



U.S. Citizenship and Immigration Services

WRITTEN TESTIMONY

OF

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FOR A HEARING ON

**“Eroding the Law and Diverting Taxpayer Resources:
an Examination of the Administration’s Central
America Minors Refugee/Parole Program”**

BEFORE
THE SENATE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND THE NATIONAL INTEREST

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Chairman Sessions and distinguished Members of the Subcommittee: Thank you for the opportunity to testify at today's hearing on the Central American Minors Refugee and Parole Program. I am Joseph Langlois, the Associate Director of the Refugee, Asylum and International Operations (RAIO) Directorate within U.S. Citizenship and Immigration Services (USCIS) at the Department of Homeland Security (DHS). I supervise the overseas refugee program and certain parole programs within USCIS, and my testimony today will focus on the Central American Minors (CAM) Refugee and Parole Program.

The CAM Program is a new in-country refugee and parole processing program in El Salvador, Honduras, and Guatemala that provides certain minors from those countries a safe, legal, and orderly alternative to the dangerous journey across the Southwest border to reach the United States.

USCIS's Role in the U.S. Refugee Admissions Program (USRAP)

Before turning to the CAM Program, however, I would like to provide an overview of USCIS's role in refugee resettlement. USCIS works in close partnership with other components within DHS and with colleagues at the Department of State's Bureau of Population, Refugees, and Migration (PRM) and at the Department of Health and Human Services' Office of Refugee Resettlement (ORR) to meet the USRAP's mission of offering resettlement opportunities to eligible refugees while safeguarding the integrity of the program and our national security.

As you know, the United States has a proud, long-standing tradition of offering protection, freedom, and opportunity to refugees from around the world who live in fear of persecution and are often left to languish in refugee camps and other difficult situations overseas. USCIS remains dedicated to fulfilling this mission, in partnership with PRM and ORR, and continuing the United States' leadership role in humanitarian protection. An integral part of this mission is to ensure that refugee resettlement opportunities are provided to those who are eligible for such protection and do not present a risk to the safety and security of our country. We are committed to deterring and detecting fraud among those seeking to resettle in the United States, and we continue to employ the highest security measures to protect our national security.

As a representative of USCIS, I can assure you that this dedication to our humanitarian and national security mandates is shared inside and outside of DHS. The refugee resettlement program has forged strong and deep relationships with the law enforcement, national security, and intelligence communities, and we continue to benefit enormously from their expertise, analysis, and collaboration. It simply would not be possible for us to support a resettlement program of the size and scope that the United States has maintained for many years without this critical interagency infrastructure.

As I mentioned above, USRAP is a shared responsibility of the State Department and USCIS. The State Department is responsible for the overarching coordination and management of the USRAP, including determining which individuals or refugee groups are considered to be "of special humanitarian concern to the United States" under section 207 of the Immigration and Nationality Act (INA) and are therefore qualified to access the USRAP for resettlement consideration. Determinations regarding the overall refugee admissions ceiling, regional

admission allocations, and processing priorities are only made following formal, annual consultations with Congress, as required under the INA.

USCIS is responsible for conducting individual, in-person interviews with applicants to determine their eligibility for refugee protection. In 2005, to maximize flexibility and program integrity, USCIS created the Refugee Corps. The Refugee Corps is a cadre of specially-trained USCIS officers who are dedicated to adjudicating applications for refugee protection overseas. These officers are based in Washington, D.C., but they travel around the world to the locations where refugees reside. In addition, USCIS has a small number of officers posted at embassies overseas and assigns well-trained officers from other programs—such as the Asylum Corps and Office of the Chief Counsel—to supplement the Refugee Corps. Using this model, USCIS has been able to respond to an increasingly diverse population in the refugee admissions program.

Recognizing that a well-trained cadre of officers is critical to protecting the integrity of the refugee process, we have focused our efforts on providing the highest quality training to refugee adjudicators. In addition to the basic training required of all USCIS officers, refugee officers receive five weeks of specialized training that includes comprehensive instruction on all aspects of the job, including refugee law, grounds of inadmissibility, fraud detection and prevention, security protocols, interviewing techniques, credibility analysis, and country conditions research. Before deploying overseas, officers also receive pre-departure training, which focuses on the specific population that they will be interviewing. This training includes information on the types of refugee claims that they are likely to encounter, detailed country of origin information, and updates on any fraud trends or security issues that have been identified.

In order to fully explore refugee claims and to identify any possible grounds of ineligibility, specially-trained USCIS adjudicators conduct an in-person, in-depth interview of every principal refugee applicant. The officer assesses the credibility of the applicant and evaluates whether the applicant's testimony is consistent with known country conditions and all available evidence. These adjudicators also interview each accompanying family member age 14 and older to determine his or her admissibility to the United States. In addition, refugee applicants are subject to robust security screening protocols to identify potential fraud, criminal or national security issues. All refugee status determinations made by interviewing officers undergo supervisory review before a final decision is made.

