

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#1)
Senate Judiciary Committee
April 23, 2015**

Question:

Please cite the statutory basis for the creation and implementation of the Central American Minors Refugee/Parole Program (CAM Program).

Answer:

The legal basis is found in The Refugee Act of 1980 (Public Law 96-212, enacted March 17, 1980) and as incorporated in the Immigration and Nationality Act (INA). Section 207(a) of the INA grants the President the authority to admit a certain number of refugees each year after appropriate consultation as defined in Sec. 207(e) of the INA. The term “refugee” is defined in INA Section 101(a)(42) and includes those who are in their country of nationality. The relevant language of Section 101(a)(42)(B) is:

(42) The term “refugee” means (B) in such circumstances as the President after appropriate consultations (as defined in sec. 207 of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or

who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#2)
Senate Judiciary Committee
April 23, 2015**

Question:

Is it the State Department's official position that the following conditions justify extension of refugee status to a foreign national:

- a. Poor economic conditions within that foreign national's country?
- b. That foreign national's individual impoverished condition or status?
- c. That foreign national's gender, by itself?
- d. That foreign national's status as a female head of household?
- e. That foreign national's involvement as a victim in any crime?

Answer:

Extension of refugee status to a foreign national is granted by the Department of Homeland Security (DHS). The Department of State understands that DHS also received this question and will submit the answer.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#3)
Senate Judiciary Committee
April 23, 2015**

Question:

In the event a foreign national is seeking entry to the United States pursuant to the CAM Program but is unable to provide sufficient documentation demonstrating identity or background, is that foreign national:

- a. Automatically rejected from the CAM Program? Is he/she ineligible to apply?
- b. Ineligible to reapply?

Answer:

The lawfully present parent in the United States must provide proof of identity and lawful presence to demonstrate his or her eligibility to file an Affidavit of Relationship (AOR) for the CAM program. Each section of the AOR must be complete and all supporting documentation must be present in order for the AOR to be accepted.

Once an AOR is accepted, all biological parent-child relationships must be verified via DNA testing through laboratories in the United States. Additionally, the beneficiary in El Salvador, Honduras, or Guatemala must present documentation, including a passport, at the time of interview to verify identity.

Failure to provide supporting documentation of identity, relationship, or lawful presence in the United States at any stage of the process would halt the processing of that case. The case would resume processing once the documentary requirements were met.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#4)
Senate Judiciary Committee
April 23, 2015**

Question:

Please provide additional detail about the degree to which the United States government coordinated with the governments of El Salvador, Guatemala, and/or Honduras to develop and implement the CAM Program.

Answer:

The U.S. government continues to coordinate with the governments of El Salvador, Guatemala, and Honduras on immediate assistance and long-term strategies to minimize irregular migration and address underlying factors of migration. However, the U.S. government does not coordinate with foreign governments on the development of new refugee programs. All three Central American governments agreed to regularized returns of families and the United States is working in close coordination with each to ensure the safe and humane return of these individuals. Central American governments redirected consular personnel to the southwest U.S. border.

USAID's International Organization for Migration (IOM)-managed program is improving repatriation facilities and capacities in Northern Triangle capitals, has monitored the arrival of 29,041 returned persons, and

has delivered immediate assistance to nearly 4,000 returning families, unaccompanied children, and adults. Additionally, El Salvador, Guatemala, and Honduras implemented complementary public awareness campaigns and high-ranking officials made numerous public statements on the dangers of irregular migration. All three countries supported U.S. messaging campaigns in print media, television, and radio in areas of high outbound migration.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#5)
Senate Judiciary Committee
April 23, 2015**

Question:

Did the governments of El Salvador, Guatemala, and/or Honduras in any way request that the United States government extend this capacity to their respective populations? If the answer is yes, please indicate the names of the foreign officials from these respective countries who were involved in these requests or related conversations.

Answer:

The governments of El Salvador, Guatemala, and Honduras did not specifically request the United States extend this capacity to their respective populations.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Ted Cruz (#6)
Senate Judiciary Committee
April 23, 2015**

Question:

Is access to the CAM Program limited to citizens of El Salvador, Guatemala, and Honduras, or are citizens of other countries who reside in these three countries also eligible for the CAM Program?

Answer:

Access to the CAM Program is limited to citizens of El Salvador, Guatemala and Honduras who are living in one of the three countries.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator Amy Klobuchar
Senate Judiciary Committee
April 28, 2015**

Question:

The influx of unaccompanied minors in recent years isn't just an immigration issue. It's a humanitarian crisis that we must address.

