	23
Topic:	visa waivers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

When will DHS be able to provide the overstay rates per country report?

If there are issues preventing the release of this report, please explain the problem in detail.

Response: DHS remains committed to providing the overstay report to Congress. As an interim step towards meeting the legislative mandate, CBP is developing an interim draft report that identifies "expected departures" and "overstays" by country for FY 2014. In previous years, DHS has not released an overstay report due to issues with data quality. We are working to ensure that any report we issue provides the most accurate information possible.

Question#:	24
Topic:	Family Detention
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Governmental agencies and non-governmental organizations report that many of the women and children fleeing to the United States from El Salvador, Guatemala, and Honduras over the past few years are refugees seeking protection from increased violence by organized armed criminal actors in their home countries. In fact, the U.S. Citizenship and Immigration Service (USCIS) recently reported that 70 percent of such families have established a credible fear of persecution" if returned to their country of residence.

Nonetheless, I continue to learn about stories of mothers and their children being detained in family detention facilities for prolonged periods of time-even those who have established a credible fear of persecution and have viable claims to asylum. I understand that their bonds for release are being set at either $7,500 or $10,000, and sometimes even higher, that there are issues with detainees accessing legal counsel, and that requests for release on one's own recognizance are most often denied.

Would you consider employing alternatives to detention for at least those who have established a credible fear of persecution so that mothers and their children may pursue their immigration claims outside of detention?

What would the costs and benefits be for DHS to partner with community organizations that have offered to provide comprehensive case management, housing, and access to counsel, in lieu of detaining mothers and their children?

Will you work to ensure that women and children in family detention have access to legal counsel?

Response: Both Director Saldaña and I understand the sensitive and unique nature of detaining families. While ICE's current Family Residential Standards[1] require that residents have the ability and opportunity to meet with visitors, including legal

[1] Specifically, the Standards permit residents to receive contact visits from their families, associates, legal representatives, consular officials, and others in the community. Additionally, each resident may meet privately with current or prospective legal representatives and their legal assistants as frequently as 7 days a week, including holidays. Legal visitation hours at the agency's family residential centers are provided for a minimum of 8 hours per day on regular business days, and a minimum of 4 hours per day on weekends and holidays. Additionally, visits between legal representatives or their assistants and a resident are confidential and are not subject to auditory supervision. Each facility provides a means where a parent can talk privately out of the hearing range of her child(ren), and visitation areas are constructed in a manner that allows for parents to view the activities of their minor children within the visitation area.

Question#:	24
Topic:	Family Detention
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

representatives, ICE will continue to work to ensure that parents and children housed in ICE's family residential centers have access to their legal counsel. In fact, in May, U.S. Immigration and Customs Enforcement (ICE) announced reforms that are already being implemented and included among them the inclusion of additional measures to ensure that those detained at a family residential center have adequate access to counsel and attorney-client meeting rooms.

Additionally, on Wednesday, June 24, 2015, I announced important reforms with regard to family detention practices, which included a plan to offer release with an appropriate monetary bond and/or other conditions of release to families who are found to have a credible or reasonable fear of persecution in their home countries. That plan includes criteria for determining a family's bond amount, while considering risk of flight and danger to the community, in a manner that is reasonable and realistic. While ICE will continue to make custody and release determinations on a case-by-case basis, including those with regard to parents apprehended with children, ICE officers will consider all appropriate conditions of release, including whether or not the head of household should be enrolled into the Alternatives to Detention (ATD) program. Five hundred and seventy-five heads of household, or family members over the age of 18, have been enrolled in ATD after being released from an FRC since July 1, 2015.

With regard to the question about comprehensive case management services, on February 19, 2015, in addition to the ISAP III contract, which provides case management services and technology monitoring, ICE released a solicitation for proposals to obtain contractor services to establish a cost-effective comprehensive Family Case Management Program in the following five metropolitan areas: Los Angeles, California; New York, New York/Newark, New Jersey; Washington, D.C./Baltimore, Maryland; Chicago, Illinois; and Miami, Florida. The solicitation requests contractor assistance to provide individualized family service plans that rigorously identifies participants' needs and the combination of services, resources, and oversight measures that will serve as an effective framework to ensure successful participation in the program and continued compliance with their immigration obligations, including participation in removal proceedings, as appropriate. The contractor will work with community service providers to connect family unit participants with legal information and low cost or pro bono attorneys, facilitate access to medical and mental health care, housing, and transportation, and assist with school enrollment and access to educational opportunities. Once the contract is awarded, ICE anticipates that enrollments into this program will begin before the end of this calendar year.

Question#:	25
Topic:	Humane treatment of Immigrants
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: I have received several reports of Mexican nationals being repatriated to Mexico in the middle of the night, especially at certain sectors. It has been reported that buses of Mexican citizens removed from the U.S. have been arriving between 2 a.m. and 4.a.m. with more frequency especially in Nogales, Sonora State, and Reynosa and Matamoros, Tamaulipas State Sonora.

I understand that such practices can have dangerous consequences for those individuals removed. According to reports from shelters in Reynosa, there are increasing incidents being reported by those removed after dark who have become victims of kidnapping and extortion. Reports also indicate that Mexican citizens are often repatriated without being provided with their personal belongings, such as wallets, cell phones, and identification.

According to a 2013 University of Arizona survey, 18 percent of migrants reported being deported between 10 p.m. and 5 a.m. How many and what percentage of individuals have been repatriated at night thus far in Fiscal Year 2015?

How does DHS plan to ensure full implementation of the July 2014 U.S.-Mexico Executive Repatriation Policy Steering Group agreement to only carry out nighttime deportations in exceptional circumstances?

Will you ensure that the repatriation agreements are fully implemented across all sectors?

Response: Absent extenuating circumstances, U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) and U.S. Customs and Border Protection (CBP) conducts removals along the border in accordance with local repatriation agreements (LRAs), which specify the designated ports of entry and the hours of operation during which Mexican nationals may be repatriated. These removals are coordinated with the Government of Mexico to ensure the safety and well-being of its nationals or citizens. DHS does not track the time of day at which an individual physically passes through the port of entry during repatriation.

ICE and CBP are currently engaged in initiatives such as the Repatriation Technical Working Group, Repatriation Strategy and Policy Executive Coordination Team, and the Interior Repatriation Initiative (IRI), and coordinates LRAs to ensure that Mexican nationals, including family units, are removed safely and in coordination with Mexican government officials. Recently, DHS and its Mexican counterparts agreed to continue the presumption of daytime repatriations, the specifics of which would be negotiated at

Question#:	25
Topic:	Humane treatment of Immigrants
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

the local level based on operational needs. DHS and the Government of Mexico are committed to and working toward the implementation of these new procedures.

For individuals removed to the interior of Mexico through the IRI, individuals and family units are processed through the repatriation reception center in Mexico City where the Mexican government and non-governmental organizations provide a multitude of services and assistance to the repatriated individual. The services range from medical consultation, providing a meal upon arrival, and providing transportation to the family's hometown.

Pursuant to ICE's detention standards, ERO makes every effort to ensure that these individuals have their property and money returned to them prior to departure. Individuals may make use of the grievance process to declare any funds or personal property believed to be missing; upon receipt of such an inquiry, ICE will investigate the matter in an effort to identify whether any property that was inventoried has in fact not been returned to the individual(s).

CBP's Office of Field Operations has clear procedures established in both its Secure Detention Directive and Personal Property Directive regarding the inventory, accounting, storage, transfer, abandonment, and return of personal property of individuals placed into CBP custody. These procedures include the return of personal property when the person is allowed to withdraw an application for admission or immediately ordered removed from the United States.

CBP's U.S. Border Patrol has clear procedures established in its Hold Rooms and Short Term Custody Policy stating that all personal belongings will be secured and subsequently returned to the individual upon transfer to another agency or repatriation.

Question#:	26
Topic:	flood risk management standards
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: State and local agencies have expressed concerns about how the Federal Emergency Management Agency (FEMA) will manage the implementation on new flood risk management standards currently being developed. I previously wrote a letter to FEMA requesting an extension of the comment period for this process.

How will the Federal Emergency Management Agency ensure that the Federal Flood Risk Management Standard is implemented in a way that addresses the views and concerns of California state and local agencies responsible for emergency management and flood control?

Response: On February 5, 2015, FEMA published the draft "Revised Guidelines for Implementing Executive Order 11988, Floodplain Management" (Guidelines) in the Federal Register. To date, FEMA has held eight public meetings/listening sessions nationwide to solicit input on the Guidelines.

- More than 300 people attended eight public listening sessions. State and local government participants represented 25 cities, 13 counties/parishes, and nine states (including the District of Columbia). In addition to the state and local government participants, there were also participants from: local levee boards, local and national industry organizations, national and local homebuilder's associations, national and local real estate groups, national and local insurance industry group, academia, and Congressional offices
- Individuals from 21 states, 35 cities, and 16 counties/parishes, and representing educational institutions, levee districts / storm water agencies, associations, coastal authorities, and initiative organizations, gained information through 25 in-person meetings and presentations.
- More than 400 people participated in a public webinar.

In response to specific requests, FEMA extended the public comment period for the Guidelines, which would have ended on April 6, 2015. The public comment period was extended to May 6, 2015, providing an additional month for comments. There will also be time to consider the impacts of Executive Order 13690 as agencies adopt agency-specific procedures to implement their programs.

Through advisories and FEMA's External Affairs Bulletin, FEMA shared information about the Federal Flood Risk Management Standard (FFRMS), draft Implementing Guidelines, the overall comment period, and listening sessions with, among others: congressional offices; national associations of emergency managers; floodplain

Question#:	26
Topic:	flood risk management standards
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

managers; city and county officials; governors' offices; tribes; and national community organizations. FEMA regional offices similarly shared information with state, local, tribal, and territorial officials, including: congressional delegations, state hazard mitigation officers; state National Flood Insurance Program coordinators; and local floodplain managers. FEMA granted individual meetings with officials interested in discussing the FFRMS and draft Implementing Guidelines, and attended association conferences to discuss the subject with members.

For the Sacramento, California Listening Session, attendees included representatives from the California Office of Emergency Services, the Department of Fish and Wildlife, and the Department of Water Resources. Multiple regional and local flood control agencies, associations, and boards participated as well as state and local community officials and flood control managers. A complete participant list for the Sacramento Listening Session is attached.

In addition, FEMA held in-person meetings with local officials from both San Joaquin County (Members of the County Board of Supervisors and Public Works Department) and the City of Sacramento.

FEMA and the federal interagency community (through the Mitigation Framework Leadership Group, or MitFLG) is committed to analyzing comments received from those meetings and considering the input of the individuals and organizations that provided their perspectives on the issue. The MitFLG will provide public feedback on the types of comments received and how those were considered, adjudicated, and used to inform the policy decisions.

Question#:	27
Topic:	Border tunnels
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Since 2001, U.S. Customs and Border Patrol has discovered 170 tunnels along the Southwest Border, which originate in Mexico and end on the U.S. side of the Border, predominantly in California and Arizona. In the last two months alone, U.S. Customs and Border Patrol discovered three tunnels leading from Mexico to Calexio and San Diego.

These tunnels often are very elaborate, with lighting, ventilation, and elevators, and can be used to smuggle narcotics and people. Two bills that I authored were signed into law in 2006 and 2012 and provide law enforcement and prosecutors with additional tools to investigate illegal tunnel activity and prosecute those responsible, including landowners who allow others to construct illegal tunnels on their land.

Do you think that law enforcement and the judicial system now has the tools it needs to fully address the problem of cross-border smuggling tunnels as a result of this legislation?

Response: The penalties for engaging in the illegal border tunnel activities, as set forth in 18 U.S.C. § 555, are important tools that aid law enforcement in the pursuit of those who create and seek to exploit illicit cross border tunnels. DHS will continue to enhance our capabilities to address illegal tunnel activity by pursuing new tunnel detection technology, specialized support equipment, and training for Border Patrol agents who – on a daily basis – enter discovered tunnels and patrol the labyrinth of underground municipal infrastructure (e.g., storm and sewer drains) that run under the cities along the Southwest border.

Question: Are there any changes that should or could be made to strengthen this legislation to more effectively address this issue?

Despite this legislation, it is my understanding that the US Attorneys' offices are not bringing charges against individuals under the tunnel statute because they are having difficulty proving that the property owner knew about the tunnel.

Response: We are not seeking any changes to the current legislation. As for your observation about property owners, the majority of properties where tunnels are discovered are leased. Property owners are often from out of the area and claim no knowledge of what is occurring on the leased property. Our experience is the actual property owner rarely is involved in illicit tunnels; however, there are uncommon incidents when a property is purchased with the intent of building a tunnel.

Question#:	27
Topic:	Border tunnels
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: In your experience, are the property owners or renters on the U.S. side of the border typically involved in the criminal enterprise?

Response: Property owners are generally not involved. Depending on the situation, to the extent of where the tunnel enters a rented property or structure, the renters may be involved.

Question: If so, based on how CBP and ICE agents discover these tunnels, do you have any suggestions for ways to hold these individuals accountable for the tunnels?

Response: ICE utilizes its investigative resources to conduct thorough investigations, which are necessary to prove the requisite knowledge to the applicable judicial standard to file criminal charges and hold individuals accountable.

Question#:	28
Topic:	Operation Streamline 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: At the hearing, I mentioned my concerns regarding the U.S. Attorney's Office for Arizona's order that pulls back on Operation Streamline's successful "zero tolerance" policy.

In response to a question on the current Operation Streamline policy, you stated that people in Arizona think highly of Operation Streamline and that it "contributed to overall border security in Arizona."

Do you agree with this analysis that Operation Streamline contributed to overall border security in Arizona?

Response: During the hearing, in response to your question, I noted that the numbers overall of apprehensions are down considerably on the southern border, including in each of the Arizona sectors and that this was a good thing. I also stated that we need to continue our efforts. I further acknowledged that people in Arizona think very highly of Operation Streamline and they believe that it contributed to overall border security in Arizona. I stated that law enforcement in general is an important part of our border security effort. But, I also said that decisions with respect to the prosecution of illegal migrants should be made on a case-by-case basis as we can't federally prosecute every single illegal migrant for a felony prosecution. Those judgments have to be made carefully, and they ought to be made wisely, because they involve the use of the Department of Justice's resources.

Question#:	29
Topic:	first time border crossers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: What do you believe will be the consequence of it becoming widely known that certain categories of offenders, such as first time border crossers without criminal histories, are not being prosecuted?

Response: Our continued message to those who are considering crossing our border illegally is this: Our borders are not open for illegal migration.

Administrative actions I announced in November 2014 have enhanced our ability to effectively secure our borders in key ways. As part of these actions, DHS is building on the Southern Border and Approaches Campaign Plan, which I directed in May 2014, to puts to use, in a strategic and coordinated way, the assets and personnel of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, the U.S. Coast Guard, and other resources of the Department. We continue to make significant progress in securing the southwest border through the dedication of unprecedented resources, pursuit of threat-driven border security and enforcement operations, and increased cooperation with foreign governments.

Our new Department-wide civil enforcement guidelines, which took effect on January 5, 2015, complement our effort on border. The apprehension, detention, and removal of recent illegal border crossers, convicted criminals, and threats to national security are a top enforcement priority.

In fact, because of the actions taken by the Department last year, we have made the removal of recent illegal border crossers a top priority. And we will continue to spread our message that now is not a time to illegally migrate to the United States.

Question#:	30
Topic:	Operation Streamline 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: Is the Department of Homeland Security maintaining and analyzing data related to Operation Streamline such as number of prosecutions, as well as declinations to prosecute, the number of convictions and average sentences?

Response: Yes, data is collected in the e3P (e3 Prosecution Module) and is analyzed by the U.S. Border Patrol Consequence Delivery System (CDS) Program Office. However, some of the process falls under the purview of the Department of Justice (i.e. prosecutorial decision, conviction numbers and average sentences).

Question: If so, can you make this information available to me?

Response: Since it doesn't relate to current CDS analytics, such a report doesn't exist right now, at least within CDS.

CDS has the number of, and classification of, aliens referred to Streamline prosecution. CDS can provide this data upon request. CDS does not currently have numbers of aliens presented, declined, conviction rates, or average sentences as these numbers are generally within the purview of the Department of Justice. We can look into whether providing such data would be possible; however, the Department of Justice may be able to answer this request more readily.

Question: If this information is not being maintained and analyzed, why not? And how are you determining whether any change in policy is effective in reducing deterrence?

Response: Information related to Operation Streamline is captured and maintained via e3P. The U.S. Border Patrol CDS Program Office maintains and analyzes data collected from the sectors. CDS use 15 metrics for efficiency and effectiveness to evaluate program performance. While measurement of deterrence is problematic because we cannot measure something that didn't occur, CDS does track performance of consequences in terms of the average time between apprehensions when a consequence is applied, the likelihood that a consequence will result in subsequent attempts at illegal entry being diverted to another geographic location, and recidivism rates after application of a consequence.

From an operational and tactical field level perspective, relative to the Tucson Sector (TCA), feedback from the CDS Program Office is utilized to quantify the effectiveness and impact of all CDS programs, including Operation Streamline, when planning

Question#:	30
Topic:	Operation Streamline 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

operations and devising operational goals. TCA is able to determine which CDS program is most effective to various classifications individuals encountered by the U.S. Border Patrol.

In 2007, which is the year that preceded the implementation of Operation Streamline in TCA, TCA apprehended over 375,000 individuals. TCA projects that it will apprehend well under 80,000 individuals in FY 2015.

Question#:	31
Topic:	removal proceedings
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: At the hearing, I also noted the murder charges against Apolinar Altamirano for murdering Grant Ronnebeck, a convenience store clerk in Mesa, Arizona. According to reports in the Arizona Republic, Mr. Altamirano pled guilty in Maricopa County Superior Court in 2012 to facilitation to commit burglary and was placed on supervised probation for two years. After his guilty plea, ICE took custody of Mr. Altamirano and began removal proceedings. However, ICE failed to remove Mr. Altamirano from the country and instead determined he was eligible for bond of $10,000, which he posted. While out on bond, Mr. Altamirano reportedly had two injunctions issued against him for complaints of harassment. One woman feared for her life because he had threatened to kill her "plenty of times" and pointed a gun at her boyfriend. Two years after his release, and three days after the second injunction was issued, Mr. Altamirano is alleged to have committed murder.

Was ICE aware of these civil injunctions against Mr. Altamirano?

Response: U.S. Immigration and Customs Enforcement (ICE) was not aware of the civil injunctions against Mr. Altamirano until after his January 22, 2015 arrest for first-degree murder, armed robbery, and related offenses.

Question: Is there any process in place for ICE to be informed of civil injunctions against individuals that have been released from ICE custody either on their own recognizance or on bond?

If not, what is ICE doing to remedy this obvious gap in information sharing?

Response: There is currently no automated process for state and local authorities to notify ICE when an injunction or order of protection is served. The Department of Homeland Security is pursuing robust engagement with state and local jurisdictions on the issue of cooperation, in order to further public and officer safety. A cornerstone of such engagement is the Priority Enforcement Program (PEP), the mechanism through which ICE will seek the transfer of individuals from state/local law enforcement custody. PEP will be implemented in a way that supports community policing and public safety, and attempts to increase cooperation between ICE and state and local law enforcement agencies.

Question: Assuming ICE had been aware of these two injunctions against Mr. Altamirano, what action would ICE have taken against him?

Question#:	31
Topic:	removal proceedings
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Response: ICE considers all circumstances surrounding an individual and makes determinations on a case-by-case basis. ICE is unable to speculate, after the fact, what actions would or would not have been taken pertaining to the civil injunctions and suggested bond revocation, but had ICE been aware of the two injunctions, that information would have been factored into its determination in the case.

Question: If they would have taken no action, what would it have taken for ICE to revoke bond in this case?

Response: ICE considers all circumstances surrounding an individual and makes determinations on a case-by-case basis. ICE is unable to speculate, after the fact, what actions would or would not have been taken pertaining to the civil injunctions and suggested bond revocation, but had ICE been aware of the two injunctions, that information would have been factored into its determination in the case.

Question: Did ICE notify Arizona state and local authorities that Mr. Altamirano would be released or was released on bond? If so, how? If not, why not?

Response: ICE does not routinely notify local authorities when a detainee is released on bond from ICE custody. However, in an effort to increase information sharing and enhance public safety, ICE is working to implement a new initiative we have developed, the Law Enforcement Notification System (LENS). LENS will leverage the National Law Enforcement Telecommunications System, a secure information sharing system utilized by state and federal law enforcement agencies, to notify the identification bureaus in both the state from which an individual is being released and the state where he or she is intending to reside (if different), of the anticipated release of certain convicted criminals from ICE custody.

Question#:	32
Topic:	Arizona's ports of entry
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: The fiscal year 2014 consolidated appropriations legislation (P.L. 113-76) provided funding to hire a minimum of 2,000 new Customs and Border Protection (CBP) officers by the end of fiscal year 2015. According to the Arizona-Mexico Commission, Arizona's ports of entry serve as gateways for $41.6 billion in U.S.-Mexican trade annually, of which nearly $16 billion is attributed to Arizona's bilateral trade with Mexico. Given the importance of cross border trade to Arizona's economy, adequate staffing at our ports of entry is critical. It is my understanding that, despite the Department's recruitment practices already in place, the hiring process has been moving forward at a pace slower than anticipated with challenges related to the administration of polygraph tests and background checks.

Specifically, what is the Department doing to make certain that the critical staffing needs of our ports of entry are being met?

Response: Thanks to Congress' support, CBP is addressing a critical shortfall of personnel at ports of entry by funding an additional 2,000 CBP officers.

CBP has experienced a number of unanticipated factors that significantly delayed our hiring capabilities. These factors include a background investigation contractor's data breach, low polygraph clearance rates among applicants, and difficulty securing the services of certified federal polygraph examiners.

CBP has taken specific action to ensure that we make steady progress toward our hiring goals. Specifically, we have added suitability questions to the application process to screen out unsuitable candidates before they enter the hiring process, posted multiple job opportunity announcements throughout the year to more timely attract and replenish applicant pools, increased the number of sites where applicants can complete a required cognitive test, and significantly increased the Agency's polygraph examination capacity.

As of April 18, 2015, CBP has achieved a net increase of 838 CBP officers toward the additional 2,000 CBP officers funded by Congress.

Question#:	32
Topic:	Arizona's ports of entry
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: Will you state clearly that you will meet the 2,000 hiring goal by the end of this fiscal year?

Response: As of April 18, 2015, CBP has experienced a net gain of 838 Customs and Border Protection Officers (CBPOs) toward the targeted staffing level of 23,775 CBPOs, which includes the 2,000 new positions funded in the *Consolidated Appropriations Act, 2014*. While CBP continues to make important progress in meeting the CBPO staffing target, modeling based on historic applicant processing time and assessment outcome trends indicates that CBP will not achieve the staffing target by the end of FY 2015. The hiring required to complete the appointment of all of the new CBPOs (begun in FY 2014) and to replace annual CBPO attrition losses presents a significant hiring challenge. CBP has re-engineered its frontline hiring process and continues to implement process improvements to streamline and expedite CBPO hiring. The changes will have a positive impact on current hiring and will allow CBP to more quickly complete hiring for the new positions in FY 2016.

Question#:	33
Topic:	Secure the Border First Act of 2015
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: The Secure the Border First Act of 2015 (S. 208) was recently introduced. It seeks to ensure that the Department of Homeland Security's efforts towards finally securing the southwestern border would do just that: lead to a secure border. When a companion bill was reported out of committee in the House of Representatives you suggested that it was "not a serious effort" and you went so far as to suggest that it would somehow "leave the border less secure." You also suggested that the bill would set "mandatory and highly prescriptive standards."

If the bill's standards are too prescriptive, what would you suggest as standards that would describe border security?

Response: Last May, I directed DHS to develop a Department-wide Southern Border and Approaches Campaign Plan. This plan will put to use, in a strategic and coordinated way, the assets and personnel of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, the U.S. Coast Guard, and other resources of the Department.

Question: What metrics would you employ and at what level would you consider your work successful?

Response: The Department as a whole and its law enforcement components will continue working to develop metrics to evaluate, report, and improve our performance in securing the border. Improvements in transparency to our Congressional and public stakeholders have already been made – beginning with the Border Patrol's recidivism measure reported since FY2013, the Interdiction Effectiveness Rate reported since FY 2014, and frequent narrative briefings that provide understanding and identification of border risks. We are also identifying measures that will describe unified efforts made to secure the border through our Joint Task Forces within the Southern Border and Approaches Campaign.

Question: Apprehensions in the Tucson Sector reached nearly 88,000 last year. Clearly there is much more work that needs to be done. What is your plan to gain control of the Tucson Sector?

Response: While the number of apprehensions – 87,915 – in the Tucson Sector last year appears significant, the number actually is a reduction compared to FY 2013, when apprehensions in the Tucson Sector totaled 120,939. Additionally, apprehensions are the 15-year high that occurred in FY 2000 when apprehensions totaled 616,346.

Question#:	33
Topic:	Secure the Border First Act of 2015
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Tucson Sector will continue to conduct targeted operations with existing assets and will further our collaboration with local, state, federal and international law enforcement partners. This multi-agency collaborative model leverages a myriad of law enforcement resources via intelligence-driven operations in order to deny, disrupt, degrade, and dismantle Transnational Criminal Organizations (TCO) operating in Arizona Corridor. Coordination and collaboration between law enforcement agencies is key to enhancing border security. As such, the Tucson Sector will continue to conduct coordinated law enforcement/intelligence activities and information sharing with partner agencies and the Government of Mexico in order to increase border security and support mutual efforts to reduce levels of violence.

Question#:	34
Topic:	Arizona Republic
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: According to a recent article in the Arizona Republic, "so far this year, 45 percent fewer unaccompanied children and 30 percent fewer families from Central America have been apprehended at the U.S. compared with last year." Some attribute that decrease to increased efforts by Mexican authorities to interdict those headed north.

How has the working relationship between Mexican authorities and the Department been with respect to dealing with preventing the illegal entry of unaccompanied minors?

Response: DHS maintains a robust working relationship with a number of Government of Mexico secretariats and agencies that are engaged on migration matters and, in particular, unaccompanied alien children (UAC), including the Secretariat of Governance (SEGOB), Federal Police, National Migration Institute (INM) and the Secretariat of Foreign Affairs (SRE). Additionally, DHS is a key participant in the bilateral 21st Century Border Management (21st CB) initiative under which the Government of Mexico and the U.S. government jointly work on issues of mutual interest. Through bilateral collaboration, the U.S. Government and the Government of Mexico jointly address issues pertaining to U.S./Mexico border security and border management, including repatriations, border violence, managing the flow of legitimate travelers, and strengthening border security. An important issue of our collaboration is migratory flows that transit Mexico and arrive at the shared U.S.-Mexico border.

U.S. Customs and Border Protection (CBP) and Mexico's Federal Police collaborate on implementing the Cross Border Coordination Initiative (CBCI), which coordinates deployment of U.S. Border Patrol and Federal Police assets along both sides of the border during periods of increased illegal activity. The CBCI provides an operational framework to enhance public safety and degrade and disrupt criminal organizations ability to operate in the smuggling of people, illegal drugs, currency, weapons, and ammunition, and other contraband along the border. Since its inception in 2013, CBCI operations have resulted in the recovery of vehicles stolen from the United States, the dismantling of illicit radio communication towers, increased exchange of information, and a significant reduction in border related violence.

