Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#1a)
Senate Committee on the Judiciary
January 16, 2007

Question:

Shouldn't Iraqis persecuted for their association with the United States qualify as a group of special humanitarian concern? Shouldn't these Iraqis be able to apply and be processed for refugee status directly by the U.S. government in Iraq, without a dangerous journey to Jordan or Syria and without burdening the UNHCR?

Answer:

There are tens of thousands of Iraqis who are now or have in the recent past worked with USG agencies and/or contractors in furtherance of our mission in Iraq. Despite these numbers, our Embassy reports that relatively few have sought assistance in leaving the country. As of now, we believe that individual referrals from our Embassies and UNHCR based on an assessment of vulnerability are most appropriate, but we will keep open the possibility of other approaches.

While we have the authority to conduct in-country processing in exceptional circumstances, current security conditions within Iraq are not stable enough to support processing activities there. While we are reluctant to suggest that individuals put themselves in danger by fleeing to a neighboring country, we believe that we would place them at even greater

risk if they await their refugee interviews in-country.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#1b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Have you instructed or would you consider instructing your Embassies and Consulates in Iraq, Jordan, Syria, Egypt, Turkey, Lebanon and other countries in the region that P-1 referrals of Iraqi refugees should be one of their top priorities?

Answer:

Providing protection and assistance to Iraqi refugees is a top priority for the Department, and we are exploring ways to expand assistance to vulnerable Iraqi refugees in need of durable solutions. As part of our overall strategy, which also includes extensive engagement with UNHCR, the Department is in active discussion with Embassy Baghdad and other posts in the region about expanding the use of Embassy P-1 referrals in cases where vulnerable Iraqis are known to the Embassy.

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

Question:

I have called for an international conference sponsored by the countries in this region and the United Nations to address the growing needs of Iraqi refugees and internally displaced persons. The U.S. should participate in the conference and provide substantial support for the refugees. Don't you agree that an international conference with the U.S. participating could be a first step in addressing the humanitarian crisis? What has the State Department done to involve Europe, other developed countries, and regional powers such as Saudi Arabia and Kuwait in solving these issues?

Answer:

The response to the needs of Iraqi refugees and internally displaced persons must be an international one – one that will require coordination among the countries in the region as well as donor countries. To that end, we support the U.N. High Commissioner for Refugees' (UNHCR) plan to organize an international conference to be held within the next few months. The State Department is working with UNHCR and the international community to ensure that the conference is well-attended and to develop a agenda focused on developing viable and immediately applicable solutions.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#3a)
Senate Committee on the Judiciary
January 16, 2007

Question:

Our nation is spending $8 billion a month to wage the war in Iraq. Don't you agree that the $20 million budgeted by the U.S. in 2007 for the Iraqi refugee situation is inadequate? Are you planning to ramp up this spending in 2007 and 2008? How much does the State Department plan to contribute toward UNHCR's $60 million Budget Appeal in 2007? Do you believe that the $60 million appeal will be sufficient to meet the needs of more than 3 million Iraqi refugees and internally displaced persons?

Answer:

The President's original FY07 budget request which was formulated in FY 2005 included $20 million in the Migration and Refugee Assistance account (MRA) for Iraq. The FY07 Supplemental request includes $60 million for Iraqi refugees and those displaced inside Iraq. The President's FY08 budget request for Iraq includes $35 million for MRA. The State Department is planning to ramp up its programs to assist Iraqi refugees in neighboring countries and inside Iraq in 2007 and to contribute generously to UNHCR's $60 million appeal. UNHCR's near-term plan includes getting a better assessment of the situation of Iraqi refugees and internally displaced persons, which will help identify immediate and longer-term needs. At this

time, we believe that UNHCR has asked for an amount that is reasonable for the current situation.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#3b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Iraqis who have taken refuge in neighboring countries need assistance to find and maintain adequate housing and food supplies. What are you doing to ensure that the livelihood needs of Iraqi refugees in these countries are met?

Answer:

We are supporting UNHCR and NGOs to provide immediate forms of assistance to Iraqis in Syria, Lebanon and Jordan. We have funded the International Catholic Migration Commission (ICMC) $3.2 million to provide 12,000 vulnerable Iraqis with rental subsidies, money for food, clothing, and psychosocial support in these countries. We are issuing a request for NGOs to submit additional proposals for funding and expect to expand our assistance programs to vulnerable Iraqis in 2007. We intend to continue providing this assistance because current laws in these countries prohibit Iraqis on visitor visas, who comprise the majority of Iraqis there, from working.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#4a)
Senate Committee on the Judiciary
January 16, 2007

Question:

How many Iraqis is the U.S. Government prepared to resettle in 2007? We have 20,000 unallocated refugee slots. Are you prepared to use some of the 20,000 for Iraqi refugees? Do you need additional funding for this? How much?

Answer:

The President authorized up to 70,000 refugee admissions in FY 2007 and established regional and unallocated ceilings within that total. The Near East/South Asia regional ceiling was set at 5,500, to include refugees from Afghanistan and Iran as well as from Iraq. As you note, the ceiling also included a reserve of 20,000 admissions numbers not allocated to regions, to be used as needed upon notification to Congress.

