

Question#:	1
Topic:	security screening
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: You mentioned that the program will use FBI resources and communications with Guatemala, El Salvador, and Honduras as part of security screening potential candidates, but the GAO has found FBI screening inadequate and these countries have even fewer resources available. How do you reconcile these facts with your claims that screening for criminal history will be comprehensive?

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for refugee applicants of all nationalities. A standard suite of required biographic and biometric security checks has been developed for all refugee applicants. Through close coordination with the federal law enforcement and intelligence communities, including but not limited to the FBI, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. USCIS defers to the FBI with regards to the referenced GAO report with regard to its security screening. In collaboration with DHS's Office of Intelligence and Analysis; DHS's Office of Policy, Screening Coordination Office; and interagency partners in the intelligence and national security communities, USCIS may identify future opportunities to enhance our vetting processes. With regard to Central American minors processing, USCIS has identified new opportunities to partner with the FBI's Transnational Anti-Gang Unit (TAG) in El Salvador and the DHS/U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and the Transnational Criminal Investigative (TCI) Unit in Honduras.

Question#:	2
Topic:	unaccompanied minors
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Amy Klobuchar
Committee:	JUDICIARY (SENATE)

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

What role does the Central American Minors Refugee Program play in addressing this crisis?

Response: The U.S. Government is taking an integrated and comprehensive approach to address the underlying economic and security challenges facing Central American countries and to decrease the unlawful migration of unaccompanied minors across the U.S. border.

The Central American Minors Refugee/Parole Program was designed to provide a safe, legal, and orderly alternative to the dangerous journey that children from El Salvador, Guatemala, and Honduras are currently undertaking to join parents in the United States. The goal is to extend protection to those with legitimate humanitarian claims while providing an effective deterrent for irregular migration driven by dangerous criminal smuggling networks.

This program is one of many measures the United States is putting 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 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.

Question: What other actions are the Department of Homeland Security and State Department taking to address this crisis?

Response: We defer to the Department of State (DOS) for a response regarding its actions. To address the unprecedented humanitarian situation last summer, DHS took a whole of government, comprehensive approach. In early June 2014, President Obama

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directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government on the situation. This group, which is led by Federal Emergency Management Agency (FEMA), includes DHS, the Department of Health and Human Services (HHS), the Department of Defense (DOD), the Department of Justice (DOJ), DOS, and the General Services Administration (GSA).

During the response operations, FEMA, U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE), along with HHS, examined and made improvements to each step of the process that touches an unaccompanied child (UC), including initial CBP apprehension and processing, placement and transfer to an HHS shelter, transportation by ICE to the shelter, and HHS's release of the child to an appropriate sponsor able to provide for the child's physical and mental well-being, often the child's parent or guardian, following required assessments, interviews and background checks.

DHS surged additional border security and law enforcement resources to south Texas. To address the situation of overcrowded border patrol stations, we created more capacity through new CBP processing centers for UC in Arizona and in Texas. DHS also built additional detention capacity for adults who cross the border illegally in the Rio Grande Valley with their children to help ICE increase its capacity to house and expedite the removal of such individuals in a humane manner that complies with federal law and provides for the safety, security, and medical needs of all occupants.

DHS is working hard to expand use of the Alternatives to Detention program, where appropriate, to serve a similar purpose.

We dedicated resources to the prosecution of the criminal smuggling organizations that are inducing people to take the long, dangerous journey from Central America.

We launched a renewed public messaging campaign in Central America, highlighting the dangers of the journey, and correcting the misinformation the coyotes were putting out about supposed "free passes" to come to the United States.

Question#:	3
Topic:	training manual
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: As discussed at the hearing, a recent training manual for U.S. Citizenship and Immigration Services (USCIS) asylum officers (attached) proffers two "new and novel" "particular social groups": (1) persons who reported a serious gang-related (or cartel-related) crime to law enforcement; and, (2) "female heads of household." These new and novel particular social groups are radical departures from existing statutory or case law.

In how many cases has USCIS granted asylum based on either of these two particular social groups, or based on similarly constructed particular social groups?

In how many cases has USCIS made a positive credible fear or reasonable fear finding based on either of these two particular social groups, or based on similarly constructed particular social groups?

Response: The USCIS Asylum Division does not capture the description of particular social groups in its databases. The Asylum Division is also not aware of any affirmative asylum application being granted based on past and/or feared future persecution on account of one of the above-referenced particular social groups.

