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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States

## House of Representatives

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2138 RAYBURN HOUSE OFFICE BUILDING

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January 30, 2018

Secretary Kirstjen M. Nielsen  
Department of Homeland Security  
Department of Homeland Security  
Washington, D.C. 20528

Secretary Rex Tillerson  
U.S. Department of State  
2201 C St, NW  
Washington, D.C. 20520

Dear Secretary Nielsen and Secretary Tillerson,

On October 24, 2017, President Trump signed Executive Order 13,815, which allowed for the U.S. Refugee Admissions Program to partially resume, subject to the terms of an October 23, 2017 Memorandum. The Memorandum indicated that individuals from eleven countries (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen, and stateless Palestinians) that required Special Advisory Opinions (SAO) would continue to be barred from resettlement for an additional 90-days. Further, the follow-to-join program, allowing for reunification of minor children and spouses with resettled refugees in the United States, was suspended indefinitely.

We request your responses to the following questions about the implementation of Executive Order 13,815.

1. January 21, 2018, was the last day of the Administration's 90-day deadline to complete the review of refugee screening procedures from the eleven countries who currently require a SAO, following the previous 120-day ban.

- a) What steps have you taken to immediately resume processing refugees from these eleven countries?
- b) What additional requirements and screening will be added for refugees from these countries?

- c) What assurances can you provide that these procedures will not unduly prevent Muslim refugees, or nationalities with large Muslim refugee populations, from passing the screening process?

2. Refugees barred from resettlement by Executive Order 13,815 and its accompanying Memorandum allowed for individuals to be admitted based on national interest waivers.

- a) How many waivers have been issued since October 24, 2017?
- b) Please provide a breakdown of the nationality of individuals provided waivers.

3. On December 23, 2017, the Western District of Washington imposed an injunction on the terms of Executive Order 13,815, and its accompanying Memorandum, requiring the U.S. Refugee Admissions Program to continue processing and admitting refugees from an SAO country or seeking admission as a follow-to-join refugees, if they have a bona fide relationship with a person or entity in the United States.

- a) What instructions have USCIS or the Department of State provided to refugee resettlement agencies and/or resettlement support centers since December 23, 2017, regarding processing of refugees in compliance with this injunction?
- b) Refugees in the follow-to-join program are generally interviewed through U.S. Embassies rather than by Refugee Officers. How has USCIS communicated instructions to U.S. Embassies regarding processing of follow-to-join refugees in compliance with the injunction?
- c) Since December 23, 2017, how many refugees subject to SAO requirements have been admitted to the United States?
- d) Since December 23, 2017, how many follow-to-join refugees have been admitted to the United States?
- e) Since December 23, 2017, how many interviews have been scheduled for refugees subject to SAO requirements? How many have been conducted?
- f) Since December 23, 2017, how many interviews have been scheduled for follow-to-join refugees subject to SAO requirements? How many have been conducted?
- g) What is the total number of refugees subject to the SAO requirements who have received an assurance from a refugee resettlement agency?
- h) What is the total number of follow to join refugees who have received an assurance from a refugee resettlement agency?
- i) How many refugees subject to SAO requirements and follow-to-join refugees are considered travel-ready? How many of them have travel scheduled?
- j) What circuit rides are planned for the remainder of fiscal year 2018? Please provide the planned dates, location, number of Refugee Officers who will anticipate.

4. Iraqis who provided assistance to the U.S. mission in Iraq have been barred from resettlement to the United States. The Special Immigrant Visa (SIV) program, established to facilitate a legal pathway to safety for wartime partners, closed to new applications in 2014. They now must apply through the Direct Access Program for U.S.-affiliated Iraqis.

- a) What steps is USRAP taking to ensure that wartime partners who served alongside U.S. Armed Forces and other government personnel continue to have access to a path to safety?
- b) How many total applicants remain in the Direct Access Program application pipeline?
- c) How many USCIS interviews of Direct Access Program applicants have been held in Iraq since January 27, 2017?

5. Already well into the second quarter of FY18, only 6,026 refugees have been resettled. This is far from the more than 11,500 that should have been resettled in order to keep pace with meeting with 45,000 cap that President Trump has set, which is already the lowest cap in U.S. history.

- a) Why is the number of resettled refugees so low, given that there are many refugees who were approved for resettlement last year who were not able to enter?
- b) Why have security clearances, including Security Advisory Opinions, slowed to an unprecedented pace?
- c) Are security clearances for refugees still being coordinated by the Department of Homeland Security, or have those responsibilities been transferred to other agencies? If other agencies are handling these decisions, which agencies, and how are operations ensuring that cases are being processed efficiently?

6. There have been many transitions and vacancies that have impacted the Bureau of Population, Refugees and Migration. How have these staff issues impacted the resettlement of refugees?

- a) Who will be replacing Simon Henshaw, who is currently Principal Deputy Assistant Secretary at PRM but expected to retire shortly? And when will they take their position?
- b) What is the current decision making process at PRM given vacancies in leadership positions? How is the administration ensuring that decisions are being made by experts in refugee protection, rather than removed staff elsewhere at DOS?
- c) Are there any plans to appoint an Assistant Secretary of PRM? If so, what is the projected timeline, which individuals are being considered, and what criteria are being prioritized?
- d) Is the proposal to transfer some of PRM's responsibilities to DHS or USAID still being considered? If so, what is the process, timeline, and criteria for these decisions? And what are plans to consult with congress prior to any determination being made?


7. Are there budgetary or legal constraints that are impeding DHS, PRM, or other agencies' ability to process refugees, either generally or certain populations, for resettlement?

- a) How many Yazidi refugees have been resettled this fiscal year?

- b) Are any plans being made to resettle Rohingya refugees to the United States?
- c) How many additional refugees do you estimate will arrive because of the December 23, 2017 court ruling?
- d) Has the US requested that UNHCR limit future referrals of individuals from particular regions? Nationalities?

We thank you for your attention to this matter and we trust you will respond with utmost urgency.

Sincerely,



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Rep. Jerrold Nadler (D-NY)  
Ranking Member  
Committee on the Judiciary



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Rep. Zoe Lofgren (D-CA)  
Ranking Member  
Subcommittee on Immigration  
and Border Security

CC: Rep. Bob Goodlatte, Chairman, House Committee on the Judiciary





U.S. Citizenship  
and Immigration  
Services

March 19, 2018

The Honorable Jerrold Nadler  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Ranking Member Nadler:

Thank you for your January 30, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I am aware that the Committee has numerous questions regarding the implementation of the Executive Order 13815, *Resuming the United States Refugee Admission Program (USRAP) with Enhanced Vetting Capabilities*. The Department of Homeland Security's Office of Legislative Affairs is coordinating a briefing with the Department of State for our committees of jurisdiction on the additional, enhanced security procedures for USRAP that were recently announced. We look forward to answering all of your questions during the briefing.

Thank you again for your letter and interest in this important matter. Representative Zoe Lofgren, who co-signed your letter, will receive a separate, identical response. Should you have any questions before the briefing, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna  
Director