At the time the regional ceilings were established, we were expecting a relatively small number of Iraqi refugee referrals to our program. We intended to use most of the 5,500 ceiling to admit Iranian religious minorities and individually-referred Afghans.

In light of the changing circumstances, we have adjusted our planning in recent weeks to accommodate increased processing of vulnerable Iraqi refugees. We expect to begin processing some 7,000 Iraqis in the region as they are referred to us in the coming months.

As needed, we will access the unallocated reserve numbers to increase the regional ceiling for Near East and South Asian refugees in order to accommodate the unanticipated number of Iraqi admissions and will notify Congress appropriately.

The FY 2007 funding we now anticipate will be sufficient to cover additional processing costs and admission of the Iraqi refugees whose processing will be completed this fiscal year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#4b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Do you plan to allow NGO's in Jordan, Syria, and other countries hosting Iraqi refugees to make direct refugee program referrals, as is allowed in other parts of the world? Please state your reasons for doing so or not doing so.

Answer:

The U.S. Refugee Admissions Program (USRAP) allows trained NGOs who have participated in USRAP referrals training workshops to refer cases for possible resettlement. We are preparing to hold a referrals training workshop for NGOs operating in the region in the coming months. This will permit participating NGOs to refer appropriate cases directly to the USRAP. UNHCR also encourages NGOs to bring cases to their attention.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5)
Senate Committee on the Judiciary
January 16, 2007

Question:

What steps will you take to ensure that Iraqi refugees and visa applicants who have been associated with armed groups but are not security threats themselves can be efficiently and expeditiously processed to allow for admission to the United States?

Answer:

The USA PATRIOT Act of 2001 and the REAL ID Act of 2005 expanded the INA 212(a)(3)(B) definitions of "terrorist organization" and "engage in terrorist activities" in ways that render Iraqis who provide material support to armed groups in return for security inadmissible to the United States.

At the discretion of the Secretary of State to recommend, and the Secretary of Homeland Security to grant, a waiver is available for nonimmigrant visa applicants, but this provision does not apply to immigrant visa and refugee applicants. Relative to those categories of applicants, a separate discretionary authority available to the Secretary of State and the Secretary of Homeland Security does allow them to render the material support provisions of INA 212(a)(3)(B) inapplicable to material

support provided by an applicant to a group that meets the INA definition of a terrorist organization. Use of this authority may be considered in appropriate cases; however, this provision is limited in scope and cannot benefit Iraqis who are members of, or otherwise have used weapons in conjunction with or received military-type training from, the armed groups.

Currently, we maintain predictable and reliable turnaround times and have established good interagency procedures for expediting high-profile applications for non-immigrant visas.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Is the Secretary of State planning to issue a waiver to ensure these personnel are not excluded from the United States?

Answer:

In recent months, the Secretary of State has exercised the available inapplicability authority related to the material support provisions of INA 212(a)(3)(B) on behalf of aliens who are otherwise qualified for the U.S. Refugee Admissions Program but who provided material support to eight specific organizations. She took these actions for foreign policy reasons, including the U.S. policy goal of offering refugee resettlement to those in need of this durable solution, following an assessment that the organizations supported pose no threat to the United States.

In the case of U.S. non-citizen military personnel who may have provided material support to members of the MeK, the Secretary of Homeland Security would – if such an action is deemed appropriate – exercise his inapplicability authority in consultation with the Secretary of

State and the Attorney General, because the individuals in question have legal immigration status in the United States.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5c)
Senate Committee on the Judiciary
January 16, 2007

Question:

What is the status of this proposed legislation? When do you plan to transmit it to Congress? What other steps do you plan to take to ensure that refugees and asylum seekers that do not threaten U.S. national security will not be excluded from finding protection in the United States by terrorism-related bars? Specifically, what plans do you have to address the issue of material support provided under duress to Tier I and Tier II terrorist organizations? Will you commit to work closely with Judiciary Committee members to provide a fair, transparent, durable solution to the material support inadmissibility issue?

Answer:

The Administration has already shared its proposed legislative changes to the INA with interested Congress members informally and will submit it formally to Congress shortly. We continue to work closely with the Departments of Homeland Security and Justice on finding a solution for duress cases. Finding a solution to the material support inadmissibility issue has been a top priority for me and the PRM bureau for the past year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#6)
Senate Committee on the Judiciary
January 16, 2007

Question:

How many refugees has the United States admitted in FY 2007 to date? How many are currently in the pipeline and from which countries? How many total refugees do you foresee admitting in FY07? If this is below the ceiling in the Presidential Determination, why?

Answer:

As of January 31, 2007, the U.S. Refugee Admissions Program had admitted 10,178 refugees since the beginning of FY 2007. There are currently 46,534 individuals in our processing pipeline and our current planning calls for the admission of 60,000 refugees representing over 60 nationalities this fiscal year.