Additionally, CBP is a strong supporter of the Government of Mexico's and, in particular, Mexico's National Migration Institute's efforts to establish control of its southern border. Those efforts include actions to counter the flows of irregular migration and enforcement actions against criminal organizations that engage in human trafficking and smuggling. Also, the National Migration Institute and other Mexican federal agencies, like the Federal Police, operate checkpoints along strategic transit routes

Question#:	34
Topic:	Arizona Republic
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

throughout Mexico. CBP, in coordination with DHS, supports those operations through appropriate information sharing to counter the flows of irregular migration and safely repatriate those apprehended attempting to illegally enter the United States and support Mexican law enforcement efforts to identify and stop criminal organizations engaged in trafficking and smuggling. Also, CBP and DHS engage with Department of State's Bureau of Narcotics and International Law Enforcement to fund capacity building initiatives that develop Mexican law enforcement agencies and on initiatives, like biometrics, that enhance information capture and sharing.

Question: While the numbers appear to be down, we can still expect tens of thousands of unaccompanied alien children to cross into the U.S. illegally this year and some officials have suggested that a higher incidence of those crossings are occurring in the Tucson Sector. Do you agree with that assessment?

Response: Apprehensions of unaccompanied children (UAC) across Tucson Sector are down significantly. During the first six months of Fiscal Year (FY) 2015, UAC apprehensions in Tucson Sector were 2,877, a 38 percent decrease when compared to the same period during last year's increase in arrivals. We assess that this general trend is likely to continue and Central American UAC migration for FY 2015 likely will fall below FY 2014 levels.

Thus far in FY 2015, there have been 2,250 unique UAC apprehended within Tucson Sector a decrease of 38 percent from last year at this time. Last year at this time there were 3,639 unique UAC (excludes juveniles not issued a Fingerprint Identification Number under the age of 14).

Question: Do you believe the executive action on immigration that was announced by President Obama in November 2014 will increase or decrease the likelihood of Central American illegal migration abating?

Response: The policies I announced in November 2014 enhance our ability to effectively secure our borders in key ways. As part of these actions, DHS is building on the Southern Border and Approaches Campaign Plan, which I directed in May 2014, to puts to use, in a strategic and coordinated way, the assets, resources and personnel of the entire Department. We have also made the removal of recent illegal border crossers a top priority under our new civil enforcement guidelines which took effect January 5, 2015. And we continue to spread our message which we know is resonating in Central America, where more people are learning that now is not a time to illegally migrate to the United States.

Question#:	34
Topic:	Arizona Republic
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Recent border crossers would be ineligible for consideration under any of the deferred action policies, Deferred Action for Childhood Arrivals, (DACA), expanded DACA, and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), as requestors would be required to demonstrate a period of continuous residence for several years. Moreover, the expansion of DACA and implementation of DAPA have been temporarily enjoined by the U.S. District Court for the Southern District of Texas, Brownsville Division.

Question: There had been some discussion of necessary legislative changes to expeditiously return unaccompanied children with no colorable claim to stay in the U.S. to their home countries. Do you continue to believe legislative changes would be helpful?

Response: The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) contains a number of specific safeguards for unaccompanied children to ensure adequate screening in adjudicating these cases, one of which is the elimination of expeditious removal methods. Currently, the Department of Homeland Security (DHS) is required to place any unaccompanied children sought to be removed by DHS, except for unaccompanied children from contiguous countries, in removal proceedings under section 240 of INA, 8 U.S.C. § 1232(a)(5)(D)(i). Unaccompanied children from contiguous countries are permitted to withdraw their applications for admission to the United States if it is determined within 48 hours of apprehension that they have not been victims of trafficking, do not have a fear of return, and are able to make an independent decision to withdraw their application for admission, 8 U.S.C. §1232(a)(2). If no determination can be made within 48 hours, the child falls under the provisions of the TVPRA for children from noncontiguous countries. 8 U.S.C. § 1232(a)(4). In such instances, he or she is transferred to HHS no later than 72 hours after the determination is made that the individual is an unaccompanied child 8 U.S.C. § 1232(b)(3). As I have said publicly, I continue to make myself available to work with Congress on the best approach that ensures that we preserve protections for UACs while also achieving the goal of adjudicating these cases in a fair and timely manner.

Question#:	35
Topic:	Border Patrol agents
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: Gaining access to the border can be a significant challenge in Arizona. In some areas, Border Patrol agents are using existing county and private roads for patrolling the border. This creates tremendous maintenance issues for the owners and users of these roads. In other, more remote, areas there are often no roads leading to the border at all. These large stretches of land are accessible only by foot or horse patrol and I'm told it often takes several hours for agents to get to some areas along the border. It's difficult to imagine being able to effectively control our border when agents can't even get to some parts of it in Arizona.

Does DHS recognize the need for more border roads and a robust program for road maintenance of existing roads?

Response: Border access is a significant challenge on the southern and northern borders. The U.S. Border Patrol (USBP), through the Capability Gap Analysis Process, has validated the need for greater operational mobility via road access. Where an operational mobility gap exists, the requirement may be fulfilled through road maintenance, repair, upgrade, or construction. Operational mobility/road access has been a top tier requirement throughout most of the southern border during the execution of the Capability Gap Analysis. The three components to creating a strong roads program for USBP are: funding (both Decommissioning and Decontamination [D&D] and Operations and Maintenance [O&M]), methods/means for executing, cooperation from land owner/managers and resource agencies.

A. The current O&M budget supports primarily the maintenance and repair of tactical infrastructure. Minimal dollars are available for patrol road maintenance. USBP strives to maintain a good working relationship with the private landowners that afford the agents access for patrol. A more robust program for road maintenance of existing patrol roads would strengthen the relationship between these land owners and USBP to promote future and continued use of the land and roads.

B. Local government/county roads can and do provide access for agents. However, maintenance of these roads is problematic as current regulations prohibit the expenditure of federal funds on local/county roads. Development of a grant program would allow local/county governments to participate in a cooperative maintenance and repair effort. Without some “mechanism” to partner with the local government, these local government/county roads will continue to remain impassable, inaccessible, and an officer safety issue if traveled.

Question#:	35
Topic:	Border Patrol agents
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

USBP has worked tirelessly to educate its agents about working in and around public lands. To this point, USBP has an outstanding relationship with a large share of the public land managers and resource managers on the borders. However, there are instances where resources and national security missions do not sync, thus creating areas where USBP cannot easily access to the border. These stretches of land may/may not have a road which could be repaired for patrol use. USBP appreciates the continued support from the US Department of Agriculture and Department of Interior to gain access to areas that have been constrained over long periods of time. As always, access in and around designated wilderness areas remain a challenge.

Question: What percentage of the southern border can agents access by vehicle because there are roads within a couple miles of the international boundary?

Response: CBP does not currently have a percentage associated with agent access by vehicle to the international boundary. CBP does maintain information about areas of "reasonable accessibility" which CBP considers to be areas within 0.25 miles of operational roads. This information is calculated for each five mile increments zone from the border (0-5 miles from border, 5-10 miles from border, and 10-15 miles from border).

Question: What is the Department's capacity to assist with maintenance issues that arise on private roads or those maintained by local governments that are utilized?

Response: The current maintenance and repair budget is primarily focused on roads for which the government owns or has an interest in the land. On private lands, CBP has developed a "License Agreement" it can execute with the land owner to complete maintenance and repair of patrol roads on private property.

Maintenance of local governments/county roads is problematic as current regulations prohibit the expenditure of federal funds on these roads. Federal agencies must have specific authority to expend federal funds on "public improvements."

Question#:	36
Topic:	ICE Air transportation of detainees
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

Question: On April 9th, the Office of Inspector General for the Department of Homeland Security released a report of ICE Air transportation of detainees. The report concluded that while "ICE Air met its mission by transporting 930,435 detainees over a 3 ½ year period, it could have used its resources more effectively."

Among the report's findings was:

There were 23,597 detainees listed as being "picked up" or "dropped off" at locations not on the charter flight route.

In one instance, there were 54 detainees recorded as removed to Nicaragua for one mission that included stops in only Louisiana, Texas and Guatemala.

The "Status" field, which provides information regarding the purpose for a detainee's transport, such as bond hearing, consular interview, and medical transfer, was blank for 31,209 detainees.

Even though ICE takes fingerprints for all detainees, the Alien Repatriation Tracking System did not contain an identification number for fingerprints belonging to 190,243 transported detainees.

What are you, as well as those at ICE, doing to ensure that these, as well as other issues identified in the OIG report, are being rectified?

Response: U.S. Immigration and Customs Enforcement (ICE) is committed to improving the efficiency of the agency's removal operations, including those conducted by ICE Air. During the Office of the Inspector General's (OIG) audit, ICE Air was in the midst of a major, previously planned consolidation and transition effort intended to address a number of the issues raised in the report. Since then, ICE Air has made great strides in enhancing staffing, training, data integrity, management, and systems modernization. ICE is also working to address statistical reporting requirements, with a priority on metrics, to identify efficiencies.

While the Department of Homeland Security (DHS) agrees with the general findings of the report, and ICE was already in the process of making a number of improvements consistent with the OIG's findings, DHS strongly disagrees with the report's use of empty seats on flights as a measure of efficiency, primarily because delaying the removal

Question#:	36
Topic:	ICE Air transportation of detainees
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Jeff Flake
Committee:	JUDICIARY (SENATE)

of individuals in order to fill empty seats causes ICE to incur ancillary costs such as detention costs that may exceed the cost of the seats.

Question#:	37
Topic:	segregated housing
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

Question: In September 2013, U.S. Immigration and Customs Enforcement (ICE) issued a policy directive on the use of "segregated housing"-also known as solitary confinement-in immigration detention facilities. The directive created a framework for monitoring the use of solitary confinement in the more than 250 detention facilities ICE operates and, importantly, set limits on its use-most notably for vulnerable populations, such as individuals with mental illness. Research shows that individuals held in isolation or subjected to solitary confinement experience negative psychiatric and physiological effects, including depression and suicidal thoughts, the impact of which is more acute for detainees already suffering from mental illness. The policy directive was issued after the release of federal data showed that approximately 300 individuals in immigration detention facilities were held in isolation on any given day, often for 22 to 23 hours per day.

Following the implementation of the 2013 policy directive, what is ICE's current practice with regard to the use of "segregated housing" in immigration detention facilities? What is ICE's current practice with regard to the use of "segregated housing" for detainees with special vulnerabilities, including, but not limited to, those known to be suffering from mental illness? How many individuals with mental illness or mental health conditions are held in "segregated housing" annually, and for how many days?

Response: U.S. Immigration and Customs Enforcement's (ICE) national detention standards provide strict limitations on the use of segregation and require ongoing review and oversight of segregation placements.[2] Administrative segregation may be used when the detainee's continued presence in the general population poses a threat to the safety of detainees, staff, or property, or the security and good order of the facility. A detainee may be placed in disciplinary segregation only after a finding by a Disciplinary Hearing Panel that the detainee is guilty of a serious facility infraction. Facilities must undertake regular reviews of detainees in either administrative or disciplinary segregation to ensure the ongoing necessity of the placement. Please see links to the relevant chapters on Special Management Units from both the 2008 and 2011 Performance-Based National Detention Standards (PBNDS) Guidelines below.

[2] *See, e.g.*, 2008 PBNDS Chapter 2.15 Special Management Units, http://www.ice.gov/doclib/dro/detention-standards/pdf/special_management_units.pdf; 2011 PBNDS, Chapter 2.12, Special Management Units, http://www.ice.gov/doclib/detention-standards/2011/special_management_units.pdf.

Question#:	37
Topic:	segregated housing
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

In addition to those requirements, on September 4, 2013, ICE also issued Directive No. 11065.1: *Review of the Use of Segregation for ICE Detainees*[3], which established new policy and procedure for agency oversight of facility decisions to segregate ICE detainees. A detainee's age, physical disability, sexual orientation, gender identity, race or religion may not provide the sole basis for a decision to place the detainee in involuntary segregation. An individualized assessment must be made in each case.

Additionally, this Directive requires Field Office Directors (FODs) to take steps to ensure that they are notified, in writing, by a facility whenever an ICE detainee has been held continuously in segregation for 14 days, 30 days, and at 30-day intervals thereafter. The FODs must also receive notification when an ICE detainee has been held in segregation for a total of 14 days in any 21-day period. They must also ensure similar notification has occurred no later than 72 hours after placement whenever: (1) a detainee has been placed in administrative segregation on the basis of a disability, medical or mental illness, or other special vulnerability, or because the detainee is an alleged victim of sexual assault, is an identified suicide risk, or is on a hunger strike; or (2) a detainee placed in segregation for any reason has a mental illness, a serious medical illness, or serious physical disability.

Upon receipt of such notification, FODs conduct a review to evaluate whether the placement is consistent with applicable detention standards and whether any less restrictive housing or custodial option may be appropriate and available. ICE headquarters conducts a similar review for most cases and works with field offices to effectuate any recommended alternative housing or custodial options. The ICE Health Service Corps participates in the review of any segregation case involving a detainee with medical or mental health issues or who has been segregated based on an identified suicide risk or hunger strike status.

A review of available statistics for fiscal year (FY) 2014 indicates that ICE detainees who had a mental illness were placed into segregation a total of 523 times, which represents a placement of 307 unique individuals (with a mental illness) into segregation for the entire fiscal year. As of the end of FY 2014, the average daily population of individuals with a mental illness who were placed in segregation at an ICE detention facility was 42 people[4], and their average length of stay in segregation for that same period was 28 days.

[3] http://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf
[4] In FY 2014, the average daily population of ICE detainees was 33,227 individuals.

Question#:	38
Topic:	safeguarding and securing of cyberspace
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

Question: An important part of DHS's mission is the safeguarding and securing of cyberspace. The agency's National Cybersecurity and Communications Integration Center (NCCIC) currently serves as the federal government's main hub for cybersecurity information sharing between the private sector and the government. Indeed, Congress has codified that role by passing the National Cybersecurity Protection Act.

I recognize that the sharing of cyber threat indicators between and among private and public entities is crucial to the work that DHS does, in coordination and collaboration with other federal agencies-and thus is critical to our nation's overall cybersecurity. But it is also critical that any legislation Congress enacts to promote increased information sharing does so in a manner that adequately protects the privacy and civil liberties of Americans, and does not create uncalled for system-wide inefficiencies, redundancies, or likelihoods of distributing erroneous information.

In March, the Senate Intelligence Committee introduced the Cybersecurity Information Sharing Act of 2015, which aims to promote increased information sharing. Among other things, the bill overrides existing state and federal law to authorize companies to share "cyber threat indicators" and "defensive measures" with one another and with the federal government for cybersecurity purposes and a number of non-cybersecurity purposes. Notably, that legal authorization for sharing is not limited to sharing with DHS, but extends to sharing with any federal agency.

What kinds of concerns does it raise, in your view, to have legislation that newly authorizes the sharing of cyber threat indicators and defensive measures, "notwithstanding any other provision of law," directly with other agencies-and not through the NCCIC? To what extent do other agencies' representatives already participate in the monitoring and review of cyber threat information received by DHS at the NCCIC?

Response: We appreciate Congress' support of DHS' cybersecurity mission, and we are consistently working to increase and improve information sharing to further cybersecurity. However, DHS has some concerns with the current text of the Cybersecurity Information Sharing Act (CISA) of 2015 as written, along the lines you suggest.

1. While CISA seeks to incentivize non-Federal sharing through a DHS portal, the breadth of the bill's authorization to share with any Federal agency "notwithstanding any other law" undermines that policy goal, and will increase the complexity and difficulty of

Question#:	38
Topic:	safeguarding and securing of cyberspace
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

a new information sharing program.

The President's January 2015 cybersecurity information sharing proposal contemplates that all cybersecurity threat indicators shared with the government would be shared through the National Cybersecurity and Communications Integration Center, whose mission focuses specifically on network defense activities and information sharing. Permitting sharing directly with law enforcement and intelligence entities will be of significant concern to the privacy and civil liberties communities. Incentivizing sharing through the DHS NCCIC will also ensure that there is an opportunity to connect the dots, created truly shared awareness, and better protect the nation.

The authorization to share cyber threat indicators and defensive measures directly with law enforcement or intelligence agencies "notwithstanding other provisions of law" could sweep away important privacy protections, particularly the provisions in the Stored Communications Act limiting the disclosure of the content of electronic communications to the government by certain providers. (This concern is heightened by paired with the expansive definitions of cyber threat indicators and defensive measures in the bill. Unlike the President's proposal, the Senate bill includes "any other attribute of a cybersecurity threat" within its definition of cyber threat indicator and authorizes entities to employ defensive measures.)

The Administration has consistently maintained that a civilian entity, rather than a military or intelligence agency, should lead the sharing of cyber threat indicators and defensive measures with the private sector. The National Cybersecurity and Protection Act of 2014 recognized the NCCIC to be responsible for coordinating the sharing of information related to cybersecurity risks and to be the Federal civilian interface for multi-directional and cross-sector sharing of information about cybersecurity risks and warnings. The NCCIC has representatives from private sector and from other federal entities involved in cyber information sharing work at a range of levels, from those with whom we have a formal CRADA and share consistently, to those that passively receive information from the Center. If cyber threat indicators are split up amongst multiple agencies rather than initially provided through one entity, the complexity and inefficiency of operations including preservation of privacy, civil rights, and civil liberties – for both government and businesses –will markedly increase. Without a central hub, developing a single, comprehensive picture of the range of cyber threats faced daily will become very difficult.

That is the outcome of CISA. Instead, we believe that authorizing non-Federal entities to share information through the NCCIC should be strongly incentivized. We, in turn, commit to passing indicators on to our other partners as quickly as possible. The vast

Question#:	38
Topic:	safeguarding and securing of cyberspace
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

majority of the time, that means we will get them indicators within milliseconds. But there will be some occasions where more time is necessary to ensure privacy protections.

DHS recommends limiting the "notwithstanding any other law" provision in CISA's authorization to share information to sharing through the DHS capability. This would not preclude the private sector from sharing with any Federal entity, and it would further incentivize sharing through the NCCIC.

2. Sharing cyber threat information "not subject to any delay [or] modification" raises privacy and civil liberties concerns and may make an automatic sharing regime unworkable in practice.

To require sharing "not subject to any delay [or] modification," would prompt significant concerns relating to operational analysis and privacy. The bill otherwise appropriately recognizes the need for procedures regarding Federal retention, use and dissemination of information shared under the bill and to ensure privacy and civil liberty protections. The requirement that all information received be shared "without delay or modification" may be inconsistent with the privacy and civil liberty procedures to be developed. While much of the information received under the bill would in fact be shared in real time, or as close to real time as technologically possible, there may be certain subsets of information that should be minimized or further analyzed in accordance with the applicable procedures. It may also be appropriate to authenticate or validate the information before it is broadly shared.

To ensure automated information sharing works in practice, DHS recommends requiring cyber threat information received by DHS to be provided to other Federal agencies in "as close to real time as practicable" and "in accordance with applicable policies and procedures."

Question: I am concerned that the Cybersecurity Information Sharing Act of 2015 fails to adequately address privacy and civil liberty concerns. I do not believe it imposes a sufficiently stringent standard for the removal of irrelevant personally identifiable information, and seems to fall short of the privacy-protective standards DHS has set for itself. Moreover, I am concerned that the bill's requirement that DHS share the cyber threat information it receives through a designated electronic capability with other agencies in "real time" and without being "subject to any ... modification" is at odds with DHS's ability to continue to carry out its current, privacy-protective protocols or to fully comply with privacy guidelines imposed under the bill. Please address the importance of DHS's current policies and protocols for the removal and minimization of PII in cyber threat information that the agency collects or receives from private entities.

Question#:	38
Topic:	safeguarding and securing of cyberspace
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

Please describe any other concerns that the bill, as introduced in the Senate, raises in DHS's view. What changes would you propose be made to improve the bill?

Response: The proposed bill also raises several other concerns. First, the provision that permits entities to designate information provided to the Federal government as "proprietary" could be too restrictive. These protections (in Section 5(d)(2)) may deprive numerous private sector entities of a valuable source of cyber threat information valuable for network defense activities, as it might be read to limit the ability of DHS to share this information with other nonfederal entities. We recommend that section 5(d)(2) be edited to clarify that information is not proprietary once anonymized to remove any reference to the identity of the submitting entity.

When DHS receives cyber threat information from the private sector today—including information that is protected from disclosure as Protected Critical Infrastructure Information (PCII)—it routinely anonymizes such information by removing any reference to the entity submitting the information and shares the anonymized cyber threat information with other private entities. Private sector submitters of information to DHS have not expressed concerns with this approach, which both protects the identity of the submitter and enables other entities to use the information to protect themselves. While cyber threat information shared by the private sector is rightly viewed as proprietary in its original form, anonymized threat information should not be viewed as proprietary in a sense that would limit appropriate sharing.

Second, we believe that DHS should be the primary author of the policies and procedures under sections 3 and should co-author with DOJ the policies and procedures under 5 (especially 5(a)). Since sharing cyber threat information with the private sector is among DHS's core missions, DHS should author the section 3 procedures, in coordination with other entities. In addition, because DHS will be operating the Federal Government's capability to receive cyber threat information under section 5(c), DHS and DOJ should jointly author the policies and procedures under section 5(a).

Third, we strongly support the EINSTEIN amendment that was added to the House bill, which authorizes DHS capabilities to protect Federal agency information systems. We would seek to make one change in that language, however. The language in Section (b)(3), "only to protect Federal agency information and information systems from cybersecurity risks," is too narrow, as we also share malware/indicators found in federal communications with the private sector to protect their information systems. We recommend replacing the phrase with "only for cybersecurity purposes" or deleting "Federal agency."

Question#:	38
Topic:	safeguarding and securing of cyberspace
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Al Franken
Committee:	JUDICIARY (SENATE)

Finally the 90-day timeline for DHS's deployment of a process and capability to receive cyber threat indicators is too ambitious, in light of the need to fully evaluate the requirements pertaining to that capability once legislation passes and build and deploy the technology. At a minimum, the timeframe should be doubled to 180 days.

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

Question: In recent bipartisan oversight letters I have raised questions about federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Does DHS have a department-wide policy on the use of cell-site simulators?

Response: While the Department of Homeland Security (DHS) does not currently have Department-wide guidance specifically governing the use of cell-site simulation devices, also known as International Mobile Subscriber Identity (IMSI) catcher technology. DHS is in the process of reviewing its policies and practices regarding the use of cell-site simulation technology and is working to develop a Department-wide policy in this area.

Moreover, DHS components' use of this type of technology comports with applicable law, including the Pen/Trap and Trace Act, 18 U.S.C. § 3121 et seq. Further, all DHS components are bound by and follow the limitations provided by relevant statutes, regulations, and policies which govern the collection of such information. These provisions include the Federal Records Act, codified at 44 U.S.C. § 3 10 I, et seq., the Privacy Act of 1974, 5 U.S.C. § 522a (to include applicable systems of records notices as described below), the DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, applicable DHS Systems of Records Notices, the DHS Privacy and Civil Liberties Policy Guidance Memorandum (June 5, 2009), the Privacy Policy Guidance Memorandum RE: The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security (Dec. 29, 2008), and DHS Management Directive II 042.1 "Safeguarding Sensitive but Unclassified (For Official Use Only) Information" (Jan. 6, 2005).

In addition, DHS components are bound by their component-specific policies and directives governing information collection.

Question: If not, is DHS currently formulating such a policy?

Response: DHS is in the process of reviewing its policies and practices regarding the use of cell-site simulation technology, and is working to develop a Department-wide policy in this area.

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

Question: When would you expect that new policy to be promulgated?

Response: DHS is working diligently to develop this policy, but does not currently have an estimated timeline for issuance. Please note that, in the process of developing this new policy, and in response to the concerns raised in prior Congressional inquiries, the U.S. Immigration and Customs Enforcement (ICE) Privacy Officer reviewed this technology to assess whether or not it sufficiently safeguards privacy interests. The ICE Privacy Officer concluded that the use of this technology by ICE Homeland Security Investigations (ICE HSI) in its criminal investigations minimizes the collection of non-target data and is subject to a procedural requirement that a court order be obtained to ensure independent review of the agency's justification for the use of this tool.

In advance of the issuance of any new policy, the Privacy Officer recommended minor changes to ICE HSI's guidelines for use of the device, which are being implemented. Information collected by this device is not sent to or stored in a separate centralized database. With regard to target-specific information, which may be documented in a Report of Investigation, the DHS/ICE –009 External Investigations System of Records Notice (SORN), 75 Fed. Reg. 404, governs the retention and disposition of those documents for ICE.

Question: Does DHS have a policy regarding whether its law enforcement officers must obtain court approval before employing a cell-site simulator?

Response: Though DHS does not have a written policy requiring its agencies to obtain court approval before employing these simulators, DHS Components obtain court orders as appropriate pursuant to statute and the requirements of the judicial jurisdiction.

More specifically, DHS Components deploy this equipment in compliance with the requirements of Title 18, including the provisions which govern the use of pen registers/trap and trace devices. Various judicial districts have interpreted the requirements of Title 18 differently. DHS Components generally obtain a Rule 41 warrant or court order for each deployment of this technology under 18 U.S.C. §§ 3122 and 3123 (the Pen Register Statute). In all cases, DHS Components coordinate these efforts with the relevant U.S. Attorney's Office to ensure compliance with law and meet the investigative needs in the jurisdiction.

Question: If so, what kind of court process is required?

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

Response: Consistent with the current legal requirements and in coordination with the relevant U.S. Attorney's Office, DHS components obtain a search warrant or other court order for each deployment of this technology. Depending on the district and purpose for which the device will be used, courts in some cases require law enforcement to obtain a search warrant while other cases authorize the use of such devices with a pen register/trap and trace order.

Question: Have DHS components ever employed a cell-site simulator without prior court approval?

Response: ICE HSI and U.S. Secret Service have not received any report of cell-site simulators being deployed without obtaining court approval. Prior to using a cell-site simulator or similar technology, ICE HSI and U.S. Secret Service work with the responsible U.S. Attorney's Office to determine the proper legal standard, consistent with existing law, to obtain a court order or warrant (as appropriate) which authorizes the use of this technology under each deployment.

Question: How often has this occurred and what were the reasons for doing so?

Response: ICE HSI and U.S. Secret Service are not aware of any circumstances where their respective protocols concerning cell-site simulators were not followed.

Question: Have DHS components ever employed such a device without a warrant? How often has this occurred and what were the reasons for doing so?

Response: ICE HSI and U.S. Secret Service have not received any information that cell-site simulator technology has been deployed without obtaining appropriate legal process for the deployment of the device.

Question: Since 2001, how many cell-site simulators, if any, has DHS purchased from private vendors or obtained from another government agency?

Response: ICE HSI's inventory consists of 59 cell-site simulator devices and Secret Service's inventory includes 36 cell-site simulator devices. CBP's inventory includes 33 devices that are capable of cell-site simulation; however, this capability is fully deactivated on the equipment as used by CBP. CBP instead uses the equipment to collect limited radio communications in compliance with all applicable laws, directives, and

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

policies and in connection with disrupting cross-border criminal activities committed by transnational criminal organizations.