Likewise, for credible and reasonable fear screenings, the USCIS Asylum Division does not capture in its database information that specifies the particular social group to which the applicant claims to belong and for which he or she claims to have been targeted for past or future persecution.

Question#:	4
Topic:	asylum to aliens
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Does USCIS grant asylum to aliens based on an expressed fear of gang violence, poverty, generalized threats, or civil unrest?

If so, how many applications for asylum has USCIS granted based on these types of claims?

Does USCIS make credible fear findings involving factual scenarios similar to these types of claims, and if so, in how many cases has USCIS made such a finding?

Response: An expressed fear of gang violence, poverty, generalized threats, or civil unrest alone is not sufficient to justify a grant of asylum or a positive credible fear finding under existing statutes or federal court and Board of Immigration Appeals precedent decisions.

USCIS is not aware of any affirmative asylum application being granted based upon one of the above-referenced claims alone, and its database does not capture data to that level of granularity.

USCIS is not aware of any positive credible fear finding being made based upon one of the above-referenced claims alone, and its database does not capture data to that level of granularity.

Question#:	5
Topic:	lawful immigration status
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: The law defines an “unaccompanied alien child” as a person who “has no lawful immigration status in the United States,” who “has not attained 18 years of age,” and with respect to whom “there is no parent or legal guardian in the United States,” or “no parent or legal guardian in the United States is available to provide care and physical custody.” 6 U.S.C. § 279(g)(2). The plain language of the law is phrased in the present tense, as clearly represented by the words “has,” “has not,” “there is,” and “is available.” In 2013, Ted Kim, then Acting Chief of the Asylum Division at USCIS, issued a memorandum titled “Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children” (“Kim Memo”). Contrary to the law, the memorandum provides that if an alien child is determined to be unaccompanied at the border, the child is still considered to be “unaccompanied,” even if released to the custody of a parent or legal guardian. That means that, pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, such individuals are able to file for asylum directly with USCIS rather than having to appear before an immigration judge. Having an asylum application adjudicated by USCIS rather than before an immigration judge is a tremendously more lenient process, as the applicant is not subject to cross-examination by an opposing party, or from a neutral judge.

- a. Is the Kim Memo current USCIS policy?
- b. Will USCIS issue guidance clarifying the Kim Memo, and insist that the determination of when an individual is an "unaccompanied alien child" be made at the time of the filing and adjudication of the asylum application, as required by law?
- c. How many asylum applications has USCIS received from unaccompanied alien children for each of the last three fiscal years?
 - i. Of those applications, how many were approved by USCIS?
 1. Of those approvals, please break down the data by the claimed underlying protected ground (race, religion, nationality, membership in a particular social group, or political opinion).
 2. Of those approvals based on persecution on account of membership in a particular social group, please list every definition of a particular social group that served as the basis for an approval.
 - ii. Of those applications, how many were submitted by individuals who were in the custody of a parent or legal guardian, either at the time of the application or subsequent to the application?

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Response:

- A. Yes.
- B. At this time, USCIS does not plan to alter our guidance, which we believe is consistent with the law. The statute does not specify when the UC determination should be made for purposes of the asylum application, nor does it specify who within the government should make it. The statute simply directs that USCIS has initial jurisdiction over asylum claims filed by UCs. CBP (and in some cases ICE) routinely make UC determinations for the purpose of determining the proper custodial arrangements for the child. Under current policies, USCIS adopts the determinations that these other DHS law enforcement components have already made, unless another component has revisited the issue and made a different determination. Absent any instruction in the statute requiring USCIS to make a redetermination on an issue that has already been determined by another DHS component, the current USCIS guidance applies the statute in a way that maximizes government efficiency and resources. The Kim Memo and related guidance should not be viewed as applicable to determining UC status for purposes unrelated to asylum applications.
- C. **Response:** Please see table below. Please note that most UCs who apply for asylum do so approximately one year or more after arrival in the U.S.
- i. **Response:** Please see table below
 1. **Response:** Please see table below
 2. **Response:** USCIS does not track specific types of particular social groups in its asylum case management system.
 - ii. **Response:** USCIS does not possess information responsive to this question.

