

**Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#1)
Senate Committee on the Judiciary
January 16, 2007**

Question:

State Department and Department of Homeland Security (DHS) have coordinated on use of the discretionary authority to exclude certain groups from the material support bars and Secretary Chertoff announced 9 groups on January 12th.

Are State Department and DHS considering extending the list to other groups? If yes, which groups specifically? What is your proposed timetable for expansion of the authority to other groups?

Answer:

The Administration continues to work aggressively to address appropriate cases involving otherwise qualified refugee applicants who are rendered inadmissible by the INA's "material support" bar. Last month, the Secretary of State signed eight new exercises of the inapplicability authority which will permit the admission of otherwise qualified refugee applicants who provided material support to certain ethnic minority resistance organizations from Burma, the Cuban Alzados, and the Tibetan Mustangs. The Department of Homeland Security is currently developing parallel exercises of the inapplicability authority for the same eight groups that will cover other immigration benefits.

The State Department, in consultation with the interagency, will continue to examine whether other exercises of the discretionary inapplicability authority are required in keeping with U.S. foreign policy objectives. At present, we are considering possible use of the authority to allow the admission of certain Hmong and Montagnard refugee applicants who have provided material support to organizations treated as terrorist organizations under the INA. We expect to be addressing this issue for certain Iraqis who are referred to the U.S. resettlement program.

**Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#2)
Senate Committee on the Judiciary
January 16, 2007**

Question:

A/S Sauerbrey indicated that DHS screens refugees to ensure that no individuals who may pose a national security risk or are terrorists are admitted as refugees.

What screening does State Department do in the refugee process? Are refugees screened by State Department subject to your Department's security advisory opinion process?

Answer:

All candidates for U.S. refugee resettlement are screened against the Department of State's Consular Lookout and Support System (CLASS) database. The lookout list contains the names of individuals previously refused visas, as well as those suspected or known to be ineligible, even when they have not previously applied for a visa.

In addition, certain refugees are subject to a Visas Merlin namecheck, which, while not a Security Advisory Opinion (SAO), is grouped with SAOs because of the types of checks that are conducted. Merlin namechecks undergo usual SAO processing and consultation with FBI, CIA, and the National Counterterrorism Center (NCTC) as necessary.

**Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#3)
Senate Committee on the Judiciary
January 16, 2007**

Question:

What steps is State Department taking to reduce fraud in the refugee process.

Answer:

The State Department works closely with the Department of Homeland Security's Citizenship and Immigration Services (DHS/USCIS) to reduce fraud in the U.S. Refugee Admissions Program (USRAP), particularly in the Priority Three (P-3) family reunification program. Individuals who have been resettled as refugees or who have been granted asylum in the United States may file an Affidavit of Relationship (AOR) for qualified relatives. These AORs are logged in at the Department of State's Refugee Processing Center and then forwarded to USCIS' Refugee Access Verification Unit (RAVU). At RAVU, AORs are reviewed side-by-side with the petitioner's alien file to determine whether the information provided by the petitioner at time of processing is consistent with the AOR. When RAVU determines that the information is inconsistent, the AOR is denied.

The Department of State also works closely with the United Nations High Commissioner for Refugees (UNHCR) to combat fraud in referrals to

the USRAP. Following a high-profile fraud investigation of UNHCR offices in Nairobi, Kenya in 2000, UNHCR has instituted fraud protection measures at its offices that refer cases for third-country resettlement, including restricting access to case files to certain personnel, improving physical security of files, conducting information campaigns to better inform refugees that UNHCR services are provided free of charge, and making clear that there is a zero tolerance policy on fraud. UNHCR also established a full-time position at its headquarters in Geneva, Switzerland to track and combat fraud in the refugee referral process.

Finally, the State Department works closely with U.S.-based non-governmental organizations (NGOs) to combat fraud through a system of reporting of anomalies. When an NGO that is resettling a refugee family obtains information that the case may be fraudulent (often, that true family relationships are not those claimed during overseas processing), the NGO completes an anomaly report that is forwarded to both the Department of State and CIS for investigation.

