WRITTEN TESTIMONY

OF

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"REFUGEE ADMISSIONS FY 2018"

BEFORE
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Mr. Chairman, Ranking Member, and distinguished Members of the Committee, thank you for the opportunity to testify at today's hearing on the refugee admissions program, with particular emphasis on admissions for Fiscal Year (FY) 2018. My name is Francis Cissna, and I am the Director of U.S. Citizenship and Immigration Services (USCIS). My testimony today will describe USCIS' role in refugee resettlement generally, the screening measures and safeguards that the U.S. Refugee Admissions Program (USRAP) employs, screening enhancements that have been adopted since January, and the results of the recent review of the USRAP pursuant to President Trump's Executive Order 13780.

There have been a number of significant developments with regard to refugee processing during the past fiscal year that I will highlight. Furthermore, because the United States' humanitarian efforts include providing asylum to tens of thousands of asylum-seekers who are already in the United States, I will also address USCIS' asylum work.

USCIS' mission, in coordination with other federal agencies, is to fulfill the humanitarian goals of the USRAP to offer resettlement opportunities to *eligible* refugees, while prioritizing national security and the integrity of the program. USCIS works in close partnership with our component colleagues within the Department of Homeland Security (DHS), the law enforcement and intelligence communities, as well as with the Department of State's Bureau of Population, Refugees, and Migration (PRM).

We are committed to both deterring and detecting fraud to maintain the integrity of the refugee resettlement program, as well as to rigorously employing and enhancing the security measures necessary to safeguard our nation. On March 6, 2017, President Trump issued Executive Order 13780, *"Protecting the Nation from Foreign Terrorist Entry into the United States"*. That document states, "*[i]*t is the policy of the United States to protect its citizens from terrorist attacks, including those c*ommitted by foreign nationals.* The screening and vetting protocols and procedures associated with the visa-issuance process *and the USRAP* play a crucial role in detecting foreign nationals who may commit, aid, or support acts of terrorism and in preventing those individuals from entering the United States. It is therefore the policy of the United States to improve the screening and vetting protocols and procedures associated with the visa-issuance process and the USRAP."

While the Executive Order has been the subject of litigation and portions of it have been enjoined for periods of time, USCIS has worked aggressively to strengthen the integrity of the USRAP, consistent with its legal obligations. The USRAP has

forged strong and deep relationships with colleagues in 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 without these partnerships.

Pursuant to Executive Order 13780, USCIS and these interagency partners engaged in a 120-day review process that ran through October 24, 2017, to review the refugee resettlement application and adjudication process to determine what additional procedures should be employed to ensure that refugees coming to the United States do not pose a threat to the security and welfare of our nation. The Secretary of State convened a working group to implement the review process under section 6(a) of Executive Order 13780. This review was informed by the development of uniform baseline screening and vetting standards and procedures for all travelers under section 5 of Executive Order 13780. The section 6(a) working group compared the process for screening and vetting refugees with the uniform baseline standards and procedures established by the section 5 working group. The section 6(a) working group identified several ways to enhance the process for screening and vetting refugees and began implementing those improvements. The review process for refugees required by Executive Order 13780 has made our Nation safer.

I look forward to sharing the results of that review process with you in more detail.

Refugee Resettlement Case Processing

The USRAP is a shared operational responsibility of USCIS and the State Department, among other agencies. The State Department is responsible for the overarching coordination and management of the USRAP. As outlined by section 207 of the Immigration and Nationality Act, this work is guided each year by a Presidential determination, which sets the refugee admissions ceiling, following consultations with Congress. USCIS is responsible for conducting in-person interviews with applicants abroad to determine their eligibility for refugee status. This determination includes whether the applicants are credible, meet the refugee definition, and are otherwise admissible to the United States under U.S. law.

To maximize flexibility and program integrity, in 2005, USCIS created the Refugee Corps, a cadre of specially-trained USCIS officers who are dedicated to adjudicating applications for refugee status overseas. The Refugee Corps officers are based in Washington, D.C., but travel around the world to conduct in-person interviews. In addition, USCIS has a small number of officers posted at embassies

overseas who conduct refugee adjudications, among other duties. From time to time, we assign specially-trained officers from other programs – such as the Asylum Corps, Office of the Chief Counsel, and Administrative Appeals Office – to supplement the Refugee Corps. Using this model, USCIS has been able to respond to an increasingly diverse applicant pool within the refugee admissions program. In FY 2017, USCIS personnel worked refugee cases in 53 countries.