DHS would be willing to brief the Committee on its procurement of these devices.

Question: What has been the cost, per year, for the acquisition, maintenance and deployment of any such cell-site simulators?

Response: ICE HSI has received a total of $6,449,624.00 to acquire cell site simulator technology through different funding sources since 2001; this amount does not include ancillary devices such as amplifiers. U.S. Secret Service has spent $10,208,245 in fiscal years 2010 through 2014 on this technology. CBP has not spent any money on acquiring and using cell-site simulation technology. CBP utilizes Digital Receiver Technology devices that are technically capable of cell-site simulation; however, this capability is fully deactivated on the equipment as used by CBP.

Question 11: What DHS components currently maintain a license plate reader network? How long has each network been operational? What are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network(s) covering what states? Is the data shared with private entities and, if so, which entities and for what purpose? Is the data shared with state and local law enforcement and, if so, under what conditions?

Response: ICE does not maintain a license plate reader network. ICE Homeland Security Investigations (HSI) does use cameras that have license plate recognition technology; however, these are used on a mission-by-mission basis and are not networked nor is the data captured aggregated within a database or data store.

ICE is in the process of obtaining a commercial license plate reader (LPR) data service to allow ICE to query a commercial LPR database using known license plate numbers associated with the individuals who are determined to be immigration enforcement priorities, such as individuals who are convicted felons or suspected terrorists. This technology would be used to determine where and when the vehicle associated with these dangerous individuals has traveled within a specified period of time. ICE also anticipates using LPR information obtained from the commercial database to further its criminal law investigations related to national security, illegal arms exports, financial crimes, commercial fraud, human trafficking, narcotics smuggling, child pornography, and immigration fraud. This data will assist ICE's criminal investigators to identify the

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

location of an investigative target or person of interest, or help track a vehicle that may be involved in illegal activity, such as smuggling.

Use of this data is expected to enhance officer and public safety by allowing arrests to be planned at locations that minimize the potential for injury (e.g., away from a subject's residence if there are suspected to be children or weapons in the home). Access to this data could also create a cost savings to the government by reducing the work-hours required for physical surveillance. A detailed privacy impact assessment was published in advance of ICE's issuance of a solicitation for this commercial data service, and privacy protections have been included in the requirements of the solicitation itself, to help minimize the impact on privacy and assuage concerns about the civil liberties impact of using this type of data. Examples of privacy protections are the limitation on the length of time an agent can query into the historical license plate reader data and the robust auditing that will ensure accountability if an agent uses their access to the commercial system for improper purposes.

CBP LPRs have been in use by the Office of Field Operations (OFO) at the Ports of Entry (POEs) since 1997. Upgraded next generation License Plate Reader (LPR) technology and expansion of the LPR program began in 2008 at additional POEs under the Western Hemisphere Travel Initiative (WHTI). OFO currently operates LPRs at 89 POEs.

The United States Border Patrol (USBP) LPR installations began in June, 2009 at the C-29 checkpoint in Laredo, Texas. USBP currently operates 27 checkpoints utilizing LPR technology at 41 inbound POEs across California, Arizona, Texas, and New Mexico. LPRS are also utilized at 45 northern border POEs encompassing the states of North Dakota, Montana, Idaho, Washington, Maine, Vermont, New York, Michigan, and Minnesota.

CBP License Plate Readers are covered in a Privacy Impact Assessment and Statement of Record (Border Crossing Information -BCI SORN) for use of license plate reader technology. Only CBP personnel with the proper law enforcement authorization and training are allowed access to LPR data.

Crossing data captured from POE LPRs is shared with the National Insurance Crime Bureau (NICB). NICB is a nonprofit organization that investigates vehicle theft, vehicle recovery and insurance fraud.

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

Data from license plate reader technology is considered law enforcement sensitive and will only be shared in law enforcement capacities.

Question 12: What DHS components currently have access to a commercially available license plate reader database or are seeking access to such a database?

Response: ICE HSI has two Special Agents in Charge offices that have access to a commercial license plate reader database. This capability is used solely for criminal investigative work. While the ICE Office of Acquisition Management has received clearance to post a request for a license plate reader database to access the commercial databases that are sold to both commercial consumers as well as law enforcement, this ICE solicitation is neither seeking to build nor seeking to contribute to national public or private license plate reader databases. ICE HSI will seek this enterprise-wide tool as part of its law enforcement techniques to ensure public safety and national security.

Question 13: What policies and procedures does DHS have in place to govern the use of this data?

Response: As part of its criminal and civil enforcement missions, ICE relies on a variety of law enforcement tools and techniques to ensure public safety and national security. One of these tools may be the use of data that is collected by commercial vendors using license plate reader technology from other government agencies and from private sources, such as parking garages. ICE may query information obtained from such outside license plate readers as one investigatory tool in support of its criminal investigations and civil immigration enforcement actions.

As a result of review of ICE's proposed use of commercial license plate reader data services by the DHS Privacy (PRIV) and the DHS Office for Civil Rights Civil Liberties (CRCL), new guidelines for the use of this commercial data were established and documented in a Privacy Impact Assessment, which was publicly released. These new guidelines seek to ensure commercial LPR data is only used for authorized law enforcement cases and that user activity in querying the data is well documented to ensure accountability. Once a vendor is selected to provide this data service, ICE will finalize its internal policy, in coordination with PRIV and CRCL governing use of this data service and will require all users be trained in advance.

ICE will use license plate reader data from outside sources, when available, as a source of data (among other data sources) to assist in the execution of their law enforcement

Question#:	39
Topic:	cell-site simulators
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Patrick J. Leahy
Committee:	JUDICIARY (SENATE)

mission: to identify, arrest, and remove individuals who are immigration enforcement priorities, including individuals who pose a threat to national security, public safety, or border security. ICE also will use the information in support of its criminal investigations into national security threats, illegal arms exports, financial crimes, commercial fraud, human trafficking, narcotics smuggling, child pornography or exploitation, and immigration fraud.

Question 14: What will be the cost, per year, for access to such a database?

Response: ICE Office of Acquisition Management posted a solicitation on Federal Business Opportunities to acquire access to a commercial license plate reader database on April 17, 2015; however, the responses to that solicitation are currently being evaluated. As a result, because the cost will be predicated upon which vendor is ultimately awarded the contract, pricing information is not releasable at this time. ICE will provide the resultant award and cost information prior to award and pursuant to the congressional notification process.

Question#:	40
Topic:	US-VISIT: 9/11 Commission Recommendations
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Recommendation: "The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system."

Full deployment of the biometric exit component of US-VISIT should be a high priority. Such a capability would have assisted law enforcement and intelligence officials in August and September 2001 in conducting a search for two of the 9/11 hijackers that were in the U.S. on expired visas. (Tenth Anniversary Report Card: The State of the 9/11 Commission Recommendations, Bipartisan Policy Center, September 2011, at 18).

Why don't we have US-VISIT implemented at every land, sea, and air port of entry?

Response: The deployment of biometric screening capabilities for departure at every port of entry is a significant challenge because U.S. air, land, and sea ports were historically built without immigration departure control points. Air, land and sea ports of entry were built to accommodate in-person inspection for individuals seeking admission into the United States. CBP has dedicated space for inspection booths and all of the related inspection activities that occur when a person arrives in the United States and presents themselves and their possessions for inspection. For departure, there is no dedicated infrastructure. Any in-person interaction to collect biometric scans requires significant planning, as well as possible concessions of space and time from local port authorities and air carriers. At most airports the departure gates are shared between domestic and international departures, potentially necessitating the deployment of biometric exit screening to all gates in a given airport. Our Nation's top twenty airports alone contain about 2,500 departure gates. Biometric entry/exit in the land environment is even more challenging. Based on current infrastructure, the technology would have to identify a person through their car, in all weather conditions and at varying speeds. The alternative – to turn departure into a mirror of entry inspection – creates significant economic, environmental, and facilitation challenges.

CBP is moving forward with biometric exit through several initiatives. In the upcoming months, CBP expects to begin a mobile biometric exit test in Atlanta, Georgia and over the following year, expanding to other airports. In the fall, CBP will test biometric exit in the pedestrian environment at the Otay Mesa, California land border crossing. Finally, through a partnership with DHS Science and Technology, CBP will conduct an operational field trial (a developmental test in an operational environment) of biometric exit data collection at a large airport (to be determined) in Fiscal Year 2016.

Question#:	40
Topic:	US-VISIT: 9/11 Commission Recommendations
Hearing:	Oversight of the Department of Homeland Security
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Over the next 12-18 months CBP will use the lessons learned and best practices from these initiatives to inform next steps on a biometric entry/exit acquisition and deployment strategy.

Enclosure to Question 21

School Name	Visa
Academy of Art University	F-1
ADVANCED COMPUTING INSTITUTE, INC	F-1
Alfred University	F-1, J-1
Alliant International University	F-1
Appalachian State University	F-1
Argosy University/ San Francisco Bay Area	F-1
Arizona State University	F-1, J-1
Arkansas State University	F-1
Arkansas Tech University	F-1
Art Center College of Design	F-1
ASSE International, Inc.	J-1
AUBURN UNIVERSITY	F-1
Auburn University Montgomery	F-1
Austin Community College	F-1
Bay State College	F-1
Baylor University	F-1
Bentley University	F-1
Berea College	F-1
Blinn College – Bryan	F-1
Boise State University	F-1
Boston College	F-1
Boston University	F-1, J-1
Bowling Green State University	F-1
Bradley University	F-1
Brandeis University	F-1
Brigham Young University	F-1
Brigham Young University – Idaho	F-1
Bristol University	F-1
Broward College	F-1
Brown University	F-1, J-1
Bunker Hill Community College	F-1
Cal State University, Dominguez Hills	F-1
California Baptist University	F-1
California Institute of Technology	F-1, J-1
California International Business University	F-1
California International University	F-1
California Lutheran University	F-1
California Miramar University	F-1
California Polytechnic State University, San Luis Obispo	F-1

California State Polytechnic University Pomona	F-1
California State University	F-1
California State University Fullerton	F-1
California State University Long Beach	F-1
California State University San Marcos	F-1
California State University, East Bay	F-1
CALIFORNIA STATE UNIVERSITY, LOS ANGELES	F-1
California State University, Northridge	F-1, J-1
California State University, Sacramento	F-1
California State University, San Bernardino	F-1
California University of Business and Technology	F-1
California University of Management & Sciences	F-1
Carnegie Mellon University	F-1, J-1
Case Western Reserve University	F-1, J-1
Catholic University of America	F-1
Central Michigan University	F-1
City College of San Francisco	F-1
City Colleges of Chicago	F-1
City University of Seattle	F-1
Claremont Graduate University	F-1
Clark Atlanta University	F-1
Clark University	F-1
Clarkson University	F-1, J-1
Clayton State University	F-1
Clemson University	F-1, J-1
Cleveland State University	F-1
Colby College	F-1
College of Medicine, Mayo Clinic	F-1
College of Southern Nevada, NSHE	F-1
Colorado Heights University	F-1
Colorado School of Mines	F-1, J-1
Colorado State University	F-1, J-1
Colorado State University –Pueblo	F-1
Colorado Technical University	F-1
Columbia College	F-1
Columbia College, Salt Lake City Campus	F-1
Columbia University in the City of New York	F-1, J-1
Community College of Denver	F-1
Concordia University	F-1
Concordia University	F-1
Cornell University	F-1, J-1

Council on International Educational Exchange	J-1
Cultural Homestay International	J-1
CREIGHTON UNIVERSITY	F-1
Cultural Vistas, Inc.	J-1
Dartmouth College	F-1
Daytona State College	F-1
De Anza College	F-1
DePaul University	F-1
DeVry University	F-1
Diablo Valley College	F-1
Drake University	F-1
Drexel University	F-1, J-1
Duke University, Med.Ctr., & Health Sys.	F-1, J-1
EAST CAROLINA UNIVERSITY	F-1
East Tennessee State University	F-1
Eastern Illinois University	F-1
Eastern Michigan University	F-1
Edmonds Community College	F-1
Elmhurst College	F-1
Embry-Riddle Aeronautical University	F-1
Embry-Riddle Aeronautical University - Prescott, AZ	F-1
Embry-Riddle Aeronautical University- Worldwide	F-1
Emory University	F-1
Emporia State University	F-1
Fairfield University	F-1
Ferris State University	F-1
Florida Atlantic University	F-1
Florida Institute of Technology	F-1
Florida International University	F-1
Florida State University	F-1, J-1
Folsom Lake College	F-1
Foothill College	F-1
Full Sail University	F-1
Gadsden State Community College	F-1
George Mason University	F-1
Georgetown University	F-1
Georgia Institute of Technology	F-1, J-1
Georgia Perimeter College	F-1
Georgia State University	F-1
Gnomon School of Visual Effects	M-1
Golden Gate University	F-1

Goldey-Beacom College	F-1
Gonzaga University	F-1
Grand Valley State University	F-1
Green River Community College	F-1
Grossmont College	F-1
Harrisburg University of Science & Technology	F-1
Harvard University	F-1, J-1
Hawaii Pacific University	F-1
High Point University	F-1
Hofstra University	F-1
Houston Community College System	F-1
Howard University	F-1
Hult International Business School	F-1
Idaho State University	F-1
Illinois Institute of Technology	F-1, J-1
Illinois State University	F-1
Indiana University	F-1, J-1
Intel Corporation	J-1
International American University	F-1
International Technological University	F-1
Intrax Internship Program	J-1
Intrax Work/Travel	J-1
Iowa State University of Science and Technology	F-1, J-1
Irvine Valley College	F-1
Jackson State University	F-1
Johns Hopkins University-Homewood Campus	F-1, J-1
Johnson & Wales University	F-1
Kansas State University	F-1, J-1
Kent State University	F-1
Kettering University (formerly GMI)	F-1, J-1
La Salle University	F-1
La Sierra University	F-1
Lake Superior State University	F-1
Lamar University	F-1
Lasell College	F-1
Lawrence Technological University	F-1
Lehigh University	F-1, J-1
Limestone College	F-1
Lincoln University	F-1
Long Island University	F-1
Los Angeles Community College District	F-1

Los Angeles Mission College	F-1
Los Angeles Pierce College	F-1
Louisiana State University and Agric. & Mechanical College	F-1
Louisiana Tech University	F-1
Lourdes University	F-1
Loyola Marymount University	F-1
Loyola University Chicago	F-1
Lynn University	F-1
Maharishi University of Management	F-1
Manhattan Christian College	F-1
Marist College	F-1
Marquette University	F-1
Marshall University	F-1
Marymount University	F-1
Massachusetts Institute of Technology	F-1, J-1
MERCER UNIVERSITY ATLANTA	F-1
Mercy College	F-1
Mesa Community College	F-1
Miami Dade College	F-1
Miami University	F-1
Michigan State University	F-1, J-1
Michigan Technological University	F-1, J-1
Microsoft Corporation	J-1
Middle Tennessee State University	F-1
Milwaukee School of Engineering	F-1
Minnesota State University Moorhead	F-1
Minnesota State University, Mankato	F-1
MiraCosta Community College District	F-1
Mississippi State University	F-1
Monmouth University	F-1
Montana State University - Bozeman	F-1
Montana University System	F-1
MONTGOMERY COLLEGE	F-1
Morehead State University	F-1
Morgan State University	F-1, J-1
Mt. San Antonio Community College District	F-1
Murray State University	F-1
National University	F-1
National University / San Diego	F-1
Neosho County Community College	F-1
New Jersey Institute of Technology	F-1

New Mexico Highlands University	F-1
New Mexico Institute of Mining and Technology	F-1
New Mexico State University	F-1
New York Institute of Technology	F-1
New York University	F-1, J-1
Newton International College	F-1
North Carolina Agricultural and Technical State University	F-1
North Carolina Central University	F-1
North Carolina State University (UNC System)	F-1, J-1
North Dakota State University	F-1, J-1
Northeastern Illinois University	F-1
NORTHEASTERN STATE UNIVERSITY	F-1
Northeastern University	F-1, J-1
Northern Illinois University	F-1
Northern Virginia Community College	F-1
NorthWest Arkansas Community College	F-1
Northwestern Polytechnic University	F-1
Northwestern University	F-1, J-1
Norwich University	F-1
Nova Southeastern University	F-1
NYU Polytechnic School of Engineering	F-1
Oakland University	F-1
Ohio University	F-1, J-1
Oklahoma City Community College	F-1
Oklahoma City University	F-1
Oklahoma State University	F-1, J-1
Old Dominion University	F-1
Oregon Health & Science University	F-1
Oregon State University	F-1, J-1
Owens State Community College	F-1
PACE UNIVERSITY	F-1
Pasadena City College	F-1
Peralta Community College District	F-1
Philadelphia University	F-1
Pittsburg State University	F-1
Polytechnic Institute of New York University	J-1
Portland Community College	F-1
Portland State University	F-1
Prairie View A&M University	F-1
Princeton University	F-1, J-1
Purdue University	F-1, J-1

Rancho Santiago Community College District	F-1
Red Rocks Community College	F-1
Reedley College	F-1
Rensselaer Polytechnic Institute	F-1
Rice University	F-1
Riverside Community College District	F-1
Rivier University	F-1
Rochester Institute of Technology	F-1
Roosevelt University	F-1
Rose-Hulman Institute of Technology	F-1
Rowan University	J-1
Rutgers, the State University of New Jersey	F-1
Sacramento City College	F-1
Saddleback College	F-1
Saint Joseph's University	F-1
Saint Louis University	F-1
San Diego State University	F-1, J-1
San Francisco State University (SFSU)	F-1
San Jose State University	F-1
Santa Barbara Business College	F-1
SANTA CLARA UNIVERSITY	F-1
Santa Clarita Community College District	F-1
Santa Monica College	F-1
Savannah College of Art and Design	F-1
Schoolcraft College	F-1
Seattle Central College	F-1
Sierra College	F-1
Silicon Valley University	F-1
Sinclair Community College	F-1
Sonoma State University	F-1
South Dakota School of Mines and Technology	F-1
South Dakota State University	F-1, J-1
South Mountain Community College	F-1
Southern Illinois University	F-1
Southern Illinois University Carbondale	F-1
Southern Methodist University	F-1, J-1
Southern New Hampshire University	F-1
Southern States University San Diego	F-1
Southern University and A&M College	F-1
Spokane Falls Community College	F-1
St. John Fisher College	F-1

St. John's University	F-1
Stanford University	F-1
Stanford University, Bechtel International Center	J-1
State University of New York at Binghamton	F-1
State University of New York at Buffalo	F-1
State University of New York at New Paltz	F-1
State University of New York at Plattsburgh	F-1
State University of New York at Stony Brook	F-1, J-1
Stevens Institute of Technology	F-1, J-1
Stratford University	F-1
Strayer University	F-1
Sullivan University	F-1
SUNY College of Environmental Science and Forestry (SYR)	F-1
SUNY Rockland Community College	F-1
Syracuse University	F-1, J-1
Temple University--A Commonwealth University	F-1
Tennessee State University	F-1
Tennessee Technological University	F-1, J-1
Texas A&M International University (Texas A&M System)	F-1
Texas A&M University	F-1, J-1
Texas A&M University-Commerce	F-1
Texas A&M University-Kingsville	F-1
Texas Southern University	F-1
Texas State University	F-1
Texas Tech University	F-1, J-1
Texas Woman's University	F-1
The Art Institute of Dallas	F-1
The Chicago School of Professional Psychology	F-1
The City University of New York	F-1, J-1
The College of Idaho	F-1
The College of William and Mary	F-1
The Foundation for Worldwide International Student Exchange	J-1
The George Washington University	F-1
The J. Paul Getty Trust	J-1
The Johns Hopkins University: Medical Institutions	F-1
The Ohio State University	F-1, J-1
The Pennsylvania State University	F-1, J-1
The Sage Colleges	F-1
The University of Akron	F-1
The University of Alabama	F-1
The University of Alabama in Huntsville	F-1

The University of Chicago	F-1
The University of Georgia	F-1
The University of Iowa	F-1, J-1
The University of Memphis	F-1
The University of Michigan-Dearborn	F-1
The University of Mississippi	F-1
The University of North Carolina at Greensboro	F-1
The University of Southern Mississippi	F-1
The University of Tampa	F-1
The University of Tennessee	F-1, J-1
The University of Tennessee at Chattanooga	F-1
The University of Texas at Arlington	F-1, J-1
The University of Texas at Dallas	F-1, J-1
The University of Texas at El Paso	F-1
The University of Texas-Pan American	F-1
The University of Toledo	F-1, J-1
The University of Tulsa	F-1
The University of Vermont	F-1
The Vanderbilt University	F-1
Thunderbird School of Global Management	F-1
Towson University	F-1
Toyota Technological Institute at Chicago	F-1
Troy University	F-1
Tufts University	F-1
Tufts University, International Center	J-1
Tulane University	F-1
UCLA-Extension	F-1
Union College	F-1
U.S. Department of Interior, U.S. Geological Survey	J-1
University at Albany, State University of NY	F-1
University of Alabama at Birmingham	F-1
University of Alaska Fairbanks	F-1
University of Arizona	F-1, J-1
University of Arkansas	F-1, J-1
University of Arkansas at Little Rock	F-1
University of Baltimore	F-1
University of Bridgeport	F-1
University of California at Berkeley	F-1, J-1
University of California Extension, Santa Cruz	F-1
University of California San Diego	F-1, J-1
University of California, Berkeley Extension	F-1

University of California, Davis	F-1, J-1
UNIVERSITY OF CALIFORNIA, IRVINE	F-1, J-1
University of California, Irvine, Extension	F-1
University of California, Los Angeles	F-1, J-1
University of California, Merced	F-1, J-1
University of California, Riverside	F-1, J-1
University of California, San Francisco	F-1
University of California, Santa Barbara	F-1, J-1
University of California, Santa Cruz	F-1
University of Central Florida	F-1, J-1
UNIVERSITY OF CENTRAL OKLAHOMA	F-1
University of Cincinnati	F-1
University of Colorado Boulder	F-1, J-1
University of Colorado Colorado Springs	F-1
University of Colorado Denver	F-1
University of Connecticut	F-1
University of Dayton	F-1
University of Delaware	F-1, J-1
University of Denver	F-1, J-1
University of Florida	F-1, J-1
University of Hartford	F-1
University of Hawaii at Manoa	F-1
University of Houston	J-1
University of Houston-Clear Lake	F-1
University of Houston-System	F-1
University of Idaho	F-1, J-1
University of Illinois	F-1
University of Illinois at Chicago	F-1
University of Illinois at Springfield	F-1
University of Illinois at Urbana-Champlain	J-1
University of Kansas	F-1, J-1
University of Kentucky	F-1, J-1
University of Louisiana at Lafayette	F-1, J-1
University of Louisville	F-1
University of Maine	F-1, J-1
University of Maryland	F-1
University of Maryland, Baltimore County	F-1
University of Maryland at College Park	J-1
University of Massachusetts Amherst	F-1, J-1
University of Massachusetts Boston	F-1, J-1
University of Massachusetts Dartmouth	F-1, J-1

University of Massachusetts Lowell	F-1
University of Miami	F-1
University of Michigan	F-1, J-1
University of Minnesota	F-1, J-1
University of Missouri	F-1
University of Missouri-Columbia	F-1, J-1
University of Missouri-Kansas City	F-1, J-1
University of Missouri-Rolla	J-1
University of Nebraska	F-1
University of Nebraska-Lincoln	F-1
University of Nevada, Las Vegas	F-1
University of Nevada, Reno	F-1, J-1
University of New Hampshire	F-1
University of New Haven	F-1
University of New Mexico	F-1
University of New Orleans	F-1
University of North Carolina at Chapel Hill	F-1, J-1
University of North Carolina at Charlotte	F-1
University of North Dakota	F-1
University of North Texas	F-1, J-1
University of Northern Iowa	F-1
University of Notre Dame du Lac	F-1
University of Oklahoma	F-1, J-1
University of Oregon	F-1
University of Pennsylvania	F-1, J-1
University of Pittsburgh	F-1
University of Puerto Rico	F-1
University of Redlands	F-1
University of Rhode Island	F-1, J-1
University of Rochester	F-1
University of San Diego	F-1
University of San Francisco	F-1
University of South Alabama	F-1
University of South Carolina	F-1, J-1
University of South Florida	F-1
University of Southern California	F-1, J-1
University of St. Thomas	F-1
University of Texas at Austin	F-1, J-1
University of Texas at San Antonio	F-1
University of the District of Columbia	F-1
University of the West	F-1

University of Utah	F-1
University of Virginia	F-1
University of Washington	F-1, J-1
University of Washington Tacoma	F-1
UNIVERSITY OF WEST GEORGIA	F-1
University of Wisconsin	F-1
University of Wisconsin Milwaukee	F-1, J-1
University of Wisconsin-Madison	F-1
University of Wyoming	F-1
Ursuline College	F-1
Utah State University	F-1, J-1
UTAH VALLEY UNIVERSITY	F-1
Villanova University	F-1
Virginia Commonwealth University	F-1
Virginia International University	F-1
Virginia Polytechnic Institute and State University	F-1, J-1
Wake Forest University	F-1
Wartburg College	F-1
Washington State University	F-1, J-1
Washington University in St. Louis	F-1
Washtenaw Community College	F-1
Wayne State University	F-1
Weber State University	F-1
Webster University	F-1
Wesleyan University	F-1
West Valley College	F-1
West Virginia University	F-1
Western Carolina University	F-1
Western Illinois University	F-1
Western Kentucky University	F-1
WESTERN MICHIGAN UNIVERSITY	F-1
Western New England University	F-1, J-1
Westminster College-Salt Lake City	F-1
Wichita State University	F-1
Widener University	F-1
Wilkes University	F-1
William Marsh Rice University	J-1
Woodbury University	F-1
Worcester Polytechnic Institute	F-1
Worcester State University	F-1
Wright State University	F-1

Yale University	F-1, J-1
Yuin University	F-1

U.S. Citizenship & Immigration Services
Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B)
Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State
Fiscal Year FY2013 and 2015 (April 30)

State	Approvals			
	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
AK	12	225	15	139
AL	23	575	23	698
AR	30	1,362	33	1,927
AZ	33	1,211	49	1,688
CA	91	1,809	81	1,265
CO	129	2,472	202	4,133
CT	12	216	7	124
DC				
DE	15	231	13	209
FL	162	3,236	204	3,770
GA	91	4,135	77	3,514
IA	2	18	11	141
ID	13	816	9	730
IL	32	887	28	848
IN	10	432	19	535
KS	37	645	40	869
KY	43	445	45	543
LA	115	2,233	123	2,492
MA	255	2,120	255	2,202
MD	92	2,676	92	2,753
ME	55	543	72	758
MI	85	1,539	93	1,457
MN	21	296	28	514
MO	71	1,457	82	1,250
MS	12	862	26	1,403
MT	12	162	24	232
NC	96	2,183	74	1,944
ND	13	226	25	412
NE	11	198	26	592
NH	26	344	25	382
NJ	117	1,493	101	1,609
NM	3	57	2	36
NV	6	205	6	182
NY	226	1,914	227	2,076
OH	66	941	80	1,000
OK	65	1,019	83	1,169
OR	16	1,073	20	1,074
PA	142	2,408	126	2,030
PR	3	3		
RI	10	184	13	204

ECN# 711

	U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)			
	Approvals			
	2013*		**2015**	
State	**Petitions**	**NUMBER OF BENEFICIARIES**	**Petitions**	**NUMBER OF BENEFICIARIES**
SC	36	805	50	1,183
SD	27	400	54	645
TN	19	303	16	300
TX	504	10,929	517	12,221
UT	32	424	33	417
VA	444	9,150	517	11,115
VT	9	162	15	199
WA	58	753	55	744
WI	10	274	10	340
WV	2	13	8	96
WY	14	125	12	130
Grand Total	**3,408**	**66,189**	**3,746**	**74,294**

Please note:

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

2) The duplicate cases due to service center transfers have been removed.