- a. What role does the Central American Minors Refugee Program play in addressing this crisis?
- b. What other actions are the Department of Homeland Security and State Department taking to address this crisis?

Answer:

The Central American Minors program is one of many measures the United States has put in place to help reduce the number of parents and others who are paying smugglers to lead minors on the dangerous journey to the United States. It offers a real alternative to children who may have legitimate claims to refugee status.

The Departments of State and Homeland Security also launched new public information campaigns, in coordination with the Central American governments, warning about the dangers of irregular migration and delivering the message that unaccompanied children are not given a

“permiso” or permit to stay in the United States upon arrival at the border, and many will ultimately be returned to their country of origin.

The Administration’s Strategy for U.S. Engagement in Central America addresses the underlying factors of migration, prioritizing prosperity, governance, and security. The Administration requested \$1 billion for FY 2016 to support Strategy implementation. A secure, democratic, and prosperous Central America will provide an environment in which all of its citizens choose to remain and thrive.

The Administration also increased significantly the number of Border Patrol agents and surveillance to ensure our borders remain secure. We also increased the number of investigators and prosecutors to impede smuggling. On the diplomatic front, we are making sure that all countries in the region are working to stop the irregular flow of migrants and to address the underlying factors that lead to migration. Domestically, we increased our capacity to care for and process these children while they were in the United States.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#1)
Senate Judiciary Committee
April 28, 2015**

Question:

Can you cite any precedential case law that stands for the proposition that any of the intended beneficiaries of the Central American Minors Refugee/Parole Program would qualify as refugees, as that term is defined under the law?

Answer:

The Department of Homeland Security conducts the adjudication for both refugee and asylum applicants, and is therefore best placed to answer a question about precedential case law.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#2)
Senate Judiciary Committee
April 28, 2015**

Question:

Please explain in detail what security and background checks would be performed on program beneficiaries, including whether and to what extent the Federal Bureau of Investigation (FBI) is involved in this process.

Answer:

All refugees of all nationalities considered for admission to the United States undergo intensive security screening involving multiple federal intelligence, security and law enforcement agencies, including the FBI's Terrorist Screening Center, the National Counterterrorism Center, the Department of Homeland Security and the Department of Defense, in order to ensure that those admitted are not known to pose a threat to our country.

Applicants to the U.S. Refugee Admissions Program are currently subject to as high a level of security review as any category of traveler to the United States. These include biometric (fingerprints) and biographic checks, and a lengthy in-person overseas interview by specially trained DHS officers who scrutinize the applicant's story to ensure the applicant is a bona fide refugee and does not present security concerns to the United States. The

classified details of the refugee security screening process have been shared with relevant Congressional Committees.

While no security screening program can guarantee a 100% success rate, the vast majority of refugees who have cleared the current security screening regime for admission to the U.S., including from some of the most troubled regions in the world, have proven to be peaceful additions to our society and, in time, productive citizens.

While the State Department manages the overall US Refugee Admissions Program, the Department of Homeland Security manages the security screening of applicants for US refugee admissions and only DHS has the authority to determine that an individual applicant is sufficiently vetted for admission to the United States. Please inquire with DHS for additional details on security and background checks, including the role of the Federal Bureau of Investigation in this process.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#3)
Senate Judiciary Committee
April 28, 2015**

Question:

Please explain in detail how the Department of State plans to pay for the costs associated with the Central American Minors Refugee/Parole Program.

Answer:

Given the current scope of the program, the FY 2015 Migration and Refugee Assistance (MRA) appropriation includes sufficient funding for Department of State's portion of the Central American Minors Refugee/Parole Program for this fiscal year. MRA resources will be used to fund the costs associated with the overseas processing of refugee applicants, transportation-related services for approved refugees, and initial reception and placement services to those admitted as refugees. MRA resources will not be used to fund costs for applicants once they have been denied refugee status and instead are eligible for parole. Costs associated with the out processing of denied refugee applicants who were recommended for parole will be covered by the Department of Homeland Security/United States Citizenship and Immigration Services and the parents of the parolee.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#4)
Senate Judiciary Committee
April 28, 2015**

Question:

The State Department website says that the Central American Minors program “will not be a pathway for undocumented parents to bring their children to the United States”. In light of the fact that the program clearly allows parents without lawful status to bring their children into the United States, please explain whether that is an accurate statement.