	Receipts	Total Grants	Only 1 ground for asylum						Multiple grounds for asylum				
			Race	Religion	Nationality	Political Opinion	Social Group	Total	Any 2	Any 3	Any 4	Any 5	Total
FY2013	718	58	2	3		3	48	56	2	0	0	0	2
FY2014	2,797	271	11	12	1	16	223	263	6	2	0	0	8
FY2015 to May 5	7,712	2,458	85	107	14	128	2056	2390	57	11	0	0	68
Total	11,227	2,787	98	122	15	147	2,327	2,709	65	13	0	0	78

Notes: Cases granted in the above fiscal years could have been received in previous fiscal years. The USCIS Asylum Division asylum officer records the ground(s) for asylum upon which he or she is granting asylum in the Refugees, Asylum and Parole System (RAPS) at the time of final decision. The asylum officer may record one or more grounds for asylum.

Question#:	6
Topic:	refugees 1
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Can you cite to 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?

Response: Every refugee applicant is interviewed to determine the factual basis of the claim so that the law governing refugee determinations can be applied to those facts. The process requires a case-by-case assessment of each legal element of the refugee definition under the facts found in the specific case. USCIS conducts a rigorous analysis in each case under the applicable statutory, regulatory and precedential authorities. While the specific fact patterns presented by applicants under this program cannot be predicted with any certainty, the following precedent decisions may be applicable to some of these claims.

Ornelas-Chavez v. Gonzalez, 458 F. 3d 1052 (9th Cir. 2006) (restating the well-settled principal that “persecution may be inflicted ... by persons the government is unable or unwilling to control”);

Reyes-Reyes v. Ashcroft, 384 F.3d 782 (9th Cir. 2004) (claim based on sexual orientation and identity from El Salvador);

Ordonez-Quino v. Holder, No. 13-1215 (1st Cir. July 23, 2014) (fear of harm based on ethnic minority in Guatemala);

and the following cases related to particular social group and opposition to gang activity:

Matter of M-E-V-G-, 26 I&N Dec. 227 (BIA 2014)

Matter of W-G-R-, 26 I&N Dec. 208 (BIA 2014)

Crespin-Valladares v. Holder, 632 F.3d 117 (4th Cir. 2011)

Affirmative Asylum Application Approval Rates – Decision made by USCIS Asylum Division

Source Country	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015 Q2
Honduras	36%	26%	37%	36%	34%	46%
El Salvador	23%	21%	24%	21%	37%	46%
Guatemala	31%	27%	30%	39%	43%	46%

Question#:	7
Topic:	refugees 2
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: With respect to the Central American Minors Refugee/Parole Program, 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.

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

Response: Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for refugee applicants of all nationalities. A standard suite of required biographic and biometric security checks has been developed for all refugee applicants. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. The biographic checks include vetting refugee data against the State Department's Consular Lookout and Support System (CLASS). CLASS is a biographic name check database used to access critical information for visa adjudication and is run on all refugee applicants. CLASS contains information from TECS (formerly the Treasury Enforcement Communication System), the Terrorist Screening Database (TSDB), the Department of Health and Human Services (HHS), the Drug Enforcement Agency (DEA), Interpol, and the Federal Bureau of Investigations (FBI). In addition, refugee applicants meeting certain criteria are subject to Security Advisory Opinions (SAOs), including law enforcement and intelligence communities checks. SAO checks are run on applicants who meet these criteria and are between the ages of 16 to 50. Refugee applicants are subject to a third biographic check referred to as the Interagency Check (IAC); the IAC consists of screening biographic data against a broader range of intelligence community holdings. IACs are run on applicants who are age 14 and older. The biometric (fingerprint) checks (for applicants ages 14-79) include screening against the holdings of the Federal Bureau of Investigation (FBI) Next Generation Identification (NGI), the Department of Homeland Security (DHS) Automated Biometric Identification System (IDENT), and the Department of Defense Automated Biometric Identification System (ABIS).

The FBI's Transnational Anti-Gang Unit (TAG) in El Salvador will be involved in the training and preparation of USCIS officers for processing of refugee applicants from the Northern Triangle. It is anticipated that this will include providing country conditions

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information; recommending lines of questioning to be used by USCIS; and providing responses to requests for local law enforcement information from USCIS officers in the field.

In Honduras, DHS/U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) works with the Transnational Criminal Investigative (TCI) Unit. This unit has met with USCIS officers to provide training related to gangs, and further coordination is anticipated to enhance the refugee processing in Honduras. USCIS is still working to identify an appropriate law enforcement partner in Guatemala.

