

ANDRÉ CARSON
7TH DISTRICT, INDIANA

HOUSE PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

SUBCOMMITTEE ON EMERGING THREATS
RANKING MEMBER

SUBCOMMITTEE ON DEPARTMENT OF DEFENSE
INTELLIGENCE AND OVERHEAD ARCHITECTURE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SUBCOMMITTEE ON AVIATION

SUBCOMMITTEE ON RAILROADS,
PIPELINES AND HAZARDOUS MATERIALS

Congress of the United States
House of Representatives
Washington, DC 20515-1407

2135 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1407
(202) 225-4011

DISTRICT OFFICE
300 E FALL CREEK PKWY N DR. #300
INDIANAPOLIS, IN 46205
(317) 283-6516

SENIOR WHIP

January 24, 2017

The Honorable Rex Tillerson
Secretary
U.S. Department of State
2201 C St NW
Washington, D.C. 20520

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
300 7th Street SW
Washington, D.C. 20024

Dear Secretary Tillerson and Secretary Nielsen:

America's long tradition of welcoming refugees should be a point of pride for all Americans. Refugees of all faiths, nationalities, and backgrounds, who have fled their home countries because of persecution, war, or violence, are among the world's most vulnerable individuals. Welcoming them to our country is a rare instance when our moral duties, national security obligations, and economic incentives are all in alignment.

With over 22.5 million refugees worldwide, we are in the midst of the worst global displacement crisis in history. The U.S. refugee protection and resettlement program has historically enjoyed bipartisan support, as both a humanitarian expression of our core American values, and a strategic tool to support key allies while stabilizing sensitive regions impacted by forced migration. But unlike previous administrations, President Trump has instead implemented a series of policies designed to limit the total number of refugees coming to the United States overall, and to discriminate against some refugees in particular.

The Administration's first refugee ban, *Protecting the Nation from Terrorist Attacks by Foreign Nationals*, suspended the refugee resettlement program for 120 days, although the courts limited its scope. Subsequently, the policies that have replaced the Administration's first executive order have halted the program for many countries and implemented 'extreme vetting' for others. The most recent Executive Order, although partially stayed, actually resulted in even fewer refugees admitted to the country during its period of implementation, while appearing to have a discriminatory effect against refugees from Muslim-majority countries.

I am concerned that these new policies, which purport to be on firmer legal ground and many of which are intended to be indefinite, are actually an even more effective ban. According

SCANNED/RECEIVED
BY EXEC SEC
2018 JAN 24 PM 4:39

to State Department data, the number of refugees admitted declined by double digits in the weeks following the most recent ban. As well, a significantly smaller proportion of refugees are Muslim.

I ask that you please address the following questions about the updated policy implemented on October 24, 2017:

1. Is the policy intended to result in fewer refugee admissions than the complete ban it replaced?
 - a. If no, why have total refugee admissions declined?
2. Is the policy intended to directly or indirectly alter the religious or ethnic composition of admitted refugees?
 - a. If no, why has the proportion of Muslim refugees in particular declined?
 - b. What additional reviews does the Administration propose for "Follow-to-Join" family members during the indefinite suspension of the program, and was the disproportionate use of this process by refugees from Muslim-majority countries a factor in the decision to suspend it?
3. With regard to the 11 countries selected for "detailed threat analysis":
 - a. Were these countries selected based on a consensus recommendation of the intelligence community? If not, which agencies recommended these countries and in what form was this information provided to those developing this policy?
 - b. While refugees from these countries are not purported to be fully banned, the number admitted declined precipitously, to just 15 total in the five weeks after the new policy was instated. What is the case-by-case process for admitting these refugees, and why has the policy resulted in this dramatic decline?
 - c. These countries represented 44% of arrivals in FY2017. How were these countries selected, and on what basis were other countries excluded from this list?
 - d. Why were stateless individuals, among the world's most vulnerable, similarly barred?
 - e. What proportion of the case-by-case admissions from these countries were Muslim?
 - f. This list includes Syria, Yemen, Sudan, and South Sudan, countries facing severe humanitarian crises. What other policies does the United States have in place to mitigate these crises?
4. The Administration set a historically low refugee admission ceiling of 45,000 for fiscal year 2018; given the newly implemented policies governing admissions, how do you intend to actually reach the 45,000 Presidential Determination?
5. Refugees have long been among the best-screened travelers to enter the United States. The current process lasts several years and entails a robust security screening. With regard to changes in data collection requirements:
 - a. Specifically, what instances have occurred (or been prevented) that prompted the imposition of new screening measures for all refugees?
 - b. What evidence exists that the new screening policies will result in increased security? Please describe specific policies and their rationale.