Answer:

The Central American Minors program is not a pathway for undocumented parents to bring their children to the United States. A parent is eligible to request refugee resettlement for his or her child who is resident in one of the three countries if the parent is at least 18 years old and is lawfully present in the United States in one of the following categories:

- Permanent Resident Status, or
- Temporary Protected Status, or
- Parolee, or
- Deferred Action, or
- Deferred Enforced Departure, or
- Withholding of Removal

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PRM – PLewis OK
D - YGonzales OK
D (MR) - ESmith OK
H – LDeWine OK
P – MOrona OK
S/P – AMansour info
WHA – EMendrala OK

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#5)
Senate Judiciary Committee
April 28, 2015**

Question:

Please explain why the administration's justification for this program – that is, preventing the illegal entry of individuals who leave countries experiencing generally high rates of crime and poverty by providing them with a purportedly safe, legal, and orderly alternative to the dangerous journey associated with illegal immigration, in a manner not authorized by Congress – could not be used to establish a similar program in another country.

Answer:

The Administration launched this program to allow some parents who are in the United States lawfully to ask that their children in El Salvador, Guatemala, and Honduras be considered for refugee resettlement in the United States. We established the program to provide a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to join their parents in the United States. The overwhelming numbers of unaccompanied minors arriving at our borders created an unprecedented crisis and we do not anticipate establishing similar programs in other countries at this time.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#6)
Senate Judiciary Committee
April 28, 2015**

Question:

The underlying premise for the existence of this program appears to hinge on the existence of poor conditions in El Salvador, Guatemala, and Honduras, which this Administration attributes as one of the primary reasons why these individuals attempt to illegally enter the United States. As Mr. Langlois testified, in evaluating applications for this program, the government “will be taking the country conditions into account”.

- a. Does the Department of State contemplate termination of this program if the government determines that there is a change in “country conditions”?
- b. If so, how will the Department of State measure such changes?
- c. For how long does the administration intend on operating this program?

Answer:

The Department of State, in close coordination with the Department of Homeland Security and other U.S. government agency partners, regularly evaluates the need to continue refugee resettlement programs given current country conditions and number of applications or referrals, among other factors. The Department of State has received more than 3,000 applications from lawfully present parents in the United States from El Salvador, Guatemala, and Honduras seeking refugee resettlement for their children.

We intend to continue operating the program for the foreseeable future, given current conditions in all three countries as well as the increased submission rate of applications.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#7)
Senate Judiciary Committee
April 28, 2015**

Question:

Please explain why the administration's justification for the Haitian Family Reunification Parole Program – that is, supporting “broader U.S. goals of Haiti's long-term reconstruction and development by allowing the beneficiaries of the HFRP Program to work in the United States and contribute to Haiti through their remittances, if they wish to do so” – could not be used to establish a similar program to circumvent normal visa processes and timelines for individuals from other parts of the world.

Answer:

The Haitian Family Reunification Parole Program is operated by the Department of Homeland Security (DHS). Please contact DHS for further information on the program.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#8)
Senate Judiciary Committee
April 28, 2015**

Question:

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 the Department of State anticipate admitting from Syria?

Answer:

As of July 30, 2015, the Department of State has received more than 16,000 Syrian referrals from the United Nations High Commissioner for Refugees. As of July 30, the United States has admitted 1,042 Syrian refugees in FY 2015 and anticipates admitting a total of 1,500-1,800 Syrians this fiscal year. We anticipate admitting 5,000-8,000 Syrian refugees in FY 2016.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#9)
Senate Judiciary Committee
April 28, 2015**

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.”

- a. Please explain in detail what security and background checks will be performed on potential Syrian refugees.
- b. Please explain how the government intends to address the concerns identified in Mr. Steinbach’s testimony regarding the limitations of FBI databases.

Answer:

Mindful of the particular conditions of the Syria crisis, Syrian refugee applicants for U.S. Refugee Admission go through additional forms of security screening, the details of which can be shared in a classified setting, and the Administration continues to examine options for further enhancements for screening Syrian refugees.

The Administration made the policy decision to participate in the global effort to resettle Syrian refugees, highly mindful of our security

responsibility to the homeland and with the belief that the risks could be managed responsibly.

We have, for years, safely admitted smaller numbers of Syrian refugees and we have a great deal of experience screening and admitting larger numbers of refugees from other chaotic environments.

We are compensating for the relatively diminished intelligence holdings on the Syrian population by implementing additional screening measures tailored to the Syrian refugee population, the details of which can also be shared in a classified setting.