While not a traditional security check, USCIS officers conduct extensive interviews with each refugee applicant to develop all relevant issues related to eligibility for refugee resettlement and admissibility to the United States. Prior to departing the United States, all USCIS officers conducting refugee adjudications overseas are given caseload-specific training regarding country conditions. Officers develop lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity, or the persecution/torture of others, and they use a variety of interview techniques to assess an applicant's credibility.

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 FY2015 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 requests for individuals under this program.

Question#:	8
Topic:	Central American Minors Refugee/Parole Program 1
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

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."

Does USCIS contemplate termination of this program if the government determines that there is a change in the "country conditions"?

If so, how will USCIS measure such changes?

For how long does the administration intend on operating this program?

Response: The Department of State's Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP), of which the Central American minor program is a component. A critical part of this responsibility is determining which individuals or groups from among the millions of refugees worldwide will have access to U.S. resettlement consideration. PRM coordinates within the Department of State, as well as with DHS/USCIS, HHS/ORR, and other agencies, to carry out this responsibility.

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 and incorporated into section 207 of the INA. Section 207(a)(3) of the INA states that admissions "shall be allocated 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 for the given fiscal year.

During its history, the USRAP has responded continually to changing circumstances. Part of the Presidential Determination process involves an interagency evaluation of the country conditions that affect designated populations and a determination whether they should continue to be designated of "special humanitarian concern to the United States."

Question#:	8
Topic:	Central American Minors Refugee/Parole Program 1
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

USCIS cannot speculate on how long the Central American Minors program will continue, but that decision will be made as part of the annual consultation process and be reflected in the annual Presidential Determination.

Question#:	9
Topic:	Central American Minors Refugee/Parole Program 2
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Please explain why the administration's justification for the Central American Minors Refugee/Parole 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.

Response: The size and composition of the USRAP is governed by the process set forth in section 207 of the INA. The establishment of any future in-country refugee resettlement program would follow the same process. Section 207(e) of the INA requires “discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest...” The consultations would include any proposed new in-country designations planned for the upcoming fiscal year. Under 8 U.S.C. 1157(a)(2), the USRAP must be reauthorized by the President each fiscal year; this includes the designation of in-country processing under section 101(a)(42)(B) of the INA.

Question#:	10
Topic:	referrals from Syria
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

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 USCIS anticipate admitting from Syria?

Response: The Department of State has estimated that the United States will admit between 1,000-2,000 Syrian 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#:	11
Topic:	Syrian refugees 1
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
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: Refugee applicants of all nationalities are subject to rigorous biographic and biometric screening. These procedures and partnerships have been substantially enhanced over time since the launch of large-scale Iraqi refugee resettlement in 2007. See the Response to Question 5 above for a description of the background checks performed on refugee applicants of all nationalities.

In addition to this standard suite of security checks, USCIS Headquarters staff review all Syrian refugee cases prior to DHS interview to identify potential national security concerns. For those cases with potential national security concerns, USCIS conducts open source and classified research on the information presented in the refugee claim and prepares an evaluation for use by the interviewing officer. The evaluation provides case-specific context relating to country conditions and regional activity and is used by the interviewing officer to develop lines of inquiry related to the applicant's eligibility and credibility. USCIS has also instituted Syria-specific training for officers adjudicating cases with Syrian applicants, which includes a classified briefing on country conditions.

USCIS continues to engage with law enforcement and intelligence communities, including exploring training opportunities and potential screening enhancements, to ensure that vetting for Syrian refugee applicants is as robust as possible. USCIS defers to the FBI for information regarding its databases.

Question#:	12
Topic:	Syrian refugees 2
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

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 USCIS guarantee that other communities will not experience similar problems in the future with Syrian refugees?

Response: Based on the premise that well-informed and well-equipped families, communities, and local institutions represent the best defense against violent extremist ideologies, DHS works toward strengthening local communities by developing relationships with communities that may be targeted for recruitment by violent extremists and by supporting community-based programs. Furthermore, DHS assists local law enforcement programs, including information-driven, community-oriented policing efforts, which, for decades, have proven effective in preventing violent crime.