- c. Were these new measures based on a consensus recommendation of the intelligence community? If not, which agencies recommended these countries and in what form was this information provided to those developing this policy?
- d. How long should refugees and resettlement organizations now expect the 'vetting' process to last?

By adopting policies to dramatically decrease the number of refugees admitted—even without calling it a ban—and particularly targeting Muslim refugees, the United States has abdicated the moral leadership that has long characterized our foreign policy. We send the wrong message both to Muslims worldwide and to all of our allies around the world. And we fail to help mitigate one of the worst refugee crises in history. I urge you to re-evaluate and retract the current set of refugee policies.

Thank you for considering my concerns and I look forward to your response to my questions.

Sincerely,



André Carson
Member of Congress



**U.S. Citizenship
and Immigration
Services**

March 23, 2018

The Honorable André Carson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Carson:

Thank you for your January 24, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

The Department of Homeland Security appreciates your interest and support of the U.S. Refugee Admissions Program (USRAP). We are proud of the USRAP's longstanding history of resettling some of the world's most vulnerable refugees in the United States while continuously employing rigorous security measures to protect against national security threats. Enclosed, please find responses to your questions.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director

Enclosure

**The Department of Homeland Security's Response to
Representative Carson's January 24, 2018 Letter**

1. Is the policy intended to result in fewer refugee admissions than the complete ban it replaced?

a. If no, why have total refugee admissions declined?

No. The U.S. Government is committed to assisting those facing persecution while also protecting the safety and security of the American people. Enhanced vetting measures strengthen the security and integrity of the U.S. Refugee Admissions Program (USRAP) and are based on evaluated intelligence and a thorough review of the vetting process to identify and close potential security gaps. The implementation of new security vetting procedures, while necessary, will lengthen processing times, particularly in the short-term. A number of other factors may also affect processing times, such as U.S. Citizenship and Immigration Services' (USCIS) operational capacity. It is premature to predict the number of refugees who will ultimately be admitted in Fiscal Year (FY) 2018.

2. Is the policy intended to directly or indirectly alter the religious or ethnic composition of admitted refugees?

a. If no, why has the proportion of Muslim refugees in particular declined?

No. The recently proposed enhanced vetting measures apply regardless of religion or ethnic composition. The populations subject to the additional specialized screening were identified through an interagency process first established after the terrorist attacks of September 11, 2001. The current list of countries was last updated in 2015 and is currently under review based on results from the 90-day review pursuant to Executive Order 13815, *Resuming the U. S. Refugee Admissions Program with Enhanced Vetting Capabilities*.

b. What additional reviews does the Administration propose for "Follow-to-Join" family members during the indefinite suspension of the program, and was the disproportionate use of this process by refugees from Muslim-majority countries a factor in the decision to suspend it?

Refugee follow-to-join processing was temporarily suspended to enable USCIS and its partners to put in place mechanisms that would more closely align the vetting for overseas following-to-join refugee cases (beneficiaries of Form I-730 refugee relative petitions) with vetting conducted for principal refugees (Form I-590 applicants processed through the USRAP) and their accompanying derivatives. This initiative was undertaken in accordance with the October 24, 2017, Joint Memorandum to the President, *Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities*.

