



WRITTEN TESTIMONY

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AND

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Statement of Barbara Strack, Chief, Refugee Affairs Division, Refugee, Asylum and International Operations Directorate, U.S. Citizenship and Immigration Services

Chairman Meehan, Ranking Member Higgins, and distinguished members of the Subcommittee, thank you for the opportunity to testify at today's hearing on the refugee program and the Department of Homeland Security's (DHS) efforts to deter exploitation by terrorist groups of the U.S. Refugee Admissions Program (USRAP). As the Chief of the Refugee Affairs Division of the Refugee, Asylum, and International Operations (RAIO) Directorate within U.S. Citizenship and Immigration Services (USCIS), I work in close partnership with other components within DHS and with colleagues at the Department of State's Bureau of Population, Refugees, and Migration (PRM) to meet the USRAP's dual mission to offer 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 and 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 deplorable conditions of temporary asylum. USCIS remains dedicated to fulfilling this mission, in partnership with PRM, and continuing the United States' leadership role in humanitarian protection. An integral part of this mission is to ensure that refugee resettlement opportunities go to those who are eligible for such protection and do not present a risk to the safety and security of our country. Accordingly, we are committed to deterring and detecting fraud among those seeking to resettle in the United States, and continue to employ the highest security measures to protect against risks to our national security.

As a representative of USCIS, I can assure you that this commitment 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 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 of the size and scope that the United States maintains without this critical interagency infrastructure.

My testimony today will be focused on the safeguards and measures taken by the USRAP in connection with the Iraqi refugee resettlement program and lessons that we have learned since large-scale processing of Iraqi applicants began in 2007. In particular, I will focus on security vetting protocols and information-sharing. In addition, I will address the current refugee environment as it pertains to applicants from Iraq, Syria, Afghanistan, and other countries in the Middle East and Africa. Finally, I will provide an update on the Special Immigrant Visa (SIV) program, which is distinct from the refugee program, but operates in parallel for certain Iraqi nationals.

DHS and other interagency partners have conducted a number of classified briefings for committee staff on each of these topics, and I would be happy to follow up with a classified briefing after today's hearing if needed.