3) Data in date range is aggregated by the approval date.

4) Pending show the number of pending cases received for FY15 as of 03/05/2015

5) Please note for FY15, USCIS is still adjudicating H2B petitions eligible under the cap.

*6) *Please note that even though the number of approved H-2B beneficiaries is greater than 66,000, the FY2013 H-2B cap was not reached due to the factors discussed in Questions 11 and 12.*

Database Queried: May 12,2015

Report Created: May 13,2015 updatd May 15,2015

System: CIS Consolidated Operational Repository (CISCOR)

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

Parameters

Approval parameters: Receipt Date 06/01/2012 to 04/30/2015. Valid From Date 10/01/2012 to 09/30/2015 Part_2_2 of the Form = A, Part_2_4 = A or B/ Denials Range is the denial date between 10/01/2012 to 04/30/2015

Form Type: I-129

Class Preference: H2B

Data Type: Approvals and Denials for Petitions and by Number of Beneficiaries

U.S. Citizenship & Immigration Services
Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B)
Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State
Fiscal Year FY2013 and 2015 (April 30)

State	Denials			
	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
AK				
AL	1	25	2	7
AR			1	7
AZ				
CA	4	45	4	28
CO	3	92	2	38
CT			1	10
DC	1	1		
DE	1	7		
FL	11	166	10	118
GA	1	99	1	76
IA				
ID				
IL	1	1		
IN				
KS				
KY	4	15		
LA	5	551	3	66
MA	4	9	5	9
MD	4	11	2	16
ME	1	15		
MI	1	3	4	12
MN	1	7		
MO			1	12
MS	1	13		
MT				
NC	5	88	3	30
ND				
NE	1	1		
NH			1	4
NJ	8	80	2	3
NM				
NV				
NY	11	91	8	65
OH	1	5	1	9
OK	3	52	1	8
OR	1	60		
PA	1	3	2	11
PR	1	1	2	2
RI	2	14		

State	U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)			
	Denials			
	2013*		**2015**	
	Petitions	**NUMBER OF BENEFICIARIES**	**Petitions**	**NUMBER OF BENEFICIARIES**
SC	3	60	3	18
SD				
TN	2	19		
TX	26	380	14	333
UT				
VA	11	300	3	139
VT	1	10		
WA	6	6		
WI				
WV	1	2		
WY				2
Grand Total	**128**	**2,232**	**76**	**1,023**

Please note:

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

2) The duplicate cases due to service center transfers have been removed.

3) Data in date range is aggregated by the approval date.

4) Pending show the number of pending cases received for FY15 as of 03/05/2015

5) Please note for FY15, USCIS is still adjudicating H2B petitions eligible under the cap.

*6) *Please note that even though the number of approved H-2B beneficiaries is greater than 66,000, the FY2013 H-2B cap was not reached due to the factors discussed in Questions 11 and 12.*

Database Queried: May 12,2015

Report Created: May 13,2015 updatd May 15,2015

System: CIS Consolidated Operational Repository (CISCOR)

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

Parameters

Approval parameters: Receipt Date 06/01/2012 to 04/30/2015. Valid From Date 10/01/2012 to 09/30/2015 Part_2_2 of the Form = A, Part_2_4 = A or B/ Denials Range is the denial date between 10/01/2012 to 04/30/2015

Form Type: I-129

Class Preference: H2B

Data Type: Approvals and Denials for Petitions and by Number of Beneficiaries

Sacramento, CA Attendees - March 11

Last Name	First Name	Organization
Barba	Raul	Department of Water Resources
Bechtel	Ann	Atkins Global
Birrer	Joe	San Francisco International Airport
Blumberg	Louis	The Nature Conservancy
Bortugno	Ed	California Governor's Office of Emergency Services
Bryant	James	U. S. Small Business Administration
Butler	Eric	California Central Valley Flood Protection Board
Cammarota	Nick	California Building Industry Assoc
Cassidy	Ted	Dewberry
Castillo	Ricardo	California Governor's Office of Emergency Services
Chou	Ben	Natural Resources Defense Council
Churchwell	Roger	San Joaquin Area Flood Control Agency
Costa	John	North State Building Industry Association
Cox	Dale	USGS
Curry	Tina	Governor's Office of Emergency Services
Dietrich	Nathan	Office of Congresswoman Doris O. Matsui
Durham	Katie	DHS
Estes	Gary	California Extreme Precipitation Symposium
Eto	Jim	Department of Water Resources
Flannery	Collen	Central Valley Flood Control Association
Fleming	Mick	Yolo County California Government
Fletcher	Randy	Yuba County
Gaskey	Mitchell	SBM
Gilson	Susan	NAFSMA
Gin	Vincent	Orange County Flood Control District
Giottonini	Jim	San Joaquin Area Flood Control Agency
Hartwig	James	California Governor's Office of Emergency Services
Huckleberry	Jason	City of Visalia
Johnson	Rick	Sacramento Area Flood Control Agency
Lam	Nixon	San Francisco International Airport
LaMar-Haas	Victoria	Governor's Office of Emergency Services
León	Abimael	California Department of Fish and Wildlife
Lizarraga	Adam	iService
Macdonald	Clyde	California Central Valley Flood Protection Board
Maguire	John	San County Department of Public Works
Mampara	Mathew	Dewberry
Marino	Len	California Central Valley Flood Protection Board
Mayer	Rod	HDR
More	Kristi	The Ferguson Group, L.L.C.
Myers	Kenneth	California Office of Emergency Services
Nagy	Eric	MBK Engineers
Ng	Steve	DOT California
Nomellini	Dante John	Nomellini, Grilli & McDaniel

O'Regan	Barry	KSNinc
Pemstein	Jeff	Homes by Towne
Perkins	Connie	City of Sacramento Department of Utilities
Pineda	Ricardo	California Department of Water Resources
Plummer	Thomas	
Powderly	John	
Qualley	George	Department of Water Resources
Ruefer	Jeanne	Tetra Tech
Rush	Andrew	California Governor's Office of Emergency Services
Scheuring	Chris	California Farm Bureau Federation
Spore	Brian	City of Hayward
Stork	Ronald	Friens of the River
Sully	Marcia	California Governor’s Office of Emergency Services
Thach	Bich Hien	Department of Water Resources
Veilleux	Andrea	USGS
Ward	Nancy	Cal OES
Woertink	Amber	Central Valley Flood Protection Board
Young	Chris	City of Visalia
Young	Thane	Van Scoyoc Associates, Inc.
Yu	Rosalyn	San Francisco International Airport

Question#:	1
Topic:	barriers or fencing
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Current State of U.S.-Mexico Border Fence Construction

Your Department has sole responsibility for the northern, southern, and maritime border security of the United States. Congress has, in the past, specifically mandated in statute that your Department undertake to complete U.S.-Mexico border fence construction or otherwise improve or enhance the quality of U.S.-Mexico border fencing in order to reduce the flow of illegal aliens into the United States. It is Congress's understanding, however, that, despite these instructions, large swaths of the U.S.-Mexico border remain unsecured, because of either the failure to construct required fencing or the failure to replace inadequate or damaged fencing with better fencing.

How many miles of the 1,954-mile border shared by the United States and Mexico:

Have no barriers or fencing at all?

Have vehicle barriers only (designed to halt vehicle traffic but not pedestrian traffic)?

Have single-layer fencing only (designed to stop pedestrian traffic)?

Have double-layer fencing (designed to stop pedestrian traffic)?

Please provide answers in both number of miles and as a percentage of the entire U.S.-Mexico border.

Response:
1300 miles have no fencing (66.5%)
299.8 miles have vehicle fence (15.3%)
316.6 miles of pedestrian fence (16.2%)*
36.3 miles of double-layer fencing (.02%)

*The current total for primary fencing to be 352.9 miles. 316.6 single layer + 36.3 double layer= 352.9 miles of primary fencing.

Question#:	2
Topic:	vehicle barriers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: With respect to the portions of the U.S.-Mexico border that currently feature only vehicle barriers:

Are any of these vehicle barriers being replaced with single-layer fencing?

Are any of these vehicle barriers being replaced with double-layer fencing?

Response: There are currently no requirements at this time to replace vehicle fencing with single-layer pedestrian fencing.

There are currently no requirements at this time to replace vehicle fencing with double-layer pedestrian fencing.

Question#:	3
Topic:	unfenced portions of the U.S.-Mexico border
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: With respect to the unfenced portions of the U.S.-Mexico border:

Is any single-layer fencing being constructed along these portions at this time?

Is any double-layer fencing being constructed along these portions at this time?

Response: There is no planning or active construction of new single-layer pedestrian fencing taking place at this time. U.S. Customs and Border Protection's (CBP) Office of Border Patrol (OBP) is using the Capability Gap Analysis Process to gather new border security requirements.

In addition, there are no requirements for secondary fence at this time.

Question#:	4
Topic:	border fence construction
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Please explain in detail how your Department is using funding that has been set aside by Congress for border fence construction if it is not using such funding for fence construction, with specific information regarding:

When border fence construction funding was spent (broken down by fiscal year).

How border fence construction funding was spent.

Whether any of the border fence construction went toward non-border fence construction contractor services.

Response: Congress has provided over $2.5 billion in BSFIT D&D funds for the execution of border fencing projects across the Southwest border. All funds allocated for border fencing have been or are being used for the execution of such projects to fund planning, design, construction, construction oversight, real estate acquisition, environment planning, compliance and mitigation and contract support required for the successful execution of the border fence.

Question#:	5
Topic:	Terrorists or Terrorist Presence Near U.S. Borders
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Indications of International Terrorists or Terrorist Presence Near U.S. Borders

Federal Bureau of Investigation (FBI) Director James Comey recently rejected claims that the Islamic State of Iraq and Syria (ISIS) has been detected in Mexico in close proximity to El Paso, Texas, and was using its presence there as a base of operations for sending ISIS members into the United States to attack domestic targets. Director Comey's assertions may have been in response to a recent Judicial Watch article that stated, with some degree of specificity, that Mexican authorities had confirmed the presence of an ISIS camp within only a few miles of El Paso.

Can you corroborate FBI Director Comey's comments that ISIS does not have a base of operations or any other physical presence in the vicinity of the U.S.-Mexico border?

Does your Department have any reason to believe that ISIS may be collaborating with any Mexican, Central American, or South American cartel(s), transnational criminal organization(s), or drug trafficking organization(s)?

Please provide the following:

All unclassified information about any foreign or international terrorist organizations that have been detected in any part of Mexico or any Central or South American country.

All unclassified information about any foreign or international terrorist organizations that have attempted entry into the United States at any point along either the U.S.-Mexico or U.S.-Canada land borders or U.S. maritime borders.

If the information requested in the above question is only available in classified form, please inform the Committee accordingly (so that we can make arrangements for a classified briefing on the subject).

Response: DHS agrees with FBI Director Comey's statements that there are no credible indications that the Islamic State of Iraq and the Levant (ISIL) has a base of operations or other physical presence on or near the US-Mexico border. DHS is further unaware of any credible information suggesting that ISIL is collaborating with any South- or Central-America based drug cartel, alien smuggling organization, or other transnational criminal organization.

Question#:	5
Topic:	Terrorists or Terrorist Presence Near U.S. Borders
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

DHS I&A has previously briefed you in a classified setting regarding the terrorist threat to the US Southwest border, including a briefing on both historical activities we have and have not seen and the willingness of drug cartels, alien smuggling organizations, and other transnational criminal organizations to facilitate the illicit entry to the United States from Mexico by terrorists. We are prepared to provide a similar briefing, although our assessment on the issue remains unchanged.

Question#:	6
Topic:	detained
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Please provide the number of:

U.S. citizens who have been detained at or near the U.S.-Mexico border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

Foreign nationals who have been detained at or near the U.S.-Mexico border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

U.S. citizens who have been detained at or near the U.S.-Canada border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

Foreign nationals who have been detained at or near the U.S.-Canada border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

U.S. citizens who have been detained in U.S. coastal waters who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

Foreign nationals who have been detained in U.S. coastal waters who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.

Response: Since the beginning of fiscal year 2015 through April 2015, DHS has not detained any U.S. citizens or foreign nationals that are known or suspect members of any foreign or international terrorist organization at or near the U.S.-Mexico border, or near the U.S.-Canada border. The United States Coast Guard has not detained any U.S. citizens in U.S. coastal waters. This year, the Coast Guard vetted a small number of foreign nationals for ties to terrorism in the U.S. coastal waters. Two were positive matches; one a passenger on a cruise ship and one a crewmember on a container vessel.

Question#:	7
Topic:	Judicial Watch story
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Has your Department made any attempts to contact Mexico's federal government or State of Chihuahua government officials in order to verify the allegations made in the Judicial Watch story?

Response: DHS concurs with the White House National Security Council position on this matter expressed by White House Press Secretary Josh Earnest, in the August 29, 2014, Press Briefing that "the most detailed intelligence assessment that I can offer from here is that there is no evidence or indication right now that ISIL is actively plotting to attack the United States homeland. That's true right now." We assess that there is still no indication that this claim is valid. Further, as previously stated, DHS agrees with FBI Director Comey's statements that there are no credible indications that the Islamic State of Iraq and the Levant (ISIL) has a base of operations or other physical presence on or near the US-Mexico border.

Question#:	8
Topic:	ISIS and Iran Recruiting
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: ISIS and Iran Recruiting Efforts in the Americas United States Marine Corps General John F. Kelly recently told the Senate Armed Services Committee that ISIS and Iran are actively recruiting individuals from Caribbean and South American countries for overseas fighting. General Kelly specifically identified Jamaica, Trinidad and Tobago, Suriname, and Venezuela as countries where these recruiting efforts are currently taking place, and noted that these countries' proximities to the United States increase the likelihood of radicalized nationals from these countries entering the United States. While foreign nationals from some countries may have a difficult time entering the United States (legally or otherwise), foreign nationals from Barbados, Grenada, Jamaica, or Trinidad and Tobago may enter the United States without visas if they are seeking to enter the United States as agricultural workers.

Was your Department aware of this significant, national security-threatening regulatory loophole?

Whether or not your Department was previously aware of this loophole, it is aware of it now. Please tell the Committee what steps your Department is taking or will take to close the regulatory loophole.

Response: The Department of Homeland Security (DHS) is aware of this limited nonimmigrant visa exemption for temporary agricultural workers who are nationals of and resident in Jamaica, Grenada, Barbados, or Trinidad and Tobago (as well as British, French, and Netherlands nationals residing in these Caribbean islands or British, French, or Netherlands territory located in the adjacent islands of the Caribbean). In general, individuals seeking admission to the U.S. as nonimmigrants are required to present an unexpired passport and a valid unexpired visa. DHS, through U.S. Customs and Border Protection, and the Department of State (DOS), acting jointly, may waive passport and visa requirements for nonimmigrants in certain circumstances, as provided in section 212(d)(4) of the Immigration and Nationality Act. *See* 8 C.F.R. § 212.1(b)(1). DHS regulations provide that a visa is currently not required for H-2A temporary nonimmigrant agricultural workers from certain Caribbean residents. DOS regulations also describe the visa exemption for these classes of Caribbean residents. *See* 22 C.F.R. § 41.2(e).

DHS, in consultation with DOS, has been reviewing this longstanding visa exemption for Caribbean agricultural workers. The exemption dates back more than 70 years and was created primarily to address U.S. labor shortages during World War II by expeditiously

Question#:	8
Topic:	ISIS and Iran Recruiting
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

providing laborers from the British Caribbean to agricultural employers in the southeastern United States.

DHS will continue to work with DOS and the U.S. Intelligence Community to evaluate the potential security risks associated with this visa exemption and determine whether the risks to national security and the integrity of the U.S. immigration system warrant changing the exemption.

For all international travelers, regardless of citizenship or visa status, CBP assesses risk and conducts pre-departure vetting prior to travelers boarding flights bound for the United States. Where sufficient derogatory information is identified CBP coordinates with the air carrier to prevent the traveler from boarding the flight. Throughout all points of the travel sequence, CBP continues to vet passengers and travel information, and takes appropriate action to mitigate any risk identified. CBP leverages all available advance passenger data; previous crossing information; and intelligence and law enforcement information.

Upon arrival in the United States, all persons are subject to inspection by CBP officers. CBP officers scan the traveler's entry documents to perform queries against various CBP databases for exact or possible matches to existing lookouts, including those of other law enforcement agencies. CBP officers collect foreign nationals' biometrics and query biometrics for derogatory information. In addition to the biographic and biometric system queries performed, a CBP officer interviews each traveler to determine the purpose and intent of his/her travel, and whether any further inspection is necessary based on, among other things, national security. Additionally CBP maintains an office in Barbados and has partnered with the Caribbean Community (CARICOM) Joint Regional Communications Centre (JRCC) to conduct targeting and analysis activities on advance passenger information system data from flights and vessels traveling within ten CARICOM member states. (i.e. Antigua and Barbuda, Jamaica, Grenada, Guyana, Barbados, Dominica, St. Kitts & Nevis, St. Vincent & the Grenadines, Trinidad & Tobago, and St. Lucia).

Question#:	9
Topic:	EPIC report 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Incentivization of Central American Migration

This Administration has repeatedly asserted that the main catalyst of the influx of aliens from Mexico, El Salvador, Guatemala, and Honduras over the last few years is an increase in gang-related violence in these countries. This claim, however, is undercut by an unclassified intelligence document produced by the United States government. Specifically, the federal El Paso Intelligence Center produced an intelligence assessment in July 2014 entitled "Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge" (EPIC report) that demonstrates clear federal awareness, based on interviews of illegal aliens who had entered the United States during the influx, that it was the perception abroad of the Administration's amnesty policies rather than any sort of massive swell of violence that was driving the influx.

When did you first receive or have the chance to view the EPIC report?

Response: I&A personnel assigned to EPIC were involved in the drafting and review of this product prior to its publication.

Question: Do you dispute the contents of the EPIC report? If you do dispute the contents of the EPIC report, please provide a detailed explanation as to why.

Response: (U//FOUO) The DHS Intelligence Enterprise maintains its assessment that drivers of Central American migration—including the 2014 surge in unaccompanied children (UC)— are multifaceted and include: poor economic conditions in the Northern Triangle of Central America; migrants' desire for family reunification; regional insecurity; educational opportunities; and misunderstanding of U.S. immigration policies, especially in the case of UC and family units. The EPIC report also noted the role these factors played and is consistent with findings in the joint UAC Baseline report published by ICE, CBP, and I&A on August 15, 2014.

Question#:	10
Topic:	declining violence
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Given that you and other Department officials have been the main purveyors of the claim that increases in violence have been the primary driver of the influx of illegal aliens from Mexico, El Salvador, Guatemala, and Honduras over the last few years, how do you reconcile data that show declining violence in El Salvador, Guatemala, and Honduras with the Administration's claim that increasing violence is driving the influx?

Response: The Department is not aware of authoritative data indicating a meaningful decline in violence in El Salvador, Honduras, and Guatemala. Notwithstanding media reports of short term declines in the murder rates in Central America, El Salvador, Honduras, and Guatemala are still among the most violent countries in the world, according to U.S. Department of State's Overseas Security Advisory Council (OSAC). For example, 2015 OSAC country reports list homicide rates per 100,000 inhabitants at 68.6 for El Salvador, 66.4 for Honduras, and 31.6 for Guatemala, compared with approximately 5 for the United States.

Question#:	11
Topic:	EPIC report 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: What role, if any, did your Department have in producing the EPIC report?

Response: (U//FOUO) I&A personnel assigned to EPIC were involved in the drafting and review of this product prior to its publication. The EPIC report used CBP data and field reporting to support its analytic judgments.

Question: As part of this answer, please specifically indicate: How much Department funding has been provided to support EPIC since October 1, 2009 (broken down by fiscal year).

Response:

COMPONENT	FISCAL YEAR 2009	FISCAL YEAR 2010	FISCAL YEAR 2011	FISCAL YEAR 2012	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015
A&O	2,661	3,673	3,521	4,724	4,563	4,076	3,177
CBP	2,918	4,808	2,655	2,257	2,092	1,082	1,201
ICE	132	199	256	804	919	1,004	803
USCG	928	1,187	1,046	888	822	246	250
Total	**6,639**	**9,867**	**7,478**	**8,673**	**8,396**	**6,408**	**5,431**

*dollars in thousands

Question: The names of senior Department officials who contributed to this report in any way.

Response: Senior Departmental officials are not involved in the production of DHS Intelligence Enterprise analyses to preserve objectivity and to avoid the appearance of bias in keeping with Intelligence Community Directive 203, Analytic Standards, which states "Analytic assessments must not be distorted by, nor shaped for, advocacy of a particular audience, agenda, or policy viewpoint."

Question#:	12
Topic:	EPIC report 3
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: What role, if any, did your Department have in preventing the EPIC report from being publicly released (given that the report is unclassified)?

Response: (U//FOUO) Analytical intelligence products—even if unclassified—are seldom prepared for public release, and then only after a review by the originating agency for sensitive content that would be exempt from disclosure under the Freedom of Information Act or other statutes. The EPIC report contains source material derived from law enforcement records or information that could reasonably be expected to interfere with enforcement proceedings. For this reason, the document is marked UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE (LES), which limits dissemination internally to Executive Branch employees (and contractors) who have a valid need to know in the performance of their official duties. DHS personnel who were involved in the preparation and distribution of the EPIC report appropriately followed the rules governing the control and safeguarding of LES information.

Question#:	13
Topic:	illegal immigration
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: DHS Assistance to State and Local Law Enforcement on U.S.-Mexico Border

Chief Deputy Sheriff Benny Martinez of the Brooks County Sheriff's Office recently told the Senate Homeland Security and Governmental Affairs Committee that this Administration's pro-amnesty policies have resulted in the discovery of literally hundreds of dead bodies on private parcels of land throughout Brooks County since 2008. Chief Deputy Martinez indicated that, despite the federal role in fueling the flow of illegal immigration into the United States, the cost of body removal and disposal has fallen to Brooks County in the amount of $700,000 since 2008, despite the United States government's frequent assertions that the United States government is solely responsible for immigration enforcement.

Please explain why your Department should not be responsible for reimbursing Brooks County (and similar situated counties throughout the United States) for the costs associated with illegal alien body removal and burial?

Does any component of your Department currently have a mechanism for reimbursing state or local agencies for covering the cost of this immigration-related function?

Response: There is no authority under the Immigration and Nationality Act, Homeland Security Act, or the current appropriations for DHS to pay costs associated with the removal of dead bodies from private parcels of land.

Question#:	14
Topic:	CAM Program 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Central American Minors Refugee/Parole Program

The recent Senate Judiciary subcommittee hearing on the Central American Minors Refugee/Parole Program (CAM Program), which uses taxpayer dollars to bring the spouses and children of illegal aliens to the United States, has revealed significant concern about the legality, wisdom, and cost of the program.

Please cite the statutory basis for the creation and implementation of the CAM Program.

Please provide both the current and projected costs of the CAM Program.

Does your Department generate any revenue from the CAM Program?

During the above-mentioned subcommittee hearing, Senator Sessions asked questions regarding the in-country circumstances that would permit a foreign national to claim refugee status. Different scenarios were discussed, based on internal agency documentation addressing the CAM Program, that raised questions about exactly what conditions would allow the extension of refugee status to a foreign national, and whether current Administration interpretations are in accord with statutory language.

Question: Please cite the statutory basis for the creation and implementation of the CAM Program.

Response: An annual refugee admissions ceiling is established by the President, in consultation with the Congress. The process leading to that annual determination was established by the Refugee Act of 1980, incorporated into section 207 of the INA, 8 U.S.C. § 1157. Section 207(a)(3) of the INA states that the U.S. Refugee Admissions Program (USRAP) shall allocate admissions among refugees "of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Following the congressional consultations, the Department of State drafts a Presidential Determination for signature by the President, which establishes the overall admissions levels, regional allocations, and in-country processing locations (see section 101(a)(42)(B) of the INA, 8 U.S.C. § 1101(a)(42)(B)).

The size and composition of the USRAP is governed by the statutory process set forth in section 207 of the INA. The establishment of the CAM program followed the same process.

Question#:	14
Topic:	CAM Program 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

The parole portion of the program falls squarely within the Secretary of Homeland Security's authority under section 212(d)(5) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(d)(5)(A) and there is well-established precedent for creating such a program. DHS and the Department of Justice have implemented combined refugee and parole programs previously. For example, from 1988-2011, the Immigration and Naturalization Service (INS) and then USCIS offered parole on a case-by-case basis to individuals from the former Soviet Union who were denied refugee status. From 1989-1999, INS also offered parole to certain Vietnamese applicants denied refugee status under the Orderly Departure Program.

Question: Please provide both the current and projected costs of the CAM Program.

Response: To process refugees under this program, USCIS is using fee funding from the Immigration Examinations Fee Account (IEFA). USCIS allocates funds from the IEFA for worldwide refugee processing on an annual basis. In the FY 2015 Report to Congress on Refugee Admissions, USCIS estimated that its share of the total cost of refugee processing worldwide was $32.9 million, which includes this program. USCIS is also using IEFA funding for costs associated with processing parole authorizations for individuals authorized parole under this program.

Question: Does your Department generate any revenue from the CAM Program?

Response: No revenue would be generated from the CAM program.

Question#:	15
Topic:	refugee status to a foreign national
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Is it your Department's official position that the following conditions justify extension of refugee status to a foreign national:

Poor economic conditions within that foreign national's country?

That foreign national's individual impoverished condition or status?

That foreign national's gender, by itself?

That foreign national's status as a female head of household?

That foreign national's involvement as a victim in any crime?

If the answer is yes to any of the above, please provide additional information about the justification for each policy position, including internal agency documentation demonstrating the development or evolution of this position, and the statutory basis for each policy position.

Response: Under section 101(a)(42) of the Immigration and Nationality Act (INA), refugee status can be granted on the basis of past persecution or a well-founded fear of persecution on account of one of the five protected grounds: race, religion, nationality, political opinion, or membership in a particular social group. Each element of the refugee definition must be established for an individual to be eligible for a discretionary grant of refugee status.

An expressed fear of poor economic conditions, violence, poverty, generalized threats, or civil unrest alone is not sufficient to justify a grant of refugee status under existing statutes. Each case is decided on a case-by-case basis, following an interview with a DHS officer. DHS adjudicates these cases following appropriate legal precedent and takes into account information on country conditions in determining whether an individual has been persecuted or has a well-founded fear of persecution on account of a protected ground and otherwise meets the requirements.