As described in the Joint Memorandum, the additional security measures implemented for following-to-join refugee cases include:

1. Ensuring that all overseas following-to-join refugees receive the full baseline Inter-Agency Check that principal refugees receive in terms of the information sent to vetting partners for review and which vetting partners conduct the review;
2. Requesting submission of the I-730 beneficiary's Form I-590, Registration for Classification as Refugee, application in support of the I-730 petition upfront in order to conduct a more timely and comprehensive screening, to include a more informed interview;
3. Instituting enhanced Fraud Detection and National Security review for I-730 refugee beneficiaries residing abroad who are nationals of countries subject to Security Advisory Opinions (SAOs) that will align with those currently conducted for principal refugees; and
4. Expanding SAO requirements to align SAOs for this population with the newly established expansion for principal refugees.

In accordance with the nationwide injunction issued by the U.S. District Court for the Western District of Washington on December 23, 2017, USCIS resumed processing of Form I-730, Refugee/Asylee Relative Petition cases for refugee beneficiaries.

3. With regard to the 11 countries selected for "detailed threat analysis":

- a. **Were these countries selected on a consensus recommendation of the intelligence community? If not, which agencies recommended these countries and in what form was this information provided to those developing this policy?**
- b. **While refugees from these countries are not purported to be fully banned, the number admitted declined precipitously, to just 15 total in the five weeks after the new policy was instated. What is the case-by-case process for admitting these refugees, and why has the policy resulted in this dramatic decline?**
- c. **These countries represented 44% of arrivals in FY2017. How were these countries selected, and on what basis were other countries excluded from this list?**
- d. **Why were stateless individuals, among the world's most vulnerable, similarly barred?**
- e. **What proportion of the case-by-case admissions from these countries were Muslim?**
- f. **This list includes Syria, Yemen, Sudan, and South Sudan, countries facing severe humanitarian crises. What other policies does the United States have in place to mitigate these crises?**

As stated previously, the populations subject to the additional specialized screening were identified through an interagency process first established after the terrorist attacks of September 11, 2001. This list has evolved over the years through interagency consultations and was last updated in 2015.

On January 29, 2018, based on the results of the 90-day review required by Executive Order 13815, the Department of Homeland Security announced additional security enhancements and recommendations to strengthen the integrity of the USRAP. USCIS

will interview and adjudicate applications for refugee resettlement from nationals from 11 high-risk countries under these new procedures.

Regarding other policies the United States may have in place to mitigate crises in Syria, Yemen, Sudan, and South Sudan, we defer to the Department of State (DOS).

For statistics on case-by-case admissions, we defer to DOS.

4. The Administration set a historically low refugee admissions ceiling of 45,000 for fiscal year 2018; given the newly implemented policies governing admissions, how do you intend to actually reach the 45,000 Presidential Determination.

We defer to DOS regarding the pace of arrivals for this fiscal year.

5. Refugees have long been among the best-screened travelers to enter the United States. The current process lasts several years and entails a robust security screening. With regard to changes in data collection requirements:

- a. Specifically, what instances have occurred (or been prevented) that prompted the imposition of new screening measures for all refugees?
- b. What evidence exists that the new screening policies will result in increased security? Please describe specific policies and their rationale.
- c. Were these new measures based on a consensus recommendation of the intelligence community? If not, which agencies recommended these countries and in what form was this information provided to those developing this policy?
- d. How long should refugees and resettlement organizations now expect the ‘vetting’ process to last?

Increased data collection was one of the recommendations put forth by the Secretaries of State and Homeland Security and the Director of National Intelligence to the President upon conclusion of the 120-day review process of the USRAP directed pursuant to 6(a) of Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*.

Additional data is being collected from all refugee applicants in order to enhance the effectiveness of biographic security checks. Unfortunately, there are a number of instances when derogatory information regarding a refugee has come to light after the individual has already been admitted to the United States. These changes will improve our ability to determine whether an applicant is being truthful about his or her identity and claims or has engaged in criminal or terrorist activity, has terrorist ties, or is otherwise connected to nefarious actors.

As stated earlier, the time required for processing each refugee’s case is different. Processing time may be slower as we implement the new security vetting procedures. Additionally, a number of other factors can affect processing times, such as USCIS’ operational capacity.