Efforts have been undertaken to catalogue, coordinate, and institutionalize Countering Violent Extremism (CVE) efforts and resources across DHS. In furtherance of this, a CVE Working Group (reflecting the missions of components and equities across DHS) led by a CVE Coordinator has been formalized to oversee and coordinate all CVE activities. Many components of DHS, including USCIS, participate in this working group. The CVEWG is led by the CVE Coordinator and includes participation from the Office for Civil Rights and Civil Liberties (CRCL), Office of Intelligence and Analysis (I&A), Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Policy, Office of Privacy (PRIV), and the Science and Technology Directorate (S&T). The CVEWG also has members from other DHS Components, such as U.S. Customs and Border Protection (CBP), Federal Law Enforcement Training Center (FLETC), Office of the General Counsel (OGC), U.S. Immigration and Customs Enforcement (ICE), Office of Operations Coordination and Planning (OPS), Office of Public Affairs (OPA), Transportation Security Administration (TSA), U.S. Citizenship and Immigration Services (USCIS), U.S. Coast Guard (USCG), and the U.S. Secret Service (USSS).

In furtherance of DHS's mission to safeguard the homeland, USCIS is committed to fostering integration and community cohesion. USCIS engages and supports partners to welcome immigrants, promote English language learning and education on the rights and responsibilities of citizenship, and encourage U.S. citizenship. These efforts emphasize the role that shared citizenship rights and responsibilities play to unify all Americans.

Question#:	13
Topic:	terror organizations
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Can USCIS 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?

Response: Refugee applicants are subject to stringent security screening. USCIS does not approve applications for individuals who are known to be inadmissible for terrorist activity or as members of terrorist organizations. USCIS is aware of the national security concerns surrounding the Syrian refugee population and continues to work with law enforcement and intelligence community members to identify additional opportunities to protect the integrity of the process and to guard against dangers to the United States.

Security checks are an integral part of the U.S. Refugee Admissions Program (USRAP) for refugee applicants of all nationalities. A standard suite of required biographic and biometric security checks has been developed for all refugee applicants. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. The biographic checks include vetting refugee data against the State Department's Consular Lookout and Support System (CLASS). CLASS is a biographic name check database used to access critical information for visa adjudication and is run on all refugee applicants. CLASS contains information from TECS (formerly the Treasury Enforcement Communication System), the Terrorist Screening Database (TSDB), the Department of Health and Human Services (HHS), the Drug Enforcement Agency (DEA), Interpol, and the Federal Bureau of Investigation (FBI). In addition, refugee applicants meeting certain criteria are subject to Security Advisory Opinions (SAOs), including law enforcement and intelligence communities checks. SAO checks are run on applicants who meet these criteria and are between the ages of 16 to 50. Refugee applicants are subject to a third biographic check referred to as the Interagency Check (IAC); the IAC consists of screening biographic data against a broader range of intelligence community holdings. IACs are run on applicants who are age 14 and older. The biometric (fingerprint) checks (for applicants ages 14-79) include screening against the holdings of the Federal Bureau of Investigation (FBI) Next Generation Identification (NGI), the Department of Homeland Security (DHS) Automated Biometric Identification System (IDENT), and the Department of Defense Automated Biometric Identification System (ABIS).

Question#:	14
Topic:	parole program for Syrians
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Has USCIS 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?

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. However, as the situation continues to evolve and USCIS continues to engage with stakeholders, USCIS may reconsider the use of parole for certain Syrian nationals.

Question#:	15
Topic:	Central American Minors Refugee/Parole Program 3
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: At the hearing, you confirmed that parole under section 212(d)(5)(A) of the Immigration and Nationality Act may only be exercised on a case-by-case basis, and only for urgent humanitarian reasons or a significant public benefit. You also testified that with regard to the Central American Minors Refugee/Parole Program, USCIS intends to grant parole if it finds "that the individual is at risk of harm in his or her country and that applicant merits a favorable exercise of discretion." You testified that this was not a more liberal standard, and that "a significant public benefit is being achieved by basically attempting to deter the mass migration that we saw at the border last year, and so the significant public benefit element of the authorization of parole is being achieved in that fashion."

This reasoning - justifying the paroling in of individuals to prevent their illegal entry into the United States - is contrary to both the letter and spirit of the law.

In September 2008, USCIS, U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) executed a Memorandum of Agreement (MOA) pertaining to the use of parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act. In this document, the three DHS components agreed that parole is "an extraordinary measure, sparingly used only in urgent or emergency circumstances, by which the Secretary may permit an inadmissible alien temporarily to enter or remain in the United States." Does the Central American Minors Refugee/Parole Program violate the terms of the MOA? Please explain your answer.

The House Report accompanying the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 indicates that the "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit" language in section 212(d)(5)(A) was added with the intent to "end the use of parole authority to create an ad hoc immigration policy or to supplement current immigration categories without Congressional approval." Is it the administration's position that the Central American Minors Refugee Parole/Program – which allows for parents without lawful status to bring their children from Central America to the United States - does not create an ad hoc immigration policy or supplement current immigration categories without Congressional approval? Please explain your answer.