Question#:	16
Topic:	CAM Program 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: In the event a foreign national is seeking entry into the United States pursuant to the CAM Program but is unable to provide sufficient documentation demonstrating identity or background, is that foreign national:

Automatically rejected from the CAM Program?

Ineligible to reapply?

Response: Refugee applicants are not "automatically rejected" from the CAM program or ineligible to reapply if they are unable to produce identity documents for the reasons described below.

The validity of the relationship between the child and the parent in-country as well as the spousal relationship between the parent in the United States and the parent in-country must be established by a preponderance of the evidence as determined by the interviewing officer. USCIS officers are experienced in conducting interviews to determine the validity of claimed family relationships.

For the CAM program, DNA testing is required to verify a claimed biological relationship between the parent in the United States and a child for whom the parent is requesting access to a refugee interview. The parent in the United States is responsible for submitting DNA through an accredited lab, and the Resettlement Support Center assists the refugee applicant in submitting DNA through an established process. The parent in the United States is responsible to pay for DNA testing. If all claimed biological relationships are verified by DNA, the parent will be reimbursed by the State Department.

To establish adoptive relationships between the U.S.-based parent and the in-country child, a judgment of adoption is required.

A refugee applicant must establish his or her identity by a preponderance of the evidence. Under 8 C.F.R.§207.1(a), three documents are required for adjudication of a refugee case: Form I-590 – Registration for Classification as Refugee; G-325C – Biographic Information; and FD-258 Applicant Fingerprint Card. Where reasonably available, refugee applicants may be asked to provide identity documents, but they are not necessarily required to do so; given their circumstances some refugees may not be able to procure such documents.

Question#:	16
Topic:	CAM Program 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

All documents presented to USCIS are reviewed by the interviewing officer for content and authenticity. Based on country conditions information, in some interviewing locations it is understood that identity and other documents are easily accessible to applicants. In such circumstance, an applicant's inability to provide these documents would be heavily scrutinized by the interviewing officer.

In the event that the interviewing officer determines that an applicant has not established his or her identity or the validity of the required relationship by a preponderance of the evidence, the officer will deny the case.

Question#:	17
Topic:	UAC Removals and Prosecutions to Date
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Despite the fact that the Department of Health and Human Services (HHS) is currently responsible for handling the housing and placement of unaccompanied alien children (UAC) upon their entry into the United States, these UAC nevertheless remain in the United States temporarily, and it remains your Department's responsibility to ensure that they are handled in accordance with federal statute.

Please explain what your Department is doing to handle the removals of UAC that have entered the United States, and been subsequently housed and/or placed by HHS in private homes throughout the United States, to their respective home countries.

Is HHS providing your Department with the identities and whereabouts of, and other relevant information about, the UAC that HHS is placing in private homes throughout the United States?

Does your Department have total awareness of the whereabouts of all UAC throughout the United States that HHS has placed in private homes?

How many UAC has your Department removed to their home countries as of April 30, 2015?

How many UAC has your Department prosecuted for illegal re-entry into the United States as of April 30, 2015?

Response: The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 requires, with limited exceptions, that unaccompanied children whom the Department of Homeland Security (DHS) seeks to remove from the United States be placed in removal proceedings under section 240 of the Immigration and Nationality Act. A prior removal order may not be reinstated for an unaccompanied child, nor may an unaccompanied child be subject to expedited removal. Certain unaccompanied children from contiguous countries who are apprehended at the land border or a port of entry may be permitted to withdraw their applications for admission if they meet certain criteria.

When unaccompanied children are released to sponsors by the Department of Health and Human Services Office of Refugee Resettlement (ORR), ORR provides U.S. Immigration and Customs Enforcement (ICE) with a discharge notification form indicating the name and address of the sponsor. ICE maintains case management over the immigration hearing portion of unaccompanied children cases, regardless of whether

Question#:	17
Topic:	UAC Removals and Prosecutions to Date
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

they are in ORR custody or sponsor care. While in the custody of ORR, it is the responsibility of ORR to ensure that unaccompanied children appear for their immigration court hearings. While in the care and custody of sponsors, the sponsors are responsible for ensuring that unaccompanied children appear in court. Sponsors are required to submit a Notice of Change of Address form to the immigration court as appropriate.

At the conclusion of immigration court proceedings, ICE takes appropriate enforcement action based on its stated priorities. Unaccompanied children ICE has removed because they have been issued an order of removal or they have been granted voluntary departure are repatriated under safeguards by ICE Enforcement and Removal Operations, according to DHS policy and procedures, and in coordination with the embassy or consulate of the child's home country, as well as that country's Ministry of Foreign Affairs (through the U.S. Embassy). Established policies include: repatriation only during daylight hours and at designated ports (for Mexican nationals), ensuring a receiving government official or designee signs for custody of the unaccompanied children to record the transfer, and providing the unaccompanied children an opportunity to communicate with a consular official prior to departure. As of May 2, 2015, ICE removed 1,139 unaccompanied children from the United States in fiscal year 2015. Please note that these removal counts are based on designation of unaccompanied children at time of initial book-in, and some unaccompanied children may not be under the age of 18 at the time of removal.

Regarding prosecution of unaccompanied children for illegal re-entry into the United States, DHS defers to the Department of Justice.

Question#:	18
Topic:	DHS Referrals to the Department of Justice
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: On March 31, 2015, I sent a letter to Secretary of Health and Human Services Sylvia Mathews Burwell about information indicating that the Department of Health and Human Services (HHS) was seriously mishandling the unaccompanied alien children (UAC) in its custody. One of several concerns stated in the letter is that HHS may not be properly referring child abuse incidents occurring within facilities to the FBI or relevant law enforcement agencies, as is required by current federal law.

Has your Department recorded or documented any instances of child abuse, including sexual abuse, of any UAC that were in your Department's custody at any point since January 2011? If the answer is yes, please provide the following additional information:

The number of recorded or documented instances of non-sexual child abuse (broken down by fiscal year).

The number of these instances of non-sexual child abuse that have been reported to the FBI.

If none of these instances of non-sexual child abuse were reported to the FBI, an explanation as to why none of them was reported as required under federal law.

The number of recorded or documented instances of sexual child abuse (broken down by fiscal year).

The number of these instances of sexual child abuse that have been reported to the FBI.

If none of these instances of sexual child abuse were reported to the FBI, an explanation as to why none of them was reported as required under federal law.

Response: In FY 2014, 81 allegations of non-sexual abuse involving an unaccompanied child (UC) were received and 8 allegations of sexual abuse involving a UC were received by CBP Office of Internal Affairs (IA). In FY 2015, 35 allegations of non-sexual abuse involving a UC were received and 3 allegations of sexual abuse involving a UC were received by CBP IA. Allegations for 2011, 2012, and 2013 are being compiled and will be provided when available. This will require a manual search of 2011, 2012, and 2013 case data, which is being compiled and reviewed at this time. CBP IA utilizes the Joint Integrity Case Management System (JICMS), a system developed by Immigration and Customs Enforcement/Office of Professional Responsibility, to document allegations,

Question#:	18
Topic:	DHS Referrals to the Department of Justice
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

open investigative case files, and document investigations. JICMS was designed primarily as a case tracking/document storage system, and it does not track specific types of case categories or provide robust statistical data unless specific manual changes are made to its configuration. Prior to FY 2014, information received alleging instances of child abuse were not specifically identified by case category markers. In FY 2014, a UC marker was added to the JICMS to allow for the capture of required statistical data.

CBP has in place a reporting, documentation, and investigations process to address criminal and administrative violations that come to the attention of the agency. All allegations, including allegations involving child abuse, are reported to the Joint Intake Center (JIC) where the allegation is documented in the JICMS. Once the information is documented and the case opened, that information is transmitted to the DHS Office of Inspector General (OIG) for review and consideration for investigation by the OIG. If the OIG declines to investigate, the information is returned to CBP for investigation. Based on the nature of the allegation, the allegation may be investigated by agents of CBP IA, referred to an agency designated fact finder, or referred to management for resolution. In the event the investigation finds a criminal violation occurred, CBP IA agents will work with the appropriate prosecuting authorities to bring the matter to trial.

Under 28 CFR 81.2 and 81.5, CBP qualifies as a designated "local law enforcement agency" for the purposes of receiving and investigating complaints of child abuse pursuant to 42 U.S.C. 13031. 28 CFR 81.3 designates the FBI as the agency to receive and investigate such allegations only where no such designated agency exists. For that reason, in allegations involving child abuse at facilities under CBP's jurisdiction, the FBI is not contacted.

CBP IA Agents, Border Patrol Agents, and Officers have law enforcement authority, pursuant to 19 U.S.C § 1589(a) and 8 U.S.C. § 1357 to enforce the laws of the United States. CBP IA Agents are specially trained investigators who conduct investigations into activities occurring in CBP facilities.

Question#:	19
Topic:	Assaults of Border Patrol Agents
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Recent Assaults of Border Patrol Agents by Mexican Nationals

On April 19, 2015, at least two U.S. Border Patrol agents were injured on the Rio Grande River in the vicinity of Anzalduas Park near McAllen, Texas. Initial reports indicated that these two Border Patrol agents were attacked with stones and rocks from the Mexican side of the Rio Grande River after their boat capsized, and that one of those Border Patrol agents suffered injuries that required hospitalization.

Please provide an update about this assault, including the current medical status of the two Border Patrol agents.

Response: These injuries were sustained as a result of the boat accident. The rocking incident began when other agents arrived to provide medical assistance to the injured parties.

One Border Patrol Agent was treated at Rio Grande Regional Hospital in McAllen and released the day of the incident (April 19). The Agent has returned to full duty status.

The other Border Patrol Agent was admitted at McAllen Medical Center for surgery to treat a broken right leg. The Agent was released on April 25 and is still at home recovering from his injuries.

Question: What steps has your Department taken to alert federal and/or local Mexican law enforcement officials to the incident and help them pursue arrest and prosecution of the offenders?

Response: Rio Grande Valley Border Patrol Sector (RGV) maintained communication with Mexican law enforcement during the incident. Mexico's communication center and RGV's Operation Center relayed general information about the collision of the boats and the subsequent rocking, as dictated by the bi-national Border Violence Protocols. Direct contact with Mexican Federal Police was maintained by RGV's International Liaison Unit, who requested a Mexican law enforcement response for the boat accident and the rock throwing. Mexican Federal Police did respond, but no citizens at the scene (a public park) were willing to provide any information to the authorities. No suspects to the rock throwing were identified by either Mexican law enforcement or Border Patrol.

Question: If your Department has taken steps to alert federal and/or local Mexican law

Question#:	19
Topic:	Assaults of Border Patrol Agents
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

enforcement officials about the incident, please indicate progress to date on the part of Mexican officials to track down the perpetrators of the assault.

Does the Department have any reason to believe that cartel or gang members were the perpetrators of the assault?

Response: There have been no suspects to the rock throwing assault identified by the Mexican authorities or by Border Patrol. Mexican authorities have assisted with the boating accident investigation.

Question#:	20
Topic:	ICE Officers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: President Obama's Threat of "Consequences" for ICE Officers

On February 25, 2015, President Obama stated during a televised MSNBC/Telemundo town hall discussion that Immigration and Customs Enforcement (ICE) employees who did not disobey their statutory obligations to enforce federal immigration law to follow the President's amnesty instructions would face "consequences."

Please explain what President Obama meant by his February statement that there would be "consequences" for ICE employees who followed current federal immigration law.

Has President Obama given you or any other employees within your Department any specific instructions or directives regarding what sort of consequences should follow for ICE employees who continue to follow current federal immigration law?

Have any disciplinary measures been instituted against any ICE employees since President Obama's comments for their roles in detaining illegal aliens or otherwise commencing removal proceedings for illegal aliens?

Response: As noted in my November 20, 2014 memorandum entitled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,* the Department of Homeland Security and U.S. Immigration and Customs Enforcement (ICE) cannot respond to all immigration violations or remove all persons illegally in the United States due to limited resources. This Department-wide guidance applies to each of DHS's immigration agencies and was intended to provide a strategic direction in their daily activities to appropriately and effectively focus resources on individuals who pose the greatest risk to public safety, border security, and national security. The memorandum issued on November 20 provides the agencies with clearer guidance regarding how best to leverage removal and detention resources to enforce the nation's immigration laws, while simultaneously working to strengthen public confidence in our immigration enforcement efforts.

ICE made no changes to its disciplinary procedures as a result of the November 20 memorandum and has had no closed disciplinary cases since the memorandum concerning a related failure to follow orders or neglect of duty.

DHS issued these memoranda after a comprehensive legal review to confirm their compliance and consistency with all applicable laws. This rigorous and inclusive review

Question#:	20
Topic:	ICE Officers
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

sought the advice and input from the individuals charged with implementing the policies, as well as the ideas of a broad range of stakeholders and Members of Congress from both sides of the aisle.

Question#:	21
Topic:	fee-based revenue 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: USCIS Legal Immigrant Processing Capacity

Congress is concerned that U.S. Citizenship and Immigration Services (USCIS) may not be adhering to its specific mission to provide for legal and orderly immigration and the administration of related benefits. This failure of mission has manifested itself in the form of application backlogs, processing delays, inadequate modernization of agency recordkeeping and information sharing tools (despite generous congressional funding over the years), and a more general failure to provide our national security apparatus with the information it needs to protect the American people. This slide in performance coincides with USCIS's access to an ever-increasing amount of revenue derived from the application fees charged to legal immigrants (although serious questions exist regarding whether USCIS is using its fee revenue for activities not sanctioned by Congress).

How much fee-based revenue has USCIS received since October 1, 2009? Please provide this information broken down by fiscal year.

Response: See table below:

Historical Revenue Collections						
Account	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015 YTD**
Immigration Examinations Fee Account (IEFA)	**$ 2,332,775,142**	**$ 2,549,753,118**	**$ 2,709,072,237**	**$ 2,773,342,806**	**$ 2,785,545,802**	**$ 1,490,588,289**
IEFA Non-Premium Processing Fee	$ 2,182,088,978	$ 2,308,180,417	$ 2,444,450,270	$ 2,526,561,018	$ 2,496,784,964	$ 1,367,286,032
IEFA Premium Processing Fee	$ 150,686,163	$ 241,572,701	$ 264,621,967	$ 246,781,788	$ 288,760,837	$ 123,302,257
H-1B Nonimmigrant Petitioner Account	**$ 11,402,636**	**$ 13,097,527**	**$ 16,123,276**	**$ 15,117,593**	**$ 16,561,527**	**$ 4,366,717**
Fraud Prevention and Detection Account	**$ 37,965,287**	**$ 40,824,663**	**$ 45,375,438**	**$ 42,325,775**	**$ 44,807,259**	**$ 13,832,194**
Total	**$ 2,382,143,064**	**$ 2,603,675,307**	**$ 2,770,570,951**	**$ 2,830,786,175**	**$ 2,846,914,589**	**$ 1,508,787,200**

* FY 2015 YTD through March 2015
* Excludes reimbursements and collections for the U.S. Virgin Islands, Guam, and the Commonwealth of the Mariana Islands education funding fee.

Question#:	22
Topic:	fee-based revenue 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: For each of these fiscal years, please indicate (in both raw dollars and as a percentage of that fiscal year's fee-based revenue) how much of USCIS's fee-based revenue was spent on:

USCIS headquarters office functions.

USCIS field office functions (by office or facility).

Overseas office functions (by office or facility).

Each region of USCIS's Field Office Directorate.

The National Benefit Center.

The various nationwide service centers.

The Fraud Detection and National Security Directorate (FDNS).

The Administrative Site Visit Verification Program (ASVVP).

Asylum-related services (including asylum application processing).

Refugee-related services (including refugee application processing).

Information technology infrastructure upgrades and repairs.

Contractor services (and information indicating which component of USCIS issued and funded those contractor services).

Response: Please see the attached worksheets: *Sen. Cruz Response Q22 Exam Spending, Sen. Cruz Response Q22 Fraud Account Spending, Sen. Cruz Response Q22 H-1B Spending, and Sen. Cruz Response Q22 USCIS Obligations FY2009-2015*; which provide the financial data for the requested information itemized above.

Question#:	23
Topic:	filing trends
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Please indicate the following:

Past filing trends, by form type, for all forms and other instruments the agency deems to not be a form, since October 1, 2009 (including DACA applications and any other congressionally unsanctioned applications).

Projections of filing trends, by form type, for all forms and other instruments the agency deems to not be a form, through September 30, 2020 (including DACA applications and any other congressionally unsanctioned applications).

A breakdown of past filing trends, by form type, for all forms and other instruments the agency deems to not be a form across all service centers since October 1, 2009.

A projection of future filing trends, by form type, for all forms and other instruments the agency deems to not be a form across all service centers through September 30, 2020.

Response: See excel attachment USCIS filing trends.

Question#:	24
Topic:	future processing capacity
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: In previous feedback to the Judiciary Committee, USCIS leadership, including USCIS Chief Financial Officer (CFO) Joseph Moore, has indicated that the mobilization of the Crystal City facility was not solely geared toward supporting the Administration's illegal DACA and DAPA programs, but had the potential to support USCIS's need for additional processing capacity for sanctioned adjudications.

Has your Department assisted USCIS to determine its future processing capacity?

Are you aware of whether USCIS has independently determined its future processing capacity?

Arlington County, Virginia, is an incredibly expensive real estate market with relatively low unemployment (due to the heavy federal subsidization of the region). Working under the assumption that additional service centers are needed to handle anticipated future processing, are there other potential sites along the eastern seaboard for a new USCIS processing center that would both cost less and provide job opportunities for local residents?

What else can Congress do to assist USCIS in the processing of its legal immigrant applications?

Response: USCIS, in concert with DHS, is evaluating the future of the Crystal City facility. Each year, USCIS analyzes its current and future processing capacity considering workload volumes and trends. Over the past few years, USCIS has internally discussed the addition of a fifth Service Center to support growing workloads and staff, as the agency's current capacity already falls short of the workforce need.

At the time the agency identified the Crystal City facility, USCIS was interested in leveraging properties that the General Services Administration (GSA) already had in its inventory but which were not occupied. This is because a new facilities project can take as long as 2-3 years before it is occupant ready. This strategy was viewed to benefit both USCIS (by allowing for quicker occupancy) and GSA, by more fully utilizing inventory for which they were already incurring costs.

USCIS Facilities experts visited a number of the sites identified by GSA, and the Crystal City site was the only location that was close to the desired size; had the desired features;

Question#:	24
Topic:	future processing capacity
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

and did not require substantial investment to bring it up to occupant-ready standard. The facility did not require construction and was fully furnished.

It is important to note that while the DC metro-area has a relatively low unemployment rate, the number of job applications the Crystal City facility received prior to the injunction far exceeded the number of positions available, particularly for entry-level positions. USCIS received thousands of job applications to fill just over 300 entry-level officer vacancies.

DHS and USCIS expect to make a final decision on the future of the facility soon, and as always, USCIS remains committed to processing its workload as efficiently as possible while maintaining integrity, protecting public safety, and safeguarding our national security.

We appreciate Congress's interest in facilitating the processing of legal immigration applications and DHS would be glad to work further with Congress with respect to any specific legislation Congress may consider.

Question#:	25
Topic:	Personnel Concerns
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: On Tuesday, March 24, 2015, your Department's Office of Inspector General (OIG) released a memorandum summarizing its investigation into employee complaints about management of the EB-5 program. The OIG memorandum concluded that current Deputy Secretary Alejandro Mayorkas, who generally avoided involvement in EB-5 program adjudications, "communicated with [EB-5 program] stakeholders on substantive issues, outside of the normal adjudicatory process, and intervened with the career USCIS staff in ways that benefited the stakeholders." The OIG memorandum went on to state that "Mr. Mayorkas' communication with external stakeholders on specific matters outside the normal procedures, coupled with favorable action that deviated from the regulatory scheme designed to ensure fairness and evenhandedness in adjudicating benefits, created an appearance of favoritism and special access" for those stakeholders. Despite this revelation of apparent inappropriate behavior on the part of Mr. Mayorkas, you oppose removing Mr. Mayorkas from his post.

Do you have any reason to believe the results of your Department's OIG investigation of Mr. Mayorkas are incomplete or inaccurate?

Given the findings of your Department's OIG investigation of Mr. Mayorkas, please explain why you favor retaining him in the role of Deputy Secretary.

Do you believe your support for Mr. Mayorkas might send the signal to Department employees that there are no consequences for the appearance of impropriety?

Do you believe it is appropriate or acceptable for a political appointee to interfere with the implementation of an immigration program?

Response: While the OIG report did not conclude that Mr. Mayorkas' involvement led to improper outcomes or that he became involved in an EB-5 case for any personal or improper motive, as you note, it did conclude that Mr. Mayorkas's participation created, for some USCIS employees, an appearance that certain stakeholders received favored treatment.

I have discussed with Mr. Mayorkas the matters reflected in the report, and I know he understands that, as senior leaders, when we become involved in individual matters that happen to reach our desk, we risk the appearance of preferential treatment and the suspicion of our subordinates.

Question#:	25
Topic:	Personnel Concerns
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Mr. Mayorkas has been, and remains, a valuable member of my leadership team. He has taken on leadership for many badly-needed management reforms of this Department. He is always mindful that we are *public* servants, works hard to do the right thing, and never acts, in my observation, for reasons of personal advancement or aggrandizement. I work with him virtually every day, and in my judgment, he is doing an outstanding job.

This experience should remind all employees, especially managers, that our actions may inadvertently give rise to appearances that we do not intend, and that such appearances may color how our colleagues and subordinates view our decisions. I have directed the creation of a new protocol to govern senior leadership participation in EB-5 cases, to avoid the appearance of improper outside influence.

Question#:	26
Topic:	EPA OIG report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Immigration and Customs Enforcement recently announced that Gwendolyn Keyes-Fleming, who has served as chief of staff to Administrator Gina McCarthy at the Environmental Protection Agency (EPA), is leaving EPA to serve as ICE's Principal Legal Advisor. Bluntly stated, Ms. Keyes-Fleming appears to have zero experience with immigration law or issues. Beyond her notable lack of relevant experience, EPA's Office of Inspector General also recently released a report (EPA OIG report) in which it specifically identified Ms. Keyes-Fleming as one of several senior officials at EPA who took no action to address inappropriate sexual harassment by senior EPA official Peter Jutro. The OIG report contains information indicating that Ms. Keyes-Fleming specifically did not act on knowledge of Mr. Jutro's sexual harassment when she became aware of such conduct, which allowed the conduct to continue, to the detriment of several other victims. (Mr. Jutro was apparently later permitted to retire from EPA with full benefits but without any consequences for his conduct.) Ms. Keyes-Fleming may have also played an instrumental role in protecting other problematic EPA employees and, in at least one instance, interfering with an EPA OIG investigation.

Were you involved in any way in the recruiting or hiring of Ms. Keyes-Fleming?

Do you know if any career ICE attorneys were under consideration for this position?

Do you believe it is wise for an agency that is tasked with immigration enforcement to have a chief legal advisor who has zero experience handling that agency's subject matter?

Please explain, in your view, what qualifies Ms. Keyes-Fleming to handle her impending role, in light of her total lack of immigration experience.

Was Ms. Keyes-Fleming's below conduct known before she was hired by ICE:

Her failure to act with regard to Mr. Jutro's sexual harassment conduct at EPA?

Her use of OHS to block OIG investigations, including investigations into abusive or illegal EPA employee conduct?

Response: Ms. Keyes- Fleming is the new Principal Legal Advisor at ICE. She was selected, after a lengthy search, by the DHS General Counsel, in consultation with Assistant Secretary Saldaña, the leader of ICE. Ms. Keyes-Fleming has extensive law enforcement and legal experience, having, among other things, served as the District

Question#:	26
Topic:	EPA OIG report
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Attorney and, before that, the Solicitor General in Decatur, Georgia. In total, Ms. Keyes-Fleming has more than 17 years of experience as a law enforcement lawyer. She is smart, energetic and has a track record of successfully adapting to new substantive and management challenges.

Ms. Keyes-Fleming is a dynamic and accomplished senior government leader and manager, with experience at both the federal and state levels. She was previously the Chief of Staff at the U.S. Environmental Protection Agency, where she worked with the EPA Administrator and other senior agency officials to oversee the management of a federal agency with an $8 billion annual budget and more than 15,000 employees. She also previously served as the Regional Administrator for EPA Region 4 (based in Atlanta, Georgia), where she oversaw more than 1,000 employees across various operational and administrative divisions.

ICE is charged not only with immigration enforcement but with enforcing more than 400 federal statutes involving everything from counter proliferation to child pornography. ICE's legal team is made up of attorneys with experience in a wide variety of different law enforcement realms.

Ms. Keyes-Fleming's significant experience in law enforcement and running large government agencies makes her well qualified to serve as ICE's Principal Legal Advisor. As is true with all such senior appointments, Ms. Keyes-Fleming's background, history and experience were carefully vetted before she was offered the position of Principal Legal Advisor.

Question#:	27
Topic:	Oversight of U.S. Citizenship and Immigration Services
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: On March 3, 2015, USCIS CFO Joseph Moore, Associate Director of USCIS Field Operations Directorate Daniel Renaud, and Associate Director of USCIS Service Center Operations Directorate Don Neufeld testified before this Committee's Subcommittee on Immigration and the National Interest at a hearing entitled "Oversight of U.S. Citizenship and Immigration Services: Ensuring Agency Priorities Comply with the Law." Other senators and I submitted a combined package of questions for the record for Messrs. Moore, Renaud, and Neufeld, but have to date still not received answers to those questions.

Please provide an update with respect to the questions for the record that were asked of Messrs. Moore, Renaud, and Neufeld subsequent to the March 3 hearing.

Response: Responses to those questions have been returned to Congress.

Question#:	28
Topic:	Information and Network Security
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Reports over the last few years have indicated that high-level Administration officials, including cabinet-level officials, have used personnel e-mail accounts and other personal means of communication to conduct official business. Such conduct, except under narrow circumstances, is illegal under federal law. Part of the reason for stringent federal recordkeeping requirements has to do with being able to assure the proper level of security for the use and transfer of sensitive information. Unauthorized use of personal e-mail accounts or other personal means of communication runs the risk of exposing sensitive federal information systems to intrusion or damage, sometimes by foreign actors.

Has your Department experienced any information technology breach or damage incidents as the result of your or another employee's use of personal e-mail accounts and other personal means of communication to conduct official business? If the answer is yes, please provide additional information about these incidents, including the dates, circumstances, and responses.

Response: There has not been an information technology breach or damage from employees using personal e-mail to conduct official business.

Question: Does your Department block its employees from accessing the Internet or external, non-federal networks from agency computers? If the answer is yes, please justify this policy (given the sensitivity of information handled by your Department).

Response: Generally, the use of webmail is not authorized over DHS furnished equipment or network. DHS Sensitive Systems Directive 4300A, section 5.4.7.a states, "The use of Internet Webmail (Gmail, Yahoo, AOL) or other personal email accounts is not authorized over DHS furnished equipment or network connections." DHS prohibited webmail use because it could provide an additional vector for adversaries to infect a machine on DHS's network—for instance, via phishing emails sent to an employee's private webmail account. However, employees can seek an exception to this policy, which is handled on a case by case basis.