The American people have been generous in their support for refugee admissions. They have a right to expect the program to be as safe as possible. We take this responsibility very seriously.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#10)
Senate Judiciary Committee
April 28, 2015**

Question:

At an April 20, 2015 press conference regarding the arrest of six Somali men from Minnesota who planned to conspire to provide support to the Islamic State, Andrew Luger, U.S. Attorney for the District of Minnesota, stated, “[t]o be clear, we have a terror recruitment problem in Minnesota.” As you know, a large population of Somali refugees was resettled in Minnesota. Can the State Department guarantee that other communities will not experience similar problems in the future with Syrian refugees?

Answer:

For decades, U.S. communities have welcomed refugees fleeing the world's most dangerous and desperate situations. The U.S. Refugee Admissions Program (USRAP) has historically enjoyed broad bipartisan support, reflecting the generosity and values of the American people.

By admitting Syrian refugees, we stand with Jordan, Turkey, Iraq and Lebanon in alleviating their commendable, but increasingly strained efforts in each hosting hundreds of thousands of Syrian refugees.

As with all refugee populations, our emphasis will be on admitting the most vulnerable Syrians – particularly female-headed households, children, survivors of torture, and those with severe medical conditions – in a manner

that is consistent with U.S. national security. Not only do these cases represent the greatest humanitarian need, but this population generally does not fall into the more high risk categories most likely to pose a threat to the American people.

The Administration recognizes that there are risks associated with the increased admission of Syrian refugees, just as there are risks associated with the admission of other travelers to the U.S., including from other unstable environments. We are working diligently every day to reduce those risks.

The Administration made the decision to increase the admission of Syrian refugees with the belief that the risks could be managed responsibly. Of the 3 million refugees we have admitted to the United States since 1975, very few have been found to pose a national security concern, and we are committed to keeping it that way, while continuing to be a global leader on refugee protection. The vast majority of refugees go on to lead productive lives, receive an education and work hard. Some serve in the U.S. military and undertake other forms of service for the betterment of their communities and our country.

Approved: PRM/ DAS Simon Henshaw

Drafted: PRM/FO – SNaplan – 3-9333

Cleared: PRM – LBartlett OK
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D - YGonzales OK
D (MR) - ESmith OK
H – LDeWine OK
P – MOrona OK
S/P – AMansour info
NEA – LKeene OK

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Chairman Jeff Sessions (#11)
Senate Judiciary Committee
April 28, 2015**

Question:

Can the State Department state with absolute certainty that the United States government will not admit as refugees any aliens from Syria affiliated with ISIS or any other terror organizations?

Answer:

Mindful of the particular conditions of the Syria crisis, Syrian refugees go through additional forms of security screening, the details of which can be shared in a classified setting, and the Administration continues to examine options for further enhancements for screening Syrian refugees.

We have, for years, safely admitted smaller numbers of Syrian refugees and we have a great deal of experience screening and admitting larger numbers of refugees from other chaotic environments. The Administration recognizes that there are risks associated with the increased admission of Syrian refugees, just as there are risks associated with the admission of other travelers to the U.S., including from other unstable environments. We are working diligently every day to reduce those risks.

Our emphasis will be on admitting the most vulnerable Syrians – particularly female-headed households, children, survivors of torture, and those with severe medical conditions – in a manner that is consistent with U.S. national security. Not only do these cases represent the greatest humanitarian need, but this population generally does not fall into the more high risk categories most likely to pose a threat to the American people.

While no security screening program can guarantee a 100% success rate, the vast majority of refugees who have cleared the current security screening regime for admission to the U.S., including from some of the most troubled regions in the world, have proven to be peaceful additions to our society and, in time, productive citizens.

**Questions for the Record Submitted to
Principal Deputy Assistant Secretary Simon Henshaw
Senator David Vitter
Senate Judiciary Committee
April 28, 2015**

Question:

In discussing the costs to participants to the program, you said that air travel coverage is only a loan, making it seem as though allocated funds for the program using taxpayer dollars would not be used to cover any of the services necessary to become a participant in the program. Yet, isn't it true that the DNA cost can be recouped by the parent for the costs of testing if the results are positive? Why should taxpayers cover these costs?

Answer:

Migration and Refugee Assistance Account (MRAA) funds are used to pay for all costs associated with the overseas processing of refugee applicants, including determining if the applicant is eligible to be processed for consideration for refugee status. Additionally, the MRAA funds initial reception and placement services to those admitted as refugees. The cost of transportation is provided to refugees in the form of a loan. Refugees are responsible for repaying these loans over time. MRAA funds will not be used to pay for costs for applicants once they have been denied refugee status and are eligible for parole. Costs associated with the out-processing of parolees will be covered by the Department of Homeland Security/U. S. Citizenship and Immigration Services and the parents of the parolee.

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