Response: Using parole as an integrated strategy to discourage the use of dangerous criminal smuggling networks, by providing a safe, legal, and orderly alternative to the

Question#:	15
Topic:	Central American Minors Refugee/Parole Program 3
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

dangerous journey that some children are currently undertaking to join parents in the United States is entirely consistent with section 212(d)(5)(A) of the INA.

Last year, the U.S. experienced an unprecedented increase in the migration of unaccompanied children from El Salvador, Guatemala and Honduras using criminal networks, as outlined in the recent GAO report.¹ In response, DHS and the Department of State have adopted a multi-faceted strategy to deter large numbers of children from using criminal cartels and smugglers to take the dangerous journey to the United States and to avoid the humanitarian challenges of any large scale irregular migration, particularly of families and unaccompanied children. The Central American Minors Refugee/Parole Program is one facet of that strategy, and the consideration of these policy goals as part of a case-by-case determination whether to exercise the parole authority as a matter of discretion is fully consistent with section 212(d)(5)(A).

The parole component of the Central American Minors Refugee/Parole Program falls squarely within the terms of the MOA. Similar parole programs are noted in the MOA as falling within the responsibility of USCIS. The purpose of the MOA is to coordinate the exercise of DHS parole authority for aliens outside the United States or at ports of entry by clarifying jurisdiction among the three DHS components that exercise parole authority. To illustrate and clarify jurisdiction, the MOA provides a non-exhaustive list of parole programs in existence at the time of the MOA to be processed by USCIS, ICE and CBP. For example, this list assigns responsibility to USCIS to process parole requests under the Moscow Refugee Parole Program (for certain individuals denied refugee status in the former Soviet Union), and Cuban parole programs..

In passing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress rejected the stricter limitations on the use of parole authority proposed in the cited House Report in favor of the more limited amendment to section 212(d)(5)(A) passed by the Senate. Congress accordingly left to the Attorney General the discretionary authority (later transferred to the Secretary of Homeland Security) to determine whether parole would serve a “significant public benefit” or would be warranted for “urgent humanitarian reasons.” DHS has exercised and will continue to exercise its authority consistent with section 212(d)(5)(A).

¹ Available at <http://www.gao.gov/assets/670/668749.pdf> .

Question#:	16
Topic:	Haitian Family Reunification Parole Program
Hearing:	Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Under the terms of the Haitian Family Reunification Parole Program, individuals from Haiti are permitted to come to the United States before a visa available for them to claim.

The aforementioned MOA also states that "[p]arole is not to be used to circumvent normal visa processes and timelines." Please explain how the Haitian Family Reunification Parole Program does not violate the terms of the MOA.

Please explain why the administration's justification for the Haitian Family Reunification Parole Program – that is, supporting "broader U.S. goals for 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.

Response: Individuals who seek parole are asking for permission to come to the U.S. outside of normal consular processing. The language in the 2008 MOU recognizes, however, that circumventing such processing is not the purpose of parole. Instead, the Secretary may exercise discretion to grant parole to an individual to enter the United States temporarily without a visa "for urgent humanitarian reasons or significant public benefit." INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

The Haitian Family Reunification Parole (HFRP) program was modeled on the Cuban Family Reunification Program, which is one of the parole programs listed in the MOA. Just as a determination was made that it may be appropriate to allow certain qualified Cuban beneficiaries of family-based immigrant petitions awaiting eligibility for visa processing to receive parole, it was determined that it would be appropriate to authorize parole for certain qualified Haitian beneficiaries of family-based immigrant petitions. The Federal Register Notice establishing the program states: "By expanding existing legal means for Haitians to immigrate, the HFRP Program serves a significant public benefit by promoting safe, legal, and orderly migration to the United States. Furthermore, it supports U.S. goals for Haiti's long-term reconstruction and development. Once paroled into the United States, HFRP Program beneficiaries will be eligible to apply for employment authorization, and those who are able to work may contribute to Haiti's post-earthquake reconstruction and development through remittances." 79 Fed. Reg. 75,581. 75,582 (2014).

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Committee:	JUDICIARY (SENATE)

Congress has given the Secretary of Homeland Security the authority to make determinations on whether parole should be authorized for urgent humanitarian reasons or for significant public benefit. The Secretary has and will continue to exercise this authority consistent with the law.