Establishing the CAM Program

The President makes determinations regarding the number of admissions under the USRAP each fiscal year after appropriate consultations with Congress in accordance with section 207 of the INA. Under that process, the Executive Branch provides a report to the House and Senate Judiciary Committees, which is followed by in-person consultations between a Cabinet-level representative and Members of the Judiciary Committees. This year's report, submitted to Congress on September 17, 2014, and made available to the public the next day, described plans to launch the CAM Program, along with other in-country refugee programs planned for FY 2015. The CAM Program was also discussed with Committee and Subcommittee staff in preparation for the formal consultations. This year, Secretary Kerry provided the consultations with

Members of the Senate Judiciary Committee, while Secretary Johnson engaged in consultations with the House Committee. President Obama signed the Presidential Determination for FY 2015 on September 30, 2014, including the authorization for in-country refugee processing in El Salvador, Guatemala, and Honduras.

Vice President Biden announced the CAM Program publicly on November 14, 2014, at the Inter-American Development Bank as part of a broader U.S. commitment to working with Central American countries to help create the economic, social, governance, and security conditions to address factors contributing to increases in migration to the United States. Since that time, USCIS has worked closely with the Department of State and the White House to develop and implement the CAM Program, which began accepting applications on December 1, 2014. The USRAP has received 565 applications as of April 20, 2015, which are in various stages of prescreening before they are ready for USCIS interview: 439 for individuals in El Salvador, 114 for individuals in Honduras and 12 for individuals in Guatemala. As I mentioned earlier, the purpose of the CAM Program is to provide qualified children from El Salvador, Honduras and Guatemala a safe, legal, and orderly alternative to the dangerous journey across the Southwest border to the United States.

CAM Program Eligibility and Processing

The CAM Program allows certain parents lawfully present in the United States to request a refugee resettlement interview for their unmarried children under the age of 21 in El Salvador, Guatemala, and Honduras. The CAM program is not a pathway for undocumented parents to bring children to the United States. In addition, under certain circumstances, a parent with whom the child resides in one of the three countries will also be eligible to access the resettlement program in order to maintain family unity. This provision only applies if: (1) the parent seeking resettlement is part of the same household and economic unit as the qualifying child; (2) he or she is legally married to the qualifying parent at the time the qualifying parent in the United States files the CAM-Affidavit of Relationship; and (3) he or she continues to be legally married to the qualifying parent.

A multistep application process is in place whereby the parent or parents in the United States first contact a local resettlement agency, which helps them submit a request for refugee resettlement interviews for eligible children to the Department of State. In order to ensure that vulnerable children are not exploited by this program, we require DNA testing to verify that claimed biological parent-child relationships are genuine. This is comparable to the preexisting practice for DNA testing for family-based access to the resettlement program, known as "Priority 3." Once the Department of State receives DNA test results confirming the parent-child relationship, a USCIS officer will conduct an in-country interview with each applicant child to determine whether he or she is eligible for refugee resettlement. This includes a determination of whether he or she meets the refugee definition in INA section 101(a)(42) and is otherwise admissible to the United States.

Individuals who are determined not to meet the definition of a refugee but still to be at risk of harm will be considered on a case-by-case basis for a discretionary grant of parole. Parole allows certain individuals to enter the United States temporarily for urgent humanitarian

reasons or significant public benefit. A separate parole application and interview is not required to be considered for parole under the CAM Program; USCIS will make parole determinations based on the information elicited at the refugee interview. To grant parole under this program, USCIS must find that the individual is at risk of harm in his or her country and that the applicant merits a favorable exercise of discretion. Individuals granted parole under this program generally will be authorized to remain in the United States for an initial period of two years. Parole does not, in itself, lead to any permanent immigration status. To seek to remain in parole status in the United States, an individual will need to apply for re-parole prior to the expiration of parole status.

DHS has implemented combined refugee and parole programs previously. For example, from 1988-2011, the Immigration and Naturalization Service (INS) and then USCIS offered parole on a case-by-case basis to individuals from the former Soviet Union who were denied refugee status. From 1989-1999, INS also offered parole to certain Vietnamese applicants denied refugee status under the Orderly Departure Program.

All applicants under the CAM Program will be subject to thorough background screening, including biographic and biometric security checks. These are among the most thorough for any immigration benefit. For those who are approved for refugee protection, the State Department has a well-established process to conduct medical examinations and to schedule travel to the United States. Refugees receive a loan to pay for their travel, which they are required to repay. In order to receive approval for parole, an applicant must undergo medical screening at his or her own expense. Unlike those approved for refugee protection, individuals approved for parole will not be eligible for travel loans. To ensure the safety of children traveling, USCIS will require as a condition of parole that the family arrange travel to the United States through an approved intermediary.

As stated previously, to date, USCIS has not yet interviewed any applicants for refugee or parole status through this program in any of the three countries. The USCIS Refugee Affairs Division expects to begin conducting interviews as soon as cases have completed the prescreening process and become ready for interview. Given that interviews have yet to take place this fiscal year, there will likely be relatively few minors from Central America who will be admitted under this program to the United States in FY 2015.

Conclusion

USCIS is committed to offering protection to qualified refugees, while maintaining a strong, unequivocal position to combat fraud and safeguard national security. The same rigorous security screening protocols that are in place for other refugee populations are being employed with this program. Well-trained USCIS officers will conduct thorough interviews of all applicants to elicit their claims, evaluate them based on known country conditions information, and assess applicants' credibility.

USCIS will continue to work cooperatively with the State Department to implement this program. Thank you for the opportunity to testify. I would be happy to answer any questions.