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. In addition to the basic training required of all USCIS officers, refugee officers receive an additional five weeks of specialized training that includes comprehensive instruction on 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 identified security issues. USCIS officers who adjudicate Iraqi or Syrian refugee applications are required to receive an additional five-day training course on country-specific issues, including briefings from outside experts from the law enforcement, intelligence, policy, and academic communities.

To fully explore refugee claims and to identify possible grounds of ineligibility, specially-trained USCIS officers 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. These officers also interview each accompanying family member age 14 and older. All applicants must establish admissibility to the United States before they may be included in an approved case. In addition, refugee applicants are subject to robust security screening protocols to identify potential fraud, criminal history, or national security issues. All refugee status determinations made by interviewing officers undergo supervisory review before a final decision is made. Under agency policy, certain categories of sensitive cases – including certain national security-related cases – must also be submitted for review and concurrence to the USCIS Refugee Affairs Division Headquarters prior to the issuance of a decision in the case. This allows Headquarters staff to conduct additional research, liaise with law enforcement or intelligence agencies, or consult with an outside expert before finalizing the decision.

Security Checks

All refugees entering the United States are subject to stringent security checks and are admitted only after successfully completing that screening process. A refugee applicant is not approved for travel until the results of all required security checks have been obtained and cleared. Certain enhancements were initially deployed in connection with particular refugee populations. However, some enhancements are now being applied more broadly to applicants of all nationalities. There are plans to further expand these safeguards in the future.

All available biographic and biometric information is vetted against a broad array of law enforcement, immigration, intelligence community, and other relevant databases to help confirm a refugee applicant's identity, check for any criminal or other derogatory information, and identify information that could inform lines of questioning during the interview. Biographic checks against the State Department's Consular Lookout and Support System (CLASS) – which includes the FBI's Terrorist Screening Database (TSDB) commonly referred to as "the watchlist" – are initiated at the time of prescreening by the Resettlement Support Center (RSC) staff. In addition, the RSC initiates requests for Security Advisory Opinions (SAOs) from the law enforcement and intelligence communities for cases that meet certain criteria.

Since 2008, USCIS has also included a biographic check with the National Counterterrorism Center (NCTC), which is now referred to as the Interagency Check or "IAC." Initially the IAC was required only for Iraqi applicants, but is now required for all refugee applicants within a designated age range, regardless of nationality. In addition, expanded intelligence community support was added to the IAC process in July 2010. In 2015, interagency partners coordinated to launch IAC recurrent vetting. With recurrent vetting, any new derogatory information that is identified after the initial check is shared with USCIS without the need for a subsequent query, making the process more efficient.

In addition to biographic checks, USCIS conducts biometric checks against three sets of data using mobile fingerprint equipment and photographs that are typically collected at the time of the USCIS interview. These fingerprints are screened against the vast biometric holdings of the FBI's Next Generation Identification system, and they are screened and enrolled in DHS's Automated Biometric Identification System (IDENT). Through IDENT, applicant fingerprints are screened not only against TSDB biometric holdings, but also for previous immigration encounters in the United States and overseas – including, for example, cases in which the applicant previously applied for a visa at a U.S. embassy. Starting in 2007, USCIS began working with the Department of Defense (DoD) to

augment biometric screening by checking against the DoD Automated Biometric Identification System (ABIS). ABIS contains a variety of records, including fingerprint records captured in theatre in Iraq, and is a valuable resource to identify a wide array of relevant information. Today, ABIS screening has been expanded to refugee applicants of all nationalities who fall within the prescribed age ranges.

USCIS has also created a Social Media Division within its Fraud Detection and National Security (FDNS) Directorate, building on pilot efforts that began in 2014. FDNS now screens refugee applicant data for select populations, including Syrian applicants, against designated social media. Given the value of social media vetting, FDNS continues to hone and expand its use to certain asylum applicants and additional populations in the refugee program. In addition, FDNS's Intelligence Division conducts classified research on select refugee cases. This information provides case-specific context, and can be used by the interviewing officer to inform lines of inquiry related to the applicant's eligibility and credibility. Taken together, these two efforts are now known as Enhanced FDNS Review.

Throughout the review process, FDNS engages with law enforcement and intelligence community members for assistance with identity verification, acquisition of additional information, and "de-confliction" to ensure USCIS activities will protect national security and not adversely affect any ongoing law enforcement investigations. When FDNS identifies terrorism-related information, it makes the appropriate nominations or enhancements to the Terrorist Identities Datamart Environment (TIDE), using standard interagency watchlisting protocols. Additionally, USCIS drafts and disseminates reports to U.S. law enforcement and intelligence agencies alerting the interagency to information that meets standing intelligence information requirements.