Question#:	29
Topic:	Status of DHS Headquarters Consolidation Effort
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Your Department has done a poor job consolidating its different components into a single headquarters facility in Washington, D.C. Specifically, your Department's efforts to bring most or all of its disparate components, many of which had been independent agencies or part of other agencies prior to the creation of the Department of Homeland Security in 2003, together in the new St. Elizabeths headquarters facility in Anacostia have encountered substantial delays, massive cost overruns, and internal resistance from components that refuse to work with headquarters.

Please provide an update on the consolidation effort, specifically addressing the following issues:

The current estimated date of completion of the St. Elizabeth's facility.

Response: The DHS Consolidated Headquarters completion depends on the full support of the Congress for both DHS and GSA budget requests. As such; subject to the Congress fully funding the President's Budget Request for FY 2016 and the out-year funding profiles, the St. Elizabeths development will be completed at the end of FY 2021. Without Congressional support and funding, this project cannot be completed in the specified timeline.

Question: The current estimated total cost for the construction of the St. Elizabeth's facility.

Response: The President's FY 2016 Budget Request is based on the "Enhanced Consolidation Plan" that reduces the total estimated cost (including GSA and DHS costs) for the St. Elizabeths development from $4.5 billion to $3.7 billion.

Question: The current status of components' relocation efforts.

Response: Phase 1 (U.S. Coast Guard) was completed on-time and on-budget for the portions of the project funded by Congress. Also, GSA awarded a Design-Build construction contract for the initiation of Phase 2 (Center Building renovation) on schedule and on-budget using FY 2014 appropriations.

DHS FY 2015 appropriations provided the remaining funds necessary for tenant responsibilities, information technology, outfitting, and move costs for the leadership to occupy the Center Building once the renovation is complete in FY 2017. In addition,

Question#:	29
Topic:	Status of DHS Headquarters Consolidation Effort
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

GSA FY 2015 appropriations provided funding for construction of critical transportation infrastructure necessary to support the traffic demand created by additional occupancies in the remaining phases. GSA is on schedule to issue a Design-Build contract for completion of this work by the end of FY 2015.

The Enhanced Consolidation Plan realigns the commercial lease expirations that became out of sync with the delays in funding between 2011 through 2015. The plan focuses on the most pressing lease expirations in sequential order to avoid or minimize the potential for short term lease extensions (at higher costs). Accordingly, funding for construction/renovation of facilities at St. Elizabeths for the Management Directorate is included in the FY 2016 Request. In addition, the FY 2016 Request includes $26 million to increase utilization of the Douglas A. Munro Coast Guard Headquarters Building. The Coast Guard is planning to relocate 700 staff from their activities in Ballston by the end of the calendar year, saving over $7 million annually. By adopting flexible workplace strategies and reduced space standards, we can accommodate an additional 1,400 DHS employees in the facility, thereby saving 273,000 square feet of additional construction.

The remaining plan for consolidation at St. Elizabeths includes funding for FEMA construction in FY 2017, ICE construction in FY 2018, and CBP in FY 2019.

Question: With respect to any components that continue to resist the consolidation, an update as to each, including their justifications for resisting the consolidation.

Response: Since the majority of DHS leases are expiring within the next five years, Components understand that relocations are likely, regardless of the funding status of St. Elizabeths. All DHS Components understand and support the value proposition that consolidation has on Unity of Effort and lower long term costs.

Question: Any plans you have to expand parking capacity at the St. Elizabeth's facility (which may be a factor motivating some components to resist consolidation).

Response: The on-site parking allowance for federal facilities within the National Capital Region is prescribed by the National Capital Planning Commission (NCPC) Comprehensive Plan (Federal Elements) depending on location and access to public transportation. At St. Elizabeths, the NCPC allowance is one parking space for every four employees (1:4 ratio) for day-working activities. An allowance of 1:3 was approved by NCPC for 24/7 functions. As occupancy expands, additional parking will be provided in accordance with the allowance (subject to GSA being adequately funded to construct the facilities).

Question#:	30
Topic:	FLETC 1
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Your Department's Federal Law Enforcement Training Center (FLETC) currently provides law enforcement and related training for dozens of federal and non-federal partners, including most federal law enforcement agencies (excluding the FBI and Drug Enforcement Administration, which train out of their own dedicated facilities in Quantico, Virginia). FLETC has an established multi-facility infrastructure and has invested substantial resources in the development of its training capacity. It is my understanding that the State Department is currently attempting to build its own, expensive, stand-alone training facility in Blackstone, Virginia, which it has dubbed the Foreign Affairs Security Training Center (FASTC), to train its diplomatic security personnel, and that the State Department has refused to cooperate with your Department in order to prevent your Department from fully assessing the State Department's training needs and FLETC's ability to meet those needs.

Do you believe FLETC has the requisite infrastructure, capacity, and experience to train the State Department's diplomatic security personnel?

Response: With the build-out the Federal Law Enforcement Training Centers (FLETC) has proposed to consolidate the Department of State's (DOS) training at its site in Glynco, Georgia, FLETC would have the requisite infrastructure and capacity to train DOS's security personnel. However, DOS has determined that its specialized training needs, including close proximity to overseas partners' training (e.g., U.S. Marine Corps) and night time training requirements, cannot be met at FLETC and requires the construction of a new Foreign Affairs Security Training Center (FASTC) that is tailored to State's training needs and exclusively for State's use.

Question#:	31
Topic:	FLETC 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: Your Department's Federal Law Enforcement Training Center (FLETC) currently provides law enforcement and related training for dozens of federal and non-federal partners, including most federal law enforcement agencies (excluding the FBI and Drug Enforcement Administration, which train out of their own dedicated facilities in Quantico, Virginia). FLETC has an established multi-facility infrastructure and has invested substantial resources in the development of its training capacity. It is my understanding that the State Department is currently attempting to build its own, expensive, stand-alone training facility in Blackstone, Virginia, which it has dubbed the Foreign Affairs Security Training Center (FASTC), to train its diplomatic security personnel, and that the State Department has refused to cooperate with your Department in order to prevent your Department from fully assessing the State Department's training needs and FLETC's ability to meet those needs.

What, if any, additional financial or other investment would FLETC have to make in order to ensure that it has adequate capacity to train the State Department's diplomatic security personnel?

Response: On November 1, 2013, FLETC responded to OMB's request for a refined estimate for consolidating DOS's training at FLETC-Glynco. This proposal calls for $272 million for additional construction to meet the needs of DOS's full scope master plan. This business case identifies DOS training that FLETC could conduct immediately, training that would require modification to existing facilities, and training that would require new construction.

Question: Do you have any information regarding how much the State Department's proposed FASTC would cost?

Response: FLETC does not have the State Department's proposals and associated cost analyses for constructing FASTC at Fort Pickett. DHS defers to DOS for detailed information concerning these estimates.

Question: Please provide any additional information you have regarding the State Department's proposed FASTC that you think would be important for the Committee to consider, including:

Any information you have about the parcel(s) of land that the State Department hopes to use for the proposed FASTC, including geographical, geological, or environmental

Question#:	31
Topic:	FLETC 2
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

concerns.

Any information you have any the proposed designs of the proposed FASTC.

Response: FLETC does not have any information regarding the parcel of land proposed for the FASTC other than what is publicly available in its Environmental Impact Statement. DHS defers to DOS for further information regarding the DOS FASTC proposal.

Question: Do you believe FLETC can train the State Department's diplomatic security personnel for less funding than it would take to assist the State Department to construct a brand-new training facility?

Response: Per the response to Question 30 above, there is no existing direct comparison between the cost of constructing FASTC at Fort Pickett based on DOS's reduced scope master plan and the cost of modifying existing facilities at FLETC-Glynco to meet DOS's reduced scope needs.

Question#:	32
Topic:	FASTC
Hearing:	Oversight of the Department of Homeland Security
Primary:	The Honorable Ted Cruz
Committee:	JUDICIARY (SENATE)

Question: It is my understanding that the Office of Management and Budget (OMB) has conducted its own analysis of the cost differential between FLETC and the State Department's proposed FASTC, and determined that upgrades to FLETC are far more economical than the construction of a brand new FASTC. It is also my understanding, however, that that internal review has been suppressed by the Administration to conceal the cost-related obstacles of FASTC construction.

Does anyone in your Department possess this OMB cost analysis? If the answer is yes, please provide a copy of this cost analysis.

Response: FLETC does not have a copy of OMB's analysis.

Question: Has anyone in your Department seen this OMB cost analysis? If the answer is yes, please discuss your understanding of the findings of this cost analysis.

Response: FLETC has not seen OMB's analysis.

Question: If FLETC personnel or anyone else in your Department supplied information or material to OMB to help OMB conduct its cost analysis, please supply the names of the individuals at OMB with whom your Department coordinated.

Response: FLETC has coordinated with OMB's Budget Division since late 2012.

Oversight of the Department of Homeland Security
Senator Ted Cruz Question 22

	Total Fee Revenue Collected by Fiscal Year					
Immigration Examinations Fee Account	$ 2,332,775,142	$ 2,549,753,118	$ 2,709,072,237	$ 2,773,342,806	$ 2,785,545,802	$ 1,490,588,289

Org 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
HQ	Program Offices	Director	Director	$ 2,238,090	0.10%	$ 2,596,331	0.10%	$ 3,287,140	0.12%	$ 3,661,018	0.13%	$ 2,642,267	0.09%	$ 1,531,685	0.10%
HQ	Program Offices	Communications	Communications	5,499,394	0.24%	6,720,279	0.26%	7,143,984	0.26%	8,210,698	0.30%	9,278,185	0.33%	4,836,740	0.32%
HQ	Program Offices	Legislative Affairs	Legislative Affairs	2,155,470	0.09%	2,687,066	0.11%	4,153,315	0.15%	3,153,171	0.11%	3,365,547	0.12%	1,829,865	0.12%
HQ	Program Offices	Citizenship	Citizenship	4,476,354	0.19%	5,631,491	0.22%	11,000,915	0.41%	14,553,393	0.52%	13,208,811	0.47%	2,660,369	0.18%
HQ	Program Offices	Equal Opportunity & Inclusion	Equal Opportunity & Inclusion	2,391,107	0.10%	2,400,792	0.09%	3,135,004	0.12%	3,417,481	0.12%	3,916,272	0.14%	2,227,468	0.15%
HQ	Program Offices	Executive Secretariat	Executive Secretariat	2,037,244	0.09%	2,190,806	0.09%	1,898,261	0.07%	1,689,230	0.06%	1,879,660	0.07%	1,249,382	0.08%
HQ	Program Offices	Chief Counsel	Chief Counsel	25,629,846	1.10%	28,259,789	1.11%	30,470,248	1.12%	34,591,504	1.25%	41,478,206	1.49%	21,318,261	1.43%
HQ	Program Offices	Policy & Strategy	Policy & Strategy	7,537,446	0.32%	9,252,264	0.36%	11,786,007	0.44%	11,688,143	0.42%	13,133,438	0.47%	6,568,826	0.44%
HQ	Program Offices	IT Infrastructure Upgrades and Repairs	IT Infrastructure Upgrades and Repairs	531,841,974	22.80%	551,518,051	21.63%	574,320,351	21.20%	565,583,730	20.39%	603,725,355	21.67%	259,750,013	17.43%
HQ	Program Offices	Performance & Quality	Performance & Quality	2,549,850	0.11%	4,664,060	0.18%	5,390,039	0.20%	6,220,291	0.22%	6,001,728	0.22%	2,500,865	0.17%
HQ	Program Offices	Administrative Appeals	Administrative Appeals	14,732,573	0.63%	15,285,163	0.60%	17,854,836	0.66%	20,121,897	0.73%	18,861,661	0.68%	9,152,779	0.61%
HQ	Program Offices	Privacy	Privacy	597,254	0.03%	726,024	0.03%	1,127,395	0.04%	1,783,024	0.06%	2,074,634	0.07%	1,085,201	0.07%
	Program Offices Total			**601,686,601**		**631,932,115**		**671,567,495**		**674,673,581**		**719,565,764**		**314,711,453**	
HQ	Refugee, Asylum & Intl Ops Directorate	RAIO - Headquarters	Refugee, Asylum & Intl Ops	6,460,917	0.28%	11,534,026	0.45%	10,165,978	0.38%	20,368,091	0.73%	22,619,115	0.81%	7,289,436	0.49%
		RAIO - Headquarters Total		**6,460,917**		**11,534,026**		**10,165,978**		**20,368,091**		**22,619,115**		**7,289,436**	
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Asylum Division	9,540,863	0.41%	5,723,204	0.22%	9,465,805	0.35%	12,234,750	0.44%	17,601,560	0.63%	3,430,343	0.23%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Arlington Asylum Office	5,503,088	0.24%	2,709,099	0.11%	4,620,596	0.17%	4,645,645	0.17%	5,322,313	0.19%	3,005,919	0.20%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Chicago Asylum Office	3,711,194	0.16%	1,818,592	0.07%	3,425,223	0.13%	3,610,071	0.13%	4,381,719	0.16%	2,710,403	0.18%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Houston Asylum Office	5,322,302	0.23%	3,430,810	0.13%	6,815,520	0.25%	9,076,129	0.33%	10,856,378	0.39%	7,006,598	0.47%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Los Angeles Asylum Office	12,313,915	0.53%	6,544,074	0.26%	11,302,459	0.42%	12,124,609	0.44%	14,507,610	0.52%	7,882,129	0.53%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Miami Asylum Office	8,175,973	0.35%	4,300,643	0.17%	6,338,704	0.23%	6,379,580	0.23%	6,959,292	0.25%	4,248,053	0.28%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	New York Asylum Office	6,006,923	0.26%	3,730,808	0.15%	7,157,725	0.26%	7,818,327	0.28%	8,098,868	0.29%	3,951,203	0.27%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	Newark Asylum Office	5,456,367	0.23%	3,284,934	0.13%	5,575,730	0.21%	6,041,134	0.22%	7,436,620	0.27%	4,374,167	0.29%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Asylum	San Francisco Asylum Office	6,221,429	0.27%	3,620,107	0.14%	5,886,944	0.22%	6,504,302	0.23%	8,193,292	0.29%	4,549,632	0.31%
		RAIO - Asylum Total		**62,252,055**		**35,162,272**		**60,588,707**		**68,434,549**		**83,357,652**		**41,158,446**	
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	International Operations Div	24,038,529	1.03%	16,832,874	0.66%	26,130,565	0.96%	15,679,260	0.57%	15,361,421	0.55%	14,761,718	0.99%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Accra Ghana	498,774	0.02%	502,961	0.02%	410,598	0.02%	496,833	0.02%	539,663	0.02%	361,760	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Amman, Jordan Suboffice	298,582	0.01%	362,701	0.01%	378,319	0.01%	362,724	0.01%	328,948	0.01%	211,026	0.01%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Amsterdam, Netherlands		0.00%		0.00%		0.00%	-	0.00%		0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Athens Greece Suboffice	901,986	0.04%	840,798	0.03%	889,173	0.03%	852,825	0.03%	983,483	0.04%	463,263	0.03%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Bangkok District Office	2,496,894	0.11%	2,289,969	0.09%	2,367,739	0.09%	2,712,728	0.10%	2,442,780	0.09%	1,144,070	0.08%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Beijing, China	708,640	0.03%	344,208	0.01%	637,161	0.02%	632,394	0.02%	771,772	0.03%	426,871	0.03%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Ciudad Juarez Suboffice	1,117,953	0.05%	1,010,733	0.04%	813,689	0.03%	856,035	0.03%	525,785	0.02%	232,815	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Duty Post: Ottawa, Canada	10,617	0.00%		0.00%		0.00%		0.00%	460	0.00%	-	0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Frankfurt Germany Suboffice	1,031,278	0.04%	999,673	0.04%	959,726	0.04%	1,004,394	0.04%	1,089,733	0.04%	578,657	0.04%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Guangzhou, China	1,022,087	0.04%	1,100,878	0.04%	1,099,945	0.04%	1,018,646	0.04%	1,396,595	0.05%	661,447	0.04%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Guatemala City, Guatemala	705,124	0.03%	782,951	0.03%	944,934	0.03%	810,562	0.03%	737,153	0.03%	343,260	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Havana Cuba Sub off	600,096	0.03%	615,817	0.02%	710,041	0.03%	633,192	0.02%	662,087	0.02%	278,115	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Ho Chi Minh City, Vietnam So	449,013	0.02%	211,292	0.01%		0.00%		0.00%		0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Johannesburg, South Africa	298,084	0.01%	296,700	0.01%	263,772	0.01%	261,272	0.01%	309,029	0.01%	205,762	0.01%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Kingston, Jamaica	329,734	0.01%	332,723	0.01%	289,667	0.01%	94,900	0.00%	-	0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Lima, Peru	481,713	0.02%	466,211	0.02%	477,728	0.02%	556,420	0.02%	611,299	0.02%	340,214	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	London England Suboffice	532,080	0.02%	472,885	0.02%	505,389	0.02%	488,111	0.02%	464,636	0.02%	241,975	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Madrid, Spain		0.00%		0.00%	-	0.00%	-	0.00%		0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Manila Philippines Suboffice	627,170	0.03%	671,485	0.03%	672,919	0.02%	708,044	0.03%	818,119	0.03%	346,034	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Mexico City District Office	1,872,517	0.08%	2,039,239	0.08%	1,815,575	0.07%	1,962,512	0.07%	1,819,264	0.07%	983,143	0.07%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Monterrey Suboffice	569,469	0.02%	613,401	0.02%	536,062	0.02%	594,496	0.02%	493,405	0.02%	231,627	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Moscow Russia Suboffice	1,466,859	0.06%	1,244,213	0.05%	1,348,387	0.05%	1,216,008	0.04%	1,397,344	0.05%	518,587	0.03%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Nairobi Kenya Suboffice	445,753	0.02%	391,785	0.02%	540,225	0.02%	578,928	0.02%	502,012	0.02%	281,877	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	New Delhi India Suboffice	821,393	0.04%	697,752	0.03%	762,678	0.03%	688,047	0.02%	755,291	0.03%	406,720	0.03%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Panama City, Panama	319,174	0.01%	321,278	0.01%	329,171	0.01%	139,561	0.01%	-	0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Port-au-Prince Suboffice Haiti So	623,655	0.03%	727,752	0.03%	718,558	0.03%	837,829	0.03%	734,891	0.03%	368,736	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Rome District Office	2,435,107	0.10%	1,988,030	0.08%	2,301,873	0.08%	2,240,507	0.08%	2,205,427	0.08%	1,189,407	0.08%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	San Domingo, Dominican Rep So	348,034	0.01%	351,036	0.01%	501,096	0.02%	316,748	0.01%	350,166	0.01%	176,452	0.01%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	San Salvador, El Salvador	404,849	0.02%	514,152	0.02%	456,147	0.02%	520,933	0.02%	488,077	0.02%	253,541	0.02%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Seoul Korea Suboffice	452,233	0.02%	524,508	0.02%	556,776	0.02%	603,481	0.02%	717,573	0.03%	413,621	0.03%

Org 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Tegucigalpa Honduras So	319,153	0.01%	224,990	0.01%	344,483	0.01%	248,329	0.01%	-	0.00%		0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Tijuana Mexico Suboffice		0.00%		0.00%		0.00%		0.00%	-	0.00%	-	0.00%
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - International Operations Division	Vienna Austria Suboffice	513,968	0.02%	486,405	0.02%	459,073	0.02%	440,486	0.02%	484,576	0.02%	245,560	0.02%
		RAIO - International Operations Division Total		**46,740,517**		**38,259,401**		**48,221,471**		**37,556,205**		**36,990,992**		**25,666,258**	
Field	Refugee, Asylum & Intl Ops Directorate	RAIO - Refugee	Refugee Division	18,547,786	0.80%	13,152,327	0.52%	20,099,047	0.74%	20,542,786	0.74%	21,961,068	0.79%	11,181,094	0.75%
		RAIO - Refugee Total		**18,547,786**		**13,152,327**		**20,099,047**		**20,542,786**		**21,961,068**		**11,181,094**	
	Refugee, Asylum & Intl Ops Directorate Total			**134,001,275**		**98,108,027**		**139,075,204**		**146,901,631**		**164,928,826**		**85,295,235**	
HQ	Field Operations Directorate	Field Operations HQ	Field Operations HQ	126,721,830	5.43%	45,593,050	1.79%	46,487,023	1.72%	55,495,182	2.00%	77,360,051	2.78%	40,158,585	2.69%
		Field Operations HQ Total		**126,721,830**		**45,593,050**		**46,487,023**		**55,495,182**		**77,360,051**		**40,158,585**	
Field	Field Operations Directorate	National Benefit Center	National Benefit Center	71,616,225	3.07%	66,547,251	2.61%	82,114,391	3.03%	108,457,890	3.91%	129,387,826	4.64%	63,602,802	4.27%
		National Benefit Center Total		**71,616,225**		**66,547,251**		**82,114,391**		**108,457,890**		**129,387,826**		**63,602,802**	
Field	Field Operations Directorate	North East Regional Office	North East Regional Office	5,007,837	0.21%	5,952,614	0.23%	5,830,789	0.22%	4,540,868	0.16%	4,929,780	0.18%	2,859,274	0.19%
Field	Field Operations Directorate	North East Regional Office	Albany NY Field Office	1,301,872	0.06%	1,262,867	0.05%	1,376,794	0.05%	1,262,388	0.05%	1,359,053	0.05%	674,671	0.05%
Field	Field Operations Directorate	North East Regional Office	Baltimore DO	-	0.00%	-	0.00%	-	0.00%	44,285	0.00%	944,105	0.03%	1,026,681	0.07%
Field	Field Operations Directorate	North East Regional Office	Baltimore Md Field Office	8,186,197	0.35%	8,238,491	0.32%	8,999,116	0.33%	9,570,558	0.35%	8,668,032	0.31%	4,115,114	0.28%
Field	Field Operations Directorate	North East Regional Office	Boston District Office		0.00%	-	0.00%		0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	North East Regional Office	Boston DO	-	0.00%	923,328	0.04%	1,501,910	0.06%	1,989,135	0.07%	1,938,549	0.07%	1,014,714	0.07%
Field	Field Operations Directorate	North East Regional Office	Boston Ma Field Office	7,894,579	0.34%	6,643,408	0.26%	7,091,612	0.26%	7,638,986	0.28%	8,127,848	0.29%	4,170,706	0.28%
Field	Field Operations Directorate	North East Regional Office	Buffalo DO	275,994	0.01%	315,324	0.01%	278,983	0.01%	258,165	0.01%	640,253	0.02%	706,098	0.05%
Field	Field Operations Directorate	North East Regional Office	Buffalo NY Field Office	3,665,521	0.16%	3,568,115	0.14%	3,608,525	0.13%	3,335,743	0.12%	3,570,878	0.13%	1,591,516	0.11%
Field	Field Operations Directorate	North East Regional Office	Fairfax DO	287,811	0.01%	290,906	0.01%	312,329	0.01%	346,926	0.01%	375,408	0.01%	917,854	0.06%
Field	Field Operations Directorate	North East Regional Office	Fairfax VA Field Office	7,005,190	0.30%	7,076,080	0.28%	9,100,256	0.34%	9,350,637	0.34%	9,693,791	0.35%	4,270,387	0.29%
Field	Field Operations Directorate	North East Regional Office	Garden City NJ Field Office	11,727,468	0.50%	5,924,704	0.23%	823,449	0.03%	-	0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	North East Regional Office	Hartford Ct Field Office	4,681,352	0.20%	4,981,677	0.20%	5,113,549	0.19%	5,123,978	0.18%	5,324,228	0.19%	2,795,333	0.19%
Field	Field Operations Directorate	North East Regional Office	Language Services Section	90,000	0.00%	87,318	0.00%	109,900	0.00%	100,000	0.00%	94,568	0.00%	43,468	0.00%
Field	Field Operations Directorate	North East Regional Office	Lawrence Field Office	2,539,785	0.11%	3,001,407	0.12%	2,625,540	0.10%	3,115,445	0.11%	3,104,772	0.11%	1,610,486	0.11%
Field	Field Operations Directorate	North East Regional Office	Long Island Field Office		0.00%	6,144,465	0.24%	6,679,612	0.25%	7,109,397	0.26%	6,783,992	0.24%	3,526,118	0.24%
Field	Field Operations Directorate	North East Regional Office	Manchester NH Field Office	753,109	0.03%	1,067,548	0.04%	898,011	0.03%	1,091,957	0.04%	1,238,978	0.04%	599,560	0.04%
Field	Field Operations Directorate	North East Regional Office	Mt Laurel NJ Field Office	2,450,544	0.11%	2,626,570	0.10%	2,955,721	0.11%	2,965,467	0.11%	3,235,151	0.12%	1,715,248	0.12%
Field	Field Operations Directorate	North East Regional Office	New York City Field Office	38,971,397	1.67%	38,582,107	1.51%	37,969,182	1.40%	40,484,163	1.46%	38,963,641	1.40%	20,933,995	1.40%
Field	Field Operations Directorate	North East Regional Office	New York District Office		0.00%		0.00%		0.00%	0	0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	North East Regional Office	New York DO	941	0.00%	167,613	0.01%	1,437,821	0.05%	1,602,552	0.06%	1,801,538	0.06%	835,610	0.06%
Field	Field Operations Directorate	North East Regional Office	Newark DO	61,640	0.00%	63,032	0.00%	206,177	0.01%	257,438	0.01%	256,705	0.01%	782,582	0.05%
Field	Field Operations Directorate	North East Regional Office	Newark NJ Field Office	15,702,837	0.67%	15,684,037	0.62%	16,576,308	0.61%	17,361,419	0.63%	17,470,255	0.63%	8,156,791	0.55%
Field	Field Operations Directorate	North East Regional Office	Norfolk VA Field Office	1,692,050	0.07%	1,475,644	0.06%	1,629,223	0.06%	2,039,776	0.07%	2,059,423	0.07%	1,070,518	0.07%
Field	Field Operations Directorate	North East Regional Office	Philadelphia DO	-	0.00%	-	0.00%	77,685	0.00%	114,110	0.00%	555,736	0.02%	728,662	0.05%
Field	Field Operations Directorate	North East Regional Office	Philadelphia Pa Field Office	8,531,487	0.37%	8,467,588	0.33%	8,773,122	0.32%	9,512,966	0.34%	9,388,484	0.34%	4,500,609	0.30%
Field	Field Operations Directorate	North East Regional Office	Pittsburgh Pa Field Office	1,310,462	0.06%	1,412,466	0.06%	1,360,699	0.05%	1,377,853	0.05%	1,715,765	0.06%	795,571	0.05%
Field	Field Operations Directorate	North East Regional Office	Portland Me Field Office	888,173	0.04%	1,079,220	0.04%	1,003,820	0.04%	1,041,868	0.04%	1,081,450	0.04%	517,644	0.03%
Field	Field Operations Directorate	North East Regional Office	Providence RI Field Office	1,478,650	0.06%	1,677,814	0.07%	1,740,802	0.06%	1,754,774	0.06%	1,870,267	0.07%	900,985	0.06%
Field	Field Operations Directorate	North East Regional Office	Queens Field Office		0.00%	(200)	0.00%	5,352,554	0.20%	6,042,124	0.22%	6,430,129	0.23%	3,233,968	0.22%
Field	Field Operations Directorate	North East Regional Office	Records Section		0.00%		0.00%		0.00%	(313)	0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	North East Regional Office	St Albans VT Field Office	551,515	0.02%	609,657	0.02%	605,541	0.02%	656,374	0.02%	766,692	0.03%	398,190	0.03%
Field	Field Operations Directorate	North East Regional Office	Washington District Office		0.00%	(672)	0.00%		0.00%		0.00%		0.00%		0.00%
		North East Regional Office Total		**125,056,412**		**127,323,129**		**134,039,030**		**140,089,037**		**142,389,470**		**74,492,351**	
Field	Field Operations Directorate	South East Regional Office	South East Regional Office	4,461,029	0.19%	4,778,125	0.19%	5,189,167	0.19%	4,880,294	0.18%	4,565,360	0.16%	2,372,794	0.16%
Field	Field Operations Directorate	South East Regional Office	Atlanta District Office		0.00%	(1,015)	0.00%		0.00%	-	0.00%		0.00%		0.00%
Field	Field Operations Directorate	South East Regional Office	Atlanta DO	1,093,995	0.05%	1,389,800	0.05%	1,705,068	0.06%	1,942,775	0.07%	2,397,244	0.09%	1,109,014	0.07%
Field	Field Operations Directorate	South East Regional Office	Atlanta Ga Field Office	8,056,823	0.35%	8,121,403	0.32%	8,391,045	0.31%	9,171,862	0.33%	9,997,412	0.36%	5,237,585	0.35%
Field	Field Operations Directorate	South East Regional Office	Charleston SC Field Office	1,811,558	0.08%	1,798,506	0.07%	1,978,688	0.07%	2,224,755	0.08%	2,714,147	0.10%	1,441,557	0.10%
Field	Field Operations Directorate	South East Regional Office	Charlotte Amalie Vi Field Office	1,028,283	0.04%	896,605	0.04%	799,041	0.03%	717,529	0.03%	550,644	0.02%	254,210	0.02%
Field	Field Operations Directorate	South East Regional Office	Charlotte NC Field Office	3,132,452	0.13%	3,060,386	0.12%	2,763,006	0.10%	3,049,362	0.11%	2,971,455	0.11%	1,556,058	0.10%
Field	Field Operations Directorate	South East Regional Office	Ft Smith AR Field Office	845,660	0.04%	881,991	0.03%	795,172	0.03%	833,682	0.03%	833,033	0.03%	440,853	0.03%
Field	Field Operations Directorate	South East Regional Office	Hialeah Field Office	5,356,135	0.23%	5,281,578	0.21%	5,708,583	0.21%	5,945,720	0.21%	6,685,022	0.24%	3,022,595	0.20%
Field	Field Operations Directorate	South East Regional Office	Jacksonville FL Field Office	2,151,339	0.09%	2,312,261	0.09%	2,531,262	0.09%	2,828,657	0.10%	2,668,071	0.10%	1,190,116	0.08%
Field	Field Operations Directorate	South East Regional Office	Kendall Field Office	5,459,711	0.23%	5,197,267	0.20%	4,895,990	0.18%	5,824,936	0.21%	6,505,397	0.23%	3,227,390	0.22%
Field	Field Operations Directorate	South East Regional Office	Memphis TN Field Office	2,772,489	0.12%	2,676,993	0.10%	2,826,579	0.10%	2,765,723	0.10%	3,019,743	0.11%	1,545,604	0.10%
Field	Field Operations Directorate	South East Regional Office	Miami DO	2,486,629	0.11%	2,477,173	0.10%	2,915,101	0.11%	3,520,359	0.13%	3,906,052	0.14%	1,868,718	0.13%
Field	Field Operations Directorate	South East Regional Office	Miami FL Field Office	5,620,836	0.24%	5,439,273	0.21%	5,251,331	0.19%	5,612,808	0.20%	6,440,849	0.23%	3,425,385	0.23%
Field	Field Operations Directorate	South East Regional Office	New Orleans DO	661,916	0.03%	981,855	0.04%	1,047,627	0.04%	1,145,595	0.04%	1,125,102	0.04%	600,110	0.04%
Field	Field Operations Directorate	South East Regional Office	New Orleans La Field Office	2,263,770	0.10%	1,743,894	0.07%	1,929,136	0.07%	1,789,826	0.06%	2,095,966	0.08%	1,041,496	0.07%
Field	Field Operations Directorate	South East Regional Office	Oakland Park Field Office	4,871,374	0.21%	4,738,282	0.19%	4,792,474	0.18%	5,335,554	0.19%	6,155,219	0.22%	2,924,210	0.20%
Field	Field Operations Directorate	South East Regional Office	Orlando FL Field Office	4,493,934	0.19%	4,732,923	0.19%	5,219,059	0.19%	5,128,076	0.18%	5,577,032	0.20%	2,657,550	0.18%
Field	Field Operations Directorate	South East Regional Office	Orlando FL Suboffice		0.00%		0.00%	41,814	0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	South East Regional Office	Raleigh NC Field Office	2,583,076	0.11%	2,674,858	0.10%	2,846,627	0.11%	2,937,524	0.11%	3,232,579	0.12%	1,747,002	0.12%
Field	Field Operations Directorate	South East Regional Office	San Juan PR Field Office	2,076,877	0.09%	1,782,117	0.07%	1,567,109	0.06%	1,314,358	0.05%	1,407,277	0.05%	691,344	0.05%
Field	Field Operations Directorate	South East Regional Office	Tampa DO	1,477,453	0.06%	1,425,972	0.06%	1,676,190	0.06%	2,075,063	0.07%	2,484,936	0.09%	1,271,822	0.09%
Field	Field Operations Directorate	South East Regional Office	Tampa FL Field Office	4,291,559	0.18%	4,530,195	0.18%	5,230,580	0.19%	5,667,328	0.20%	6,249,959	0.22%	3,088,108	0.21%

Org 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
Field	Field Operations Directorate	South East Regional Office	West Palm Beach FL Field Office	4,091,505	0.18%	4,138,310	0.16%	4,476,469	0.17%	5,130,141	0.18%	5,181,167	0.19%	2,544,999	0.17%
		South East Regional Office Total		**71,088,403**		**71,058,752**		**74,577,118**		**79,841,926**		**86,763,664**		**43,258,522**	
Field	Field Operations Directorate	Central Regional Office	Central Regional Office	5,801,003	0.25%	5,678,062	0.22%	5,566,034	0.21%	5,460,728	0.20%	5,097,310	0.18%	2,539,481	0.17%
Field	Field Operations Directorate	Central Regional Office	Albuquerque Nm Field Office	1,150,732	0.05%	1,081,757	0.04%	1,108,471	0.04%	1,118,442	0.04%	1,235,556	0.04%	658,665	0.04%
Field	Field Operations Directorate	Central Regional Office	Boise Id Field Office	1,098,305	0.05%	1,194,636	0.05%	1,185,466	0.04%	1,151,476	0.04%	1,152,545	0.04%	641,019	0.04%
Field	Field Operations Directorate	Central Regional Office	Chicago District Office		0.00%		0.00%		0.00%	-	0.00%		0.00%		0.00%
Field	Field Operations Directorate	Central Regional Office	Chicago DO	338,580	0.01%	729,896	0.03%	924,502	0.03%	1,549,313	0.06%	1,441,576	0.05%	722,853	0.05%
Field	Field Operations Directorate	Central Regional Office	Chicago Il Field Office	13,918,421	0.60%	13,901,157	0.55%	12,866,624	0.47%	12,147,800	0.44%	12,723,801	0.46%	6,024,385	0.40%
Field	Field Operations Directorate	Central Regional Office	Cincinnati Oh Field Office	1,286,075	0.06%	1,323,750	0.05%	1,378,732	0.05%	1,533,751	0.06%	1,436,088	0.05%	764,260	0.05%
Field	Field Operations Directorate	Central Regional Office	Cleveland DO	227,080	0.01%	491,883	0.02%	825,280	0.03%	1,136,564	0.04%	1,256,607	0.05%	714,682	0.05%
Field	Field Operations Directorate	Central Regional Office	Cleveland Oh Field Office	2,027,554	0.09%	1,862,604	0.07%	1,643,147	0.06%	1,765,081	0.06%	1,844,072	0.07%	945,338	0.06%
Field	Field Operations Directorate	Central Regional Office	Columbus Oh Field Office	1,553,371	0.07%	1,500,963	0.06%	1,703,179	0.06%	1,842,334	0.07%	1,903,301	0.07%	1,028,158	0.07%
Field	Field Operations Directorate	Central Regional Office	Dallas DO	180,348	0.01%	562,443	0.02%	941,495	0.03%	1,248,693	0.05%	1,339,949	0.05%	734,186	0.05%
Field	Field Operations Directorate	Central Regional Office	Dallas TX Field Office	8,055,619	0.35%	7,882,073	0.31%	8,524,546	0.31%	9,014,454	0.33%	9,223,292	0.33%	4,631,421	0.31%
Field	Field Operations Directorate	Central Regional Office	Denver Co Field Office	4,007,172	0.17%	3,869,152	0.15%	3,991,090	0.15%	4,077,279	0.15%	4,582,004	0.16%	2,340,615	0.16%
Field	Field Operations Directorate	Central Regional Office	Denver DO	276,377	0.01%	518,889	0.02%	998,667	0.04%	973,197	0.04%	1,087,176	0.04%	631,115	0.04%
Field	Field Operations Directorate	Central Regional Office	Des Moines IA Field Office	1,040,773	0.04%	1,050,789	0.04%	1,025,795	0.04%	1,017,522	0.04%	999,026	0.04%	647,271	0.04%
Field	Field Operations Directorate	Central Regional Office	Detroit DO	257,160	0.01%	429,576	0.02%	855,451	0.03%	1,018,881	0.04%	985,320	0.04%	572,877	0.04%
Field	Field Operations Directorate	Central Regional Office	Detroit MI Field Office	5,099,031	0.22%	5,069,713	0.20%	4,941,930	0.18%	5,273,082	0.19%	5,552,032	0.20%	2,706,062	0.18%
Field	Field Operations Directorate	Central Regional Office	El Paso TX Field Office	3,298,739	0.14%	3,351,707	0.13%	2,933,605	0.11%	3,047,195	0.11%	2,952,842	0.11%	1,377,674	0.09%
Field	Field Operations Directorate	Central Regional Office	Harlingen TX Field Office	2,436,780	0.10%	2,354,012	0.09%	2,444,424	0.09%	2,511,562	0.09%	2,682,284	0.10%	1,424,180	0.10%
Field	Field Operations Directorate	Central Regional Office	Helena Mt Field Office	799,531	0.03%	785,472	0.03%	900,650	0.03%	863,730	0.03%	816,066	0.03%	396,602	0.03%
Field	Field Operations Directorate	Central Regional Office	Houston DO	318,594	0.01%	664,127	0.03%	918,446	0.03%	1,163,473	0.04%	1,379,238	0.05%	785,130	0.05%
Field	Field Operations Directorate	Central Regional Office	Houston Field Office	9,539,905	0.41%	9,027,704	0.35%	9,452,525	0.35%	9,804,805	0.35%	10,145,599	0.36%	5,179,765	0.35%
Field	Field Operations Directorate	Central Regional Office	Indianapolis In Field Office	1,705,372	0.07%	1,826,024	0.07%	1,962,378	0.07%	1,852,872	0.07%	1,984,818	0.07%	1,019,934	0.07%
Field	Field Operations Directorate	Central Regional Office	Kansas City Mo Field Office	2,545,633	0.11%	2,616,803	0.10%	2,610,792	0.10%	2,140,146	0.08%	2,263,573	0.08%	1,076,231	0.07%
Field	Field Operations Directorate	Central Regional Office	Kansas DO	213,395	0.01%	429,755	0.02%	742,140	0.03%	999,887	0.04%	1,253,868	0.05%	589,565	0.04%
Field	Field Operations Directorate	Central Regional Office	Louisville KY Field Office	1,205,446	0.05%	1,217,931	0.05%	1,435,561	0.05%	1,502,467	0.05%	1,548,237	0.06%	827,964	0.06%
Field	Field Operations Directorate	Central Regional Office	Milwaukee Wi Field Office	1,864,983	0.08%	1,970,087	0.08%	1,961,006	0.07%	1,978,010	0.07%	2,010,810	0.07%	1,051,016	0.07%
Field	Field Operations Directorate	Central Regional Office	Oklahoma City Ok Field Office	1,562,777	0.07%	1,591,576	0.06%	1,530,467	0.06%	1,774,633	0.06%	1,748,255	0.06%	1,034,398	0.07%
Field	Field Operations Directorate	Central Regional Office	Omaha Ne Field Office	1,410,504	0.06%	1,455,488	0.06%	1,468,250	0.05%	1,374,894	0.05%	1,402,659	0.05%	947,845	0.06%
Field	Field Operations Directorate	Central Regional Office	Salt Lake UT Field Office	1,447,316	0.06%	1,655,327	0.06%	1,982,997	0.07%	2,012,051	0.07%	2,174,158	0.08%	1,194,132	0.08%
Field	Field Operations Directorate	Central Regional Office	San Antonio DO	261,191	0.01%	602,840	0.02%	1,016,530	0.04%	1,131,655	0.04%	1,287,911	0.05%	713,951	0.05%
Field	Field Operations Directorate	Central Regional Office	San Antonio TX Field Office	4,767,674	0.20%	4,548,140	0.18%	4,980,353	0.18%	5,321,672	0.19%	6,063,545	0.22%	3,135,503	0.21%
Field	Field Operations Directorate	Central Regional Office	St Louis Mo Field Office	1,326,230	0.06%	1,354,903	0.05%	1,304,333	0.05%	1,396,063	0.05%	1,515,154	0.05%	810,107	0.05%
Field	Field Operations Directorate	Central Regional Office	St Louis Mo Suboffice		0.00%		0.00%		0.00%	4	0.00%		0.00%		0.00%
Field	Field Operations Directorate	Central Regional Office	St. Paul MN Field Office	4,196,054	0.18%	4,154,175	0.16%	4,524,447	0.17%	4,570,816	0.16%	4,930,930	0.18%	2,588,727	0.17%
Field	Field Operations Directorate	Central Regional Office	Wichita KS Field Office		0.00%		0.00%		0.00%	640,850	0.02%	759,994	0.03%	392,165	0.03%
Field	Field Operations Directorate	Central Regional Office	Wichita Ks Field Support Office		0.00%		0.00%		0.00%	1,302	0.00%		0.00%		0.00%
		Central Regional Office Total		**85,217,725**		**86,753,416**		**90,649,314**		**94,416,684**		**98,779,597**		**50,847,280**	
Field	Field Operations Directorate	Western Regional Office	Western Regional Office	5,567,697	0.24%	5,785,112	0.23%	6,307,124	0.23%	6,986,610	0.25%	6,264,974	0.22%	2,998,617	0.20%
Field	Field Operations Directorate	Western Regional Office	Anchorage AK Field Office	881,630	0.04%	1,033,710	0.04%	1,062,528	0.04%	1,046,645	0.04%	1,406,439	0.05%	727,671	0.05%
Field	Field Operations Directorate	Western Regional Office	Chula Vista Ca Field Office	3,141,937	0.13%	3,059,833	0.12%	3,051,122	0.11%	2,990,090	0.11%	3,035,517	0.11%	1,609,137	0.11%
Field	Field Operations Directorate	Western Regional Office	East Los Angeles Field Office		0.00%		0.00%		0.00%		0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	East Los Angeles Field Support Office	-	0.00%		0.00%		0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	El Monte Ca Field Office		0.00%		0.00%	-	0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	El Monte Ca Sat Office		0.00%		0.00%		0.00%		0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Fresno Ca Field Office	3,866,016	0.17%	3,759,838	0.15%	3,510,799	0.13%	3,676,527	0.13%	3,871,038	0.14%	2,046,322	0.14%
Field	Field Operations Directorate	Western Regional Office	Guam Field Office	1,157,272	0.05%	1,120,094	0.04%	1,456,695	0.05%	1,602,002	0.06%	1,801,827	0.06%	1,002,844	0.07%
Field	Field Operations Directorate	Western Regional Office	Honolulu DO	679,486	0.03%	693,536	0.03%	685,778	0.03%	829,133	0.03%	855,117	0.03%	503,735	0.03%
Field	Field Operations Directorate	Western Regional Office	Honolulu Hi Field Office	2,144,352	0.09%	2,167,235	0.08%	2,441,399	0.09%	2,220,563	0.08%	2,193,001	0.08%	1,215,567	0.08%
Field	Field Operations Directorate	Western Regional Office	Imperial Valley Ca Field Support Office		0.00%		0.00%	-	0.00%	-	0.00%	6,853	0.00%	-	0.00%
Field	Field Operations Directorate	Western Regional Office	Las Vegas NV Field Office	3,072,344	0.13%	2,974,892	0.12%	2,925,585	0.11%	3,297,839	0.12%	3,427,141	0.12%	1,900,374	0.13%
Field	Field Operations Directorate	Western Regional Office	Las Vegas NV Suboffice		0.00%	0	0.00%		0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Los Angeles Ca Field Office	28,537,552	1.22%	24,775,671	0.97%	20,876,179	0.77%	20,484,803	0.74%	20,848,509	0.75%	10,592,784	0.71%
Field	Field Operations Directorate	Western Regional Office	Los Angeles County		0.00%		0.00%	2,443	0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Los Angeles DO	4,416,625	0.19%	4,630,886	0.18%	4,369,565	0.16%	5,464,025	0.20%	4,912,196	0.18%	2,443,003	0.16%
Field	Field Operations Directorate	Western Regional Office	Phoenix AR Field Office	4,635,932	0.20%	4,410,238	0.17%	4,561,345	0.17%	4,704,007	0.17%	4,691,590	0.17%	2,371,922	0.16%
Field	Field Operations Directorate	Western Regional Office	Phoenix DO	966,234	0.04%	962,934	0.04%	1,482,066	0.05%	1,598,609	0.06%	1,699,926	0.06%	889,339	0.06%
Field	Field Operations Directorate	Western Regional Office	Phoenix Life Bldg. Field Support Office		0.00%		0.00%	-	0.00%	-	0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Portland Or Field Office	3,214,049	0.14%	3,051,473	0.12%	2,694,535	0.10%	2,925,193	0.11%	2,924,721	0.10%	1,590,387	0.11%
Field	Field Operations Directorate	Western Regional Office	Records Section	315,798	0.01%	29,434	0.00%		0.00%		0.00%	-	0.00%	-	0.00%
Field	Field Operations Directorate	Western Regional Office	Reno NV Field Office	913,666	0.04%	871,362	0.03%	1,009,520	0.04%	987,551	0.04%	1,241,120	0.04%	669,411	0.04%
Field	Field Operations Directorate	Western Regional Office	Sacramento Ca Field Office	4,324,458	0.19%	3,999,300	0.16%	4,481,856	0.17%	4,867,242	0.18%	5,202,893	0.19%	2,693,058	0.18%
Field	Field Operations Directorate	Western Regional Office	Sacramento DO	795,541	0.03%	791,267	0.03%	1,004,004	0.04%	1,336,439	0.05%	1,454,036	0.05%	742,412	0.05%
Field	Field Operations Directorate	Western Regional Office	Saipan Field Support Office		0.00%		0.00%	-	0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	San Bernardino Ca Field Office	6,257,385	0.27%	6,601,012	0.26%	6,428,735	0.24%	6,486,700	0.23%	6,372,938	0.23%	3,303,309	0.22%

Org 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
Field	Field Operations Directorate	Western Regional Office	San Diego Ca Field Office	3,050,913	0.13%	3,116,618	0.12%	3,225,847	0.12%	3,253,076	0.12%	3,458,979	0.12%	1,778,648	0.12%
Field	Field Operations Directorate	Western Regional Office	San Diego DO	1,516,497	0.07%	1,437,970	0.06%	1,306,094	0.05%	1,647,389	0.06%	1,458,237	0.05%	755,373	0.05%
Field	Field Operations Directorate	Western Regional Office	San Fernando Valley Field Office	37,635	0.00%	1,699,156	0.07%	4,130,184	0.15%	5,762,578	0.21%	6,285,764	0.23%	3,220,794	0.22%
Field	Field Operations Directorate	Western Regional Office	San Francisco Ca Field Office	9,893,847	0.42%	9,538,655	0.37%	9,447,601	0.35%	10,047,685	0.36%	9,908,306	0.36%	4,915,000	0.33%
Field	Field Operations Directorate	Western Regional Office	San Francisco DO	1,286,345	0.06%	1,424,492	0.06%	2,184,093	0.08%	2,240,893	0.08%	2,240,738	0.08%	1,292,968	0.09%
Field	Field Operations Directorate	Western Regional Office	San Jose Ca Field Office	6,818,480	0.29%	6,275,344	0.25%	6,129,263	0.23%	6,299,954	0.23%	6,498,666	0.23%	3,431,132	0.23%
Field	Field Operations Directorate	Western Regional Office	San Jose Ca Suboffice		0.00%	20	0.00%		0.00%		0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Santa Ana Ca Field Office	6,275,204	0.27%	6,174,748	0.24%	5,931,316	0.22%	5,455,361	0.20%	5,831,840	0.21%	2,999,962	0.20%
Field	Field Operations Directorate	Western Regional Office	Santa Ana Suboffice		0.00%		0.00%		0.00%		0.00%	-	0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Seattle DO	931,250	0.04%	891,582	0.03%	1,143,811	0.04%	1,488,089	0.05%	1,687,308	0.06%	870,203	0.06%
Field	Field Operations Directorate	Western Regional Office	Seattle Or Field Office	4,802,691	0.21%	4,655,171	0.18%	5,072,433	0.19%	5,465,057	0.20%	5,161,858	0.19%	2,594,301	0.17%
Field	Field Operations Directorate	Western Regional Office	Spokane WA Field Office	774,746	0.03%	694,665	0.03%	715,827	0.03%	692,224	0.02%	801,721	0.03%	418,865	0.03%
Field	Field Operations Directorate	Western Regional Office	Tucson AZ Field Office	1,777,017	0.08%	1,799,305	0.07%	1,741,230	0.06%	1,793,349	0.06%	2,043,545	0.07%	1,103,175	0.07%
Field	Field Operations Directorate	Western Regional Office	Tucson AZ Suboffice		0.00%	(84)	0.00%		0.00%		0.00%		0.00%		0.00%
Field	Field Operations Directorate	Western Regional Office	Yakima WA Field Office	1,218,154	0.05%	1,321,326	0.05%	1,336,995	0.05%	1,291,766	0.05%	1,577,743	0.06%	712,941	0.05%
		Western Regional Office Total		**113,270,752**		**109,746,795**		**110,715,971**		**116,941,399**		**119,164,539**		**61,393,254**	
	Field Operations Directorate Total			**592,971,346**		**507,022,394**		**538,582,846**		**595,242,118**		**653,845,147**		**333,752,794**	
HQ	Service Center Operations Directorate	Service Center Operations Directorate	Service Center Operations Directorate	75,201,021	3.22%	68,276,155	2.68%	73,166,142	2.70%	81,849,750	2.95%	85,418,695	3.07%	34,120,107	2.29%
		Service Center Operations Directorate Total		**75,201,021**		**68,276,155**		**73,166,142**		**81,849,750**		**85,418,695**		**34,120,107**	
Field	Service Center Operations Directorate	Vermont Service Center	Vermont Service Center	54,111,872	2.32%	56,581,632	2.22%	61,261,204	2.26%	76,720,371	2.77%	85,600,968	3.07%	45,370,371	3.04%
		Vermont Service Center Total		**54,111,872**		**56,581,632**		**61,261,204**		**76,720,371**		**85,600,968**		**45,370,371**	
Field	Service Center Operations Directorate	Texas Service Center	Texas Service Center	41,500,988	1.78%	43,151,462	1.69%	46,932,146	1.73%	52,903,491	1.91%	57,522,100	2.07%	31,062,588	2.08%
		Texas Service Center Total		**41,500,988**		**43,151,462**		**46,932,146**		**52,903,491**		**57,522,100**		**31,062,588**	
Field	Service Center Operations Directorate	Nebraska Service Center	Nebraska Service Center	52,862,890	2.27%	53,948,279	2.12%	57,249,905	2.11%	66,039,705	2.38%	77,342,201	2.78%	40,038,958	2.69%
		Nebraska Service Center Total		**52,862,890**		**53,948,279**		**57,249,905**		**66,039,705**		**77,342,201**		**40,038,958**	
Field	Service Center Operations Directorate	California Service Center	California Service Center	55,612,566	2.38%	59,264,514	2.32%	64,660,927	2.39%	84,705,428	3.05%	87,631,965	3.15%	45,700,949	3.07%
		California Service Center Total		**55,612,566**		**59,264,514**		**64,660,927**		**84,705,428**		**87,631,965**		**45,700,949**	
	Service Center Operations Directorate Total			**279,289,337**		**281,222,043**		**303,270,323**		**362,218,744**		**393,515,929**		**196,292,973**	
HQ	FDNS Directorate	FDNS Directorate	FDNS Directorate	4,037	0.00%	8,963,400	0.35%	9,792,151	0.36%	63,031	0.00%	12,214,842	0.44%	4,906,748	0.33%
HQ	FDNS Directorate	Administrate Site Visit & Verification Program	Administrate Site Visit & Verification Program		0.00%	1,157,553	0.05%	528,147	0.02%	67	0.00%	520,286	0.02%	113,641	0.01%
	FDNS Directorate	**FDNS Directorate HQ Total**		**4,037**		**10,120,953**		**10,320,298**		**63,098**		**12,735,128**		**5,020,389**	
Field	FDNS Directorate	FDNS Directorate	FDNS Directorate	805,943	0.03%	56,488,276	2.22%	62,800,825	2.32%	1,022,754	0.04%	75,981,759	2.73%	43,029,156	2.89%
Field	FDNS Directorate	Administrate Site Visit & Verification Program	Administrate Site Visit & Verification Program	-	0.00%	4,880,330	0.19%	5,106,895	0.19%	12,061	0.00%	5,175,243	0.19%	2,604,781	0.17%
	FDNS Directorate	**FDNS Directorate Field Total**		**805,943**		**61,368,606**		**67,907,720**		**1,034,815**		**81,157,002**		**45,633,937**	
	FDNS Directorate Total			**809,980**		**71,489,559**		**78,228,017**		**1,097,914**		**93,892,130**		**50,654,326**	
HQ	Customer Service and Public Engagement Directorate	CSPE Directorate	Customer Service and Public Engagement Directorate	52,368,508	2.24%	34,921,576	1.37%	47,734,065	1.76%	53,141,966	1.92%	65,471,331	2.35%	32,082,656	2.15%
		CSPE HQ Total		**52,368,508**		**34,921,576**		**47,734,065**		**53,141,966**		**65,471,331**		**32,082,656**	
Field	Customer Service and Public Engagement Directorate (CSPE)	CSPE Directorate	Eastern Call Center NY City	4,503,823	0.19%	5,221,059	0.20%	5,027,988	0.19%	5,827,849	0.21%	6,275,424	0.23%	2,907,280	0.20%
Field	Customer Service and Public Engagement Directorate (CSPE)	CSPE Directorate	Western Call Center Los Angeles	4,121,439	0.18%	4,539,164	0.18%	4,349,475	0.16%	4,485,771	0.16%	4,670,529	0.17%	2,370,113	0.16%
		Customer Service and Public Engagement Directorate Total		**8,625,263**		**9,760,223**		**9,377,463**		**10,313,619**		**10,945,953**		**5,277,393**	
	Customer Service and Public Engagement Directorate Total			**60,993,771**		**44,681,799**		**57,111,528**		**63,455,585**		**76,417,284**		**37,360,049**	
HQ	Enterprise Services Directorate	Enterprise Services Directorate	Enterprise Services Directorate	609,408	0.03%	684,645	0.03%	1,382,955	0.05%	2,140,142	0.08%	1,940,465	0.07%	824,308	0.06%
HQ	Enterprise Services Directorate	Records Division	Records Division	21,493,837	0.92%	17,643,245	0.69%	17,131,747	0.63%	19,320,604	0.70%	23,274,040	0.84%	15,285,502	1.03%
HQ	Enterprise Services Directorate	Biometrics Division	Biometrics Division	60,087,021	2.58%	145,567,105	5.71%	148,911,165	5.50%	130,811,382	4.72%	140,658,974	5.05%	80,482,767	5.40%
MIX	Enterprise Services Directorate	SAVE	SAVE	13,674,539	0.59%	14,674,937	0.58%	14,604,421	0.54%	16,125,336	0.58%	20,612,369	0.74%	9,133,114	0.61%
		Enterprise Services Directorate HQ Total		**95,864,805**		**178,569,932**		**182,030,288**		**168,397,464**		**186,485,848**		**105,725,690**	
Field	Enterprise Services Directorate	National Records Center	National Records Center	25,884,329	1.11%	28,972,500	1.14%	29,998,681	1.11%	32,160,552	1.16%	36,879,523	1.32%	22,889,936	1.54%
		National Records Center Total		**25,884,329**		**28,972,500**		**29,998,681**		**32,160,552**		**36,879,523**		**22,889,936**	
	Enterprise Services Directorate Total			**121,749,134**		**207,542,432**		**212,028,969**		**200,558,017**		**223,365,371**		**128,615,626**	
MIX	Management Directorate	Management Directorate	Management Directorate	206,914,045	8.87%	260,660,475	10.22%	274,046,428	10.12%	302,486,718	10.91%	305,618,035	10.97%	161,586,280	10.84%
	Management Directorate Total			**206,914,045**	**8.87%**	**260,660,475**	**10.22%**	**274,046,428**	**10.12%**	**302,486,718**	**10.91%**	**305,618,035**	**10.97%**	**161,586,280**	**10.84%**
HQ	USCIS Overhead And Service Wide charges	USCIS Overhead And Service Wide charges	USCIS Overhead And Service Wide charges	387,589,255	16.61%	376,859,684	14.78%	318,915,672	11.77%	325,968,088	11.75%	348,234,266	12.50%	222,991,310	14.96%
	USCIS Overhead And Service Wide charges Total			**387,589,255**		**376,859,684**		**318,915,672**		**325,968,088**		**348,234,266**		**222,991,310**	
	Grand Total			**$ 2,386,004,743**	**102%**	**$ 2,479,518,528**	**97%**	**$ 2,592,826,481**	**96%**	**$ 2,672,602,396**	**96%**	**$ 2,979,382,752**	**107%**	**$ 1,531,260,047**	**103%**

NOTES:
1) In fiscal years where actual spending exceeded actual revenue collected, unobligated balances carried forward from prior fiscal years used to cover additional spending.
2) Authorized spending levels are typically higher than actual revenue collected in any given fiscal year due to unobligated fee revenue balances carried forward from a prior year, and available for use in a subsequent fiscal year
3) In accordance with the reprogramming notifications provided to House and Senate Appropriations Committees, additional FDNS costs were assessed to the Fraud Prevention and Detection Account in FY's 2010, 2013, and 2014. As a result, the FDNS costs that were assessed to the Immigration Examinations Fee Account were reduced in those FYs.
4) FY 2015 revenue and spending is as of 3/31/15.

Oversight of the Department of Homeland Security

Senator Ted Cruz Question 22

	Total Fee Revenue Collected by Fiscal Year					
Fraud Prevention and Detection Account	$ 37,965,287	$ 40,824,663	$ 45,375,438	$ 42,325,775	$ 44,807,259	$ 13,832,194

Org 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
HQ	Service Center Operations Directorate	Service Center Operations Directorate	Service Center Operations Directorate	$ 2,450,509	6.45%	$ 2,685,091	6.58%	$ 3,488,855	7.69%	$ -	0.00%	$ 5,841,563	13.04%	$ -	0.00%
		Service Center Operations Directorate Total		**2,450,509**		**2,685,091**		**3,488,855**		**-**		**5,841,563**		**-**	
Field	Service Center Operations Directorate	Vermont Service Center	Vermont Service Center	3,569,941	9.40%	3,747,317	9.18%	3,777,394	8.32%	3,625,199	8.56%	3,697,938	8.25%	1,882,970	13.61%
		Vermont Service Center Total		**3,569,941**		**3,747,317**		**3,777,394**		**3,625,199**		**3,697,938**		**1,882,970**	
Field	Service Center Operations Directorate	California Service Center	California Service Center	3,997,634	10.53%	3,972,974	9.73%	3,681,073	8.11%	3,405,464	8.05%	3,683,304	8.22%	1,815,152	13.12%
		California Service Center Total		**3,997,634**		**3,972,974**		**3,681,073**		**3,405,464**		**3,683,304**		**1,815,152**	
	Service Center Operations Directorate Total			**10,018,084**		**10,405,382**		**10,947,322**		**7,030,663**		**13,222,805**		**3,698,122**	
HQ	FDNS Directorate	FDNS Directorate	FDNS Directorate	10,849,407	28.58%	5,088,348	12.46%	4,755,669	10.48%	14,992,187	35.42%	10,811,515	24.13%	1,754,441	12.68%
Field	FDNS Directorate	FDNS Directorate	FDNS Directorate	71,445,072	188.19%	15,156,205	37.13%	15,316,640	33.76%	83,449,183	197.16%	20,174,105	45.02%	7,311,903	52.86%
		FDNS Directorate Total		**82,294,478**		**20,244,553**		**20,072,309**		**98,441,370**		**30,985,619**		**9,066,344**	
HQ	FDNS Directorate	Administrate Site Visit & Verification Program	Administrate Site Visit & Verification Program	1,821,265	4.80%	1,711,652	4.19%	971,080	2.14%	823,222	1.94%	342	0.00%	238,052	1.72%
Field	FDNS Directorate	Administrate Site Visit & Verification Program	Administrate Site Visit & Verification Program	26,056	0.07%	81,618	0.20%	-	0.00%	5,013,602	11.85%	446,690	1.00%	64,972	0.47%
		Administrate Site Visit & Verification Program Total		**1,847,321**		**1,793,270**		**971,080**		**5,836,824**		**447,032**		**303,024**	
	FDNS Directorate Total			**84,141,799**		**22,037,823**		**21,043,389**		**104,278,194**		**31,432,651**		**9,369,368**	
Field	Management Directorate	Administration	Administration (GSA Leased Vehicles for FDNS)	13,906	0.04%	259,496	0.64%	250,220	0.55%	199,000	0.47%	244,129	0.54%	-	0.00%
		Administration Total		13,906		259,496		250,220		199,000		244,129		-	
	Management Directorate Total			13,906		259,496		250,220		199,000		244,129		-	
HQ	USCIS OverHead And Service Wide charges	**USCIS OverHead And Service Wide charges**	**USCIS OverHead And Service Wide charges**	**1,936,881**	**5.10%**	**1,936,000**	**4.74%**	**1,944,783**	**4.29%**	**1,935,999**	**4.57%**	**1,936,000**	**4.32%**	**968,000**	**7.00%**
		USCIS OverHead And Service Wide charges Total		1,936,881		1,936,000		1,944,783		1,935,999		1,936,000		968,000	
	USCIS OverHead And Service Wide charges Total			**1,936,881**		**1,936,000**		**1,944,783**		**1,935,999**		**1,936,000**		**968,000**	
	Grand Total			**$ 96,110,670**		**$ 34,638,701**		**$ 34,185,714**		**$ 113,443,856**		**$ 46,835,586**		**$ 14,035,491**	

NOTES:

1) In accordance with the reprogramming notifications provided to House and Senate Appropriations Committees, additional FDNS costs were assessed to the Fraud Prevention and Detection Account in FY's 2010, 2013, and 2014. As a result, the FDNS costs that were assessed to the Immigration Examinations Fee Account were reduced in those FYs.

2) In fiscal years where actual spending exceeded actual revenue collected, unobligated balances carried forward from prior fiscal years used to cover additional spending.

3) FY 2015 revenue and spending is as of 3/31/15.

Oversight of the Department of Homeland Security

Senator Ted Cruz Question 22

	Total Fee Revenue Collected by Fiscal Year					
H-1B Nonimmigrant Fee Account	$ 11,402,636	$ 13,097,527	$ 16,123,276	$ 15,117,593	$ 16,561,527	$ 4,366,717

Or 1	Org 2	Org 3	OrgName	FY 2010 Spending	% of Revenue	FY 2011 Spending	% of Revenue	FY 2012 Spending	% of Revenue	FY 2013 Spending	% of Revenue	FY 2014 Spending	% of Revenue	FY 2015 Spending	% of Revenue
HQ	Service Center Operations Directorate	Service Center Operations Directorate	Service Center Operations Directorate	$ 8,950,000	78.49%	$ 11,000,000	83.99%	$ 11,000,000	68.22%	$ 10,999,896	72.76%	$ 10,999,999	66.42%	$ 8,703,280	199.31%
			Service Center Operations Directorate Total	**8,950,000**		**11,000,000**		**11,000,000**		**10,999,896**		**10,999,999**		**8,703,280**	
HQ	USCIS OverHead And Service Wide charges	Service Center Operations Directorate	USCIS OverHead And Service Wide charges	-	0.00%	-	0.00%	2,000,000	12.40%	2,000,000	13.23%	2,000,000	12.08%	-	0.00%
			USCIS OverHead And Service Wide charges Total	**-**		**-**		**2,000,000**		**2,000,000**		**2,000,000**		**-**	
	Grand Total			**$ 8,950,000**		**$ 11,000,000**		**$ 13,000,000**		**$ 12,999,896**		**$ 12,999,999**		**$ 8,703,280**	

NOTE: 1) FY 2015 revenue and spending is as of 3/31/15.

Senator Cruz Q22
Contractual Spending by Fiscal Year by Account

			Total Fee Revenue Collected by Fiscal Year											
		Immigration Examinations Fee Account	$ 2,332,775,142		$ 2,549,753,118		$ 2,709,072,237		$ 2,773,342,806		$ 2,785,545,802		$ 1,490,588,289	
Component Name	**Fund Code**	**Total Amount**	**FY 2010**	**% of Revenue**	**FY 2011**	**% of Revenue**	**FY 2012**	**% of Revenue**	**FY 2013**	**% of Revenue**	**FY 2014**	**% of Revenue**	**FY 2015**	**% of Revenue**
Customer Service Directorate	EX	$ 203,196,652	$ 40,767,599	1.75%	$ 23,154,452	0.91%	$ 34,208,298	1.26%	$ 37,159,017	1.34%	$ 43,971,813	1.58%	$ 23,935,472	1.61%
Enterprise Services Directorate	EX	478,612,733	54,774,616	2.35%	106,197,272	4.17%	94,341,602	3.48%	83,627,176	3.02%	93,254,423	3.35%	46,417,643	3.11%
Field Operations Directorate	EX	553,679,659	118,310,921	5.07%	62,250,949	2.44%	88,043,840	3.25%	109,665,265	3.95%	127,041,926	4.56%	48,366,758	3.24%
Fraud Detection and National Security Directorate	EX	19,932,465	(329,102)	-0.01%	6,148,111	0.24%	5,886,703	0.22%	(261,935)	-0.01%	6,150,673	0.22%	2,338,016	0.16%
Management Directorate	EX	1,755,357,526	308,209,581	13.21%	306,661,607	12.03%	322,692,110	11.91%	307,762,917	11.10%	343,146,944	12.32%	166,884,367	11.20%
Office of Administrative Appeals	EX	5,051,513	902,703	0.04%	1,061,794	0.04%	1,252,576	0.05%	1,142,404	0.04%	433,250	0.02%	258,786	0.02%
Office of Chief Counsel	EX	1,892,496	328,930	0.01%	322,101	0.01%	281,289	0.01%	315,179	0.01%	591,637	0.02%	53,359	0.00%
Office of Citizenship	EX	2,194,940	303,239	0.01%	259,416	0.01%	913,412	0.03%	409,110	0.01%	(152,494)	-0.01%	462,258	0.03%
Office of Communications	EX	1,485,422	100,531	0.00%	127,667	0.01%	195,436	0.01%	408,984	0.01%	426,785	0.02%	226,019	0.02%
Office of Immigrant Investor Programs	EX	3,565,753	-	0.00%	-	0.00%	-	0.00%	1,673,315	0.06%	1,929,324	0.07%	(36,886)	0.00%
Office of Legislative Affairs	EX	867,344	30,559	0.00%	39,624	0.00%	727,509	0.03%	29,531	0.00%	26,836	0.00%	13,285	0.00%
Office of Performance and Quality	EX	5,406,926	3,255,299	0.14%	(848,807)	-0.03%	603,100	0.02%	1,044,098	0.04%	1,148,007	0.04%	205,229	0.01%
Office of Policy and Strategy	EX	6,045,973	617,078	0.03%	1,363,651	0.05%	1,989,789	0.07%	904,554	0.03%	1,165,257	0.04%	5,642	0.00%
Office of Privacy	EX	108,055	9,910	0.00%	38,041	0.00%	50,613	0.00%	16,408	0.00%	(7,682)	0.00%	765	0.00%
Office of Public Engagement	EX	166,452	80,430	0.00%	21,483	0.00%	65,025	0.00%	(486)	0.00%	-	0.00%	-	0.00%
Office of the Director	EX	(1,090,473)	(571,319)	-0.02%	(821,506)	-0.03%	(87,875)	0.00%	102,798	0.00%	149,179	0.01%	138,249	0.01%
Office of the Executive Secretariat	EX	1,005,760	624,539	0.03%	58,536	0.00%	55,094	0.00%	123,759	0.00%	141,884	0.01%	1,947	0.00%
Office of Transformation	EX	940,410,892	246,831,508	10.58%	192,750,264	7.56%	168,484,159	6.22%	163,904,011	5.91%	132,325,470	4.75%	36,115,481	2.42%
Refugee, Asylum and International Operations Directorate	EX	40,808,762	3,817,263	0.16%	6,119,189	0.24%	7,575,991	0.28%	9,219,043	0.33%	13,523,731	0.49%	553,545	0.04%
Service Center Operations Directorate	EX	371,531,736	65,676,387	2.82%	60,572,059	2.38%	66,338,966	2.45%	71,787,929	2.59%	78,249,530	2.81%	28,906,866	1.94%
TOTAL Immigration Examinations Fee Account (EX)		**$4,390,230,585**	**$843,740,672**	**36.17%**	**$765,475,903**	**30.02%**	**$793,617,636**	**29.29%**	**$789,033,078**	**28.45%**	**$843,516,495**	**30.28%**	**$354,846,801**	23.81%

NOTE: Negative values represent the net effect of de-obligation of prior year funds relative to current year spending. Given the no-year designation of the USCIS fee accounts, prior year activity is captured and recorded in the execution year.

			Total Fee Revenue Collected by Fiscal Year											
		H-1B Nonimmigrant Fee Account	$ 11,402,636		$ 13,097,527		$ 16,123,276		$ 15,117,593		$ 16,561,527		$ 4,366,717	
Component Name	**Fund Code**	**Total Amount**	**FY 2010**	**% of Revenue**	**FY 2011**	**% of Revenue**	**FY 2012**	**% of Revenue**	**FY 2013**	**% of Revenue**	**FY 2014**	**% of Revenue**	**FY 2015**	**% of Revenue**
Service Center Operations Directorate	HB	60,491,847	8,950,000	78.49%	10,999,979	78.49%	9,856,344	78.49%	10,982,246	78.49%	10,999,999	78.49%	8,703,280	78.49%
Total Fraud Prevention and Detection Account (HB)		**$60,491,847**	**$8,950,000**	**78.49%**	**$10,999,979**	**78.49%**	**$9,856,344**	**78.49%**	**$10,982,246**	**78.49%**	**$10,999,999**	**78.49%**	**$8,703,280**	78.49%

			Total Fee Revenue Collected by Fiscal Year											
		Fraud Prevention and Detection Account	$ 37,965,287		$ 40,824,663		$ 45,375,438		$ 42,325,775		$ 44,807,259		$ 13,832,194	
Component Name	**Fund Code**	**Total Amount**	**FY 2010**	**% of Revenue**	**FY 2011**	**% of Revenue**	**FY 2012**	**% of Revenue**	**FY 2013**	**% of Revenue**	**FY 2014**	**% of Revenue**	**FY 2015**	**% of Revenue**
Fraud Detection and National Security Directorate	HP	38,806,739	11,690,134	30.79%	5,289,151	12.96%	4,874,274	10.74%	10,228,334	24.17%	5,059,879	11.29%	1,664,967	12.04%
Service Center Operations Directorate	HP	15,342,135	2,517,969	6.63%	2,751,238	6.74%	3,809,223	8.39%	(53,744)	-0.13%	6,104,540	13.62%	212,909	1.54%
Total H-1B Nonimmigrant Petitioner Fee Account (HP)		**$54,148,873**	**$14,208,103**	**37.42%**	**$8,040,389**	**19.69%**	**$8,683,496**	**19.14%**	**$10,174,591**	**24.04%**	**$11,164,419**	**24.92%**	**$1,877,876**	**13.58%**

Projected Filings FY15-17 For Domestic Workloads
Existing and New/Expanded Workloads
Source: July 2014 Volume Projection Committee for Existing Workloads

Existing Workloads			
Form I-90			
	FY15	FY16	FY17
Total Projected Volume	783,238	890,003	731,410
Service Center Projection	-	-	-
Form I-129			
	FY15	FY16	FY17
Total Projected Volume	420,954	432,156	432,156
Service Center Projection	420,954	432,156	432,156
Form I-130 Preference			
	FY15	FY16	FY17
Total Projected Volume	296,109	311,436	311,436
Service Center Projection	295,778	311,088	311,088
Form I-130 IR			
	FY15	FY16	FY17
Total Projected Volume	564,559	583,826	600,000
Service Center Projection	361,168	373,493	383,841
Form I-131 Reentry			
	FY15	FY16	FY17
Total Projected Volume	98,626	98,626	98,626
Service Center Projection	98,381	98,381	98,381
Form I-131 AP			
	FY15	FY16	FY17
Total Projected Volume	314,984	318,710	321,480
Service Center Projection	198,062	200,405	202,146
Form I-131 DACA			
	FY15	FY16	FY17
Total Projected Volume	5,051	9,561	9,561
Service Center Projection	5,031	9,524	9,524
Form I-131 CFRP			
	FY15	FY16	FY17
Total Projected Volume	8,500	17,000	17,000
Service Center Projection	8,500	17,000	17,000
Form I-131 HFRP			
	FY15	FY16	FY17
Total Projected Volume	3,000	6,000	6,000
Service Center Projection	3,000	6,000	6,000
Form I-140			
	FY15	FY16	FY17
Total Projected Volume	89,268	88,824	88,379
Service Center Projection	89,268	88,824	88,379
Form I-485 Employment			
	FY15	FY16	FY17
Total Projected Volume	123,028	123,028	123,028

Service Center Projection	123,028	123,028	123,028
Form I-485 Family			
	FY15	FY16	FY17
Total Projected Volume	278,687	278,687	278,687
Service Center Projection	131	131	131
Form I-485 Cuban			
	FY15	FY16	FY17
Total Projected Volume	49,500	51,894	54,288
Service Center Projection	-	-	-
Form I-485 Other			
	FY15	FY16	FY17
Total Projected Volume	37,964	37,964	37,964
Service Center Projection	32,683	32,683	32,683
Form I-485 Asylee			
	FY15	FY16	FY17
Total Projected Volume	34,643	29,892	29,892
Service Center Projection	34,624	29,876	29,876
Form I-485 Refugee			
	FY15	FY16	FY17
Total Projected Volume	69,472	73,047	69,062
Service Center Projection	68,329	71,846	67,926
Form I-539 ELIS			
	FY15	FY16	FY17
Total Projected Volume	23,361	26,361	29,361
Service Center Projection	23,361	26,361	29,361
Form I-539 Paper			
	FY15	FY16	FY17
Total Projected Volume	148,640	145,640	142,640
Service Center Projection	146,781	143,818	140,856
Form I-751			
	FY15	FY16	FY17
Total Projected Volume	142,707	173,000	173,000
Service Center Projection	142,677	172,964	172,964
Form I-821 TPS			
	FY15	FY16	FY17
Total Projected Volume	290,147	303,396	178,239
Service Center Projection	290,146	303,395	178,239
Form I-821D DACA			
	FY15	FY16	FY17
Total Projected Volume	418,675	347,977	58,426
Service Center Projection	418,675	347,977	58,426
Form I-765 Excl. TPS/DACA			
	FY15	FY16	FY17
Total Projected Volume	1,143,681	1,113,214	1,083,577
Service Center Projection	631,845	615,013	598,640
Form I-765 TPS			

	FY15	FY16	FY17
Total Projected Volume	290,147	303,396	178,239
Service Center Projection	290,146	303,395	178,239
Form I-765 DACA			
	FY15	FY16	FY17
Total Projected Volume	418,675	347,977	58,426
Service Center Projection	418,675	347,977	58,426
Form N-400 Reg			
	FY15	FY16	FY17
Total Projected Volume	815,000	828,000	815,000
Service Center Projection	-	-	-
Form N-400 Military			
	FY15	FY16	FY17
Total Projected Volume	9,173	9,173	9,173
Service Center Projection	9,173	9,173	9,173
Form N-600/600K			
	FY15	FY16	FY17
Total Projected Volume	68,962	70,484	68,962
Service Center Projection	13	13	13
Immigrant Visa			
	FY15	FY16	FY17
Total Projected Volume	471,463	472,022	473,000
Service Center Projection	471,463	472,022	473,000
Form I-102			
	FY15	FY16	FY17
Total Projected Volume	10,143	10,143	10,143
Service Center Projection	8,859	8,859	8,859
Form I-129F			
	FY15	FY16	FY17
Total Projected Volume	48,505	45,351	45,351
Service Center Projection	48,352	45,208	45,208
Waivers			
	FY15	FY16	FY17
Total Projected Volume	61,737	64,125	66,612
Service Center Projection	56,050	58,218	60,476
Form I-601A			
	FY15	FY16	FY17
Total Projected Volume	42,724	42,724	42,724
Service Center Projection	-	-	-
Form I-290B			
	FY15	FY16	FY17
Total Projected Volume	24,662	24,662	24,662
Service Center Projection	16,811	16,811	16,811
Form I-360			
	FY15	FY16	FY17
Total Projected Volume	22,431	25,228	27,389
Service Center Projection	17,195	19,339	20,995

Form I-526			
	FY15	FY16	FY17
Total Projected Volume	12,518	12,941	16,405
Service Center Projection	-	-	-
Form I-600/600A			
	FY15	FY16	FY17
Total Projected Volume	8,714	8,714	8,714
Service Center Projection	-	-	-
Form I-800/800A			
	FY15	FY16	FY17
Total Projected Volume	7,902	7,902	7,902
Service Center Projection	-	-	-
Form I-687			
	FY15	FY16	FY17
Total Projected Volume	18	18	18
Service Center Projection	1	1	1
Form I-690			
	FY15	FY16	FY17
Total Projected Volume	21	21	21
Service Center Projection	1	1	1
Form I-694			
	FY15	FY16	FY17
Total Projected Volume	39	39	39
Service Center Projection	1	1	1
Form I-698			
	FY15	FY16	FY17
Total Projected Volume	91	91	91
Service Center Projection	3	3	3
Form I-730			
	FY15	FY16	FY17
Total Projected Volume	17,161	17,161	17,161
Service Center Projection	17,149	17,149	17,149
Form I-817 Fam Unity			
	FY15	FY16	FY17
Total Projected Volume	2,069	2,069	2,069
Service Center Projection	1,703	1,703	1,703
Form I-824			
	FY15	FY16	FY17
Total Projected Volume	11,153	10,955	10,887
Service Center Projection	7,670	7,534	7,487
Form I-829			
	FY15	FY16	FY17
Total Projected Volume	3,131	3,440	3,683
Service Center Projection	-	-	-
Form I-910			
	FY15	FY16	FY17

Total Projected Volume	613	609	609
Service Center Projection	0	0	0
Form I-914			
	FY15	FY16	FY17
Total Projected Volume	887	887	887
Service Center Projection	887	887	887
Form I-914A			
	FY15	FY16	FY17
Total Projected Volume	1,066	1,143	1,221
Service Center Projection	1,066	1,143	1,221
Form I-918			
	FY15	FY16	FY17
Total Projected Volume	45,600	45,600	45,600
Service Center Projection	45,600	45,600	45,600
Form I-924			
	FY15	FY16	FY17
Total Projected Volume	336	378	421
Service Center Projection	-	-	-
Form I-924A			
	FY15	FY16	FY17
Total Projected Volume	603	806	958
Service Center Projection	-	-	-
Form I-929			
	FY15	FY16	FY17
Total Projected Volume	575	575	575
Service Center Projection	575	575	575
Form N-300			
	FY15	FY16	FY17
Total Projected Volume	43	41	41
Service Center Projection	-	-	-
Form N-336			
	FY15	FY16	FY17
Total Projected Volume	4,630	4,701	4,630
Service Center Projection	-	-	-
Form N-470			
	FY15	FY16	FY17
Total Projected Volume	369	362	362
Service Center Projection	-	-	-
Form N-565			
	FY15	FY16	FY17
Total Projected Volume	28,197	28,672	29,156
Service Center Projection	28,029	28,502	28,983
Form N-600			
	FY15	FY16	FY17
Total Projected Volume	65,589	67,111	65,589
Service Center Projection	12	13	12

Form N-600K			
	FY15	FY16	FY17
Total Projected Volume	3,373	3,373	3,373
Service Center Projection	0	0	0
Form N-644			
	FY15	FY16	FY17
Total Projected Volume	1	1	1
Service Center Projection	1	1	1
Form I-589 Asylum			
	FY15	FY16	FY17
Total Projected Volume	65,000	63,055	68,319
Service Center Projection	-	-	-
Credible Fear			
	FY15	FY16	FY17
Total Projected Volume	78,485	78,485	78,485
Service Center Projection	-	-	-
Reasonable Fear			
	FY15	FY16	FY17
Total Projected Volume	15,603	15,603	15,603
Service Center Projection	-	-	-
Form I-881 NACARA			
	FY15	FY16	FY17
Total Projected Volume	764	764	764
Service Center Projection	-	-	-