In addition to the expansion of Enhanced FDNS Review, since January 2017, USCIS has taken other steps to enhance the screening of refugee applicants. USCIS' Refugee Affairs Division (RAD) has initiated a program to "forward-deploy" FDNS officers from its Security Vetting and Program Integrity (SVPI) Branch on certain refugee circuit rides overseas. These FDNS officers join certain refugee processing trips to work fraud and national security cases on the ground. FDNS officers working within RAD Headquarters offices also receive referrals from field officers to review cases where potential issues relating to fraud, national security, or public safety may be identified.

RAD has also piloted an automated Country of Origin Information tool to assist officers interviewing Syrian refugee applicants. This tool provides reliable,

specific, localized country of origin information regarding locations and events in Syria to enhance officers' ability to develop relevant lines of questioning, assess applicant credibility, and identify potential national security concerns and terrorism-related inadmissibility grounds.

In addition to the checks that are conducted prior to travel, refugee applicants are subject to vetting conducted by DHS colleagues at U.S. Customs and Border Protection's National Targeting Center-Passenger and the Transportation Security Administration's Secure Flight program prior to their admission to the United States.

Finally, while we have confidence in the vetting mechanisms currently employed to screen refugee applicants, we regularly face new challenges and identify new opportunities to improve and strengthen our protocols. As I mentioned above, under Executive Order 13780, USCIS continues to work with interagency partners to identify additional options for new screening mechanisms to enhance the existing suite of checks, along with other measures to safeguard the USRAP from fraud or abuse.

Refugee Admissions and the Asylum Processing Backlog

In FY 2017, the USRAP admitted 53,716 refugees representing 76 nationalities. For FY 2018, the President has set the refugee admissions ceiling at 45,000. This ceiling takes into account the need to implement enhanced security and integrity measures. The ceiling also represents the recognition that our nation's humanitarian protection strategy extends beyond traditional refugee resettlement to the significant work being done by USCIS to process asylum claims for hundreds of thousands of claimants who already are in the United States, in our communities.

USCIS' current asylum backlog has reached nearly 300,000 cases and continues to grow. This is due to the surge of Central Americans to the United States' Southern border, beginning in FY 2013, which required prioritized processing of credible fear claims, as well as higher-than-anticipated asylum filings over the past few years.

Delays in the timely processing of asylum applications are detrimental to legitimate asylum seekers. Furthermore, while a series of security checks are initiated when an asylum application is filed, lingering backlogs can be exploited and used to undermine national security and the integrity of the asylum system. For example, the existence of significant backlogs may attract applicants who submit

frivolous asylum applications solely to obtain employment authorization, knowing that they will wait months or years in the backlog before their claim can be heard and denied.

Under the President's Executive Order on Border Security, DHS was directed to take action to "*allocate all legally available resources to immediately assign asylum officers to immigration detention facilities*" and to "*take all appropriate action to ensure that the … asylum provisions of Federal immigration law are not illegally exploited*." To this end, USCIS is identifying all available resources to begin to address the growing asylum backlog and prioritize the processing of asylum seekers domestically while discouraging frivolous filings. As we work to further staff the asylum program and identify efficiencies that do not compromise the security and integrity of the process, USCIS will deploy some of its refugee officers to support the asylum program, allowing USCIS to adjudicate thousands of additional asylum applications during the fiscal year.

Utilizing refugee officer staff to help process asylum cases will begin to mitigate the growing asylum backlog, while still providing a portion of USCIS resources to continue refugee processing activities.

Promoting Assimilation

Assimilation facilitates the ability of refugees and asylees to make positive contributions to the United States and within the communities where they live. With these benefits in mind, USCIS is working to enhance efforts to promote refugee and asylee assimilation and integration. Improved assimilation of refugees and asylees will not only boost their ability to be successful in the United States, but will also help to better secure our communities by fostering a cohesive society based upon shared civic ideals, an appreciation of U.S. history, and an understanding of the English language.

USCIS is working to develop an informational brochure for refugees and asylees containing information on critical resettlement resources, including available English language learning opportunities, lawful permanent residence and citizenship application materials, and U.S. civic values. This brochure will be translated into several languages and distributed to refugees at designated ports of entry, to asylees through USCIS asylum offices, and through other appropriate and available channels.

USCIS is prepared to work closely with the State Department and other interagency partners to support a refugee admissions program of up to 45,000

arrivals in FY 2018 while assiduously maintaining and improving the integrity of the program and our national security.

Thank you for the opportunity to appear before you today to discuss the USCIS role in ensuring the security of the USRAP. I would be happy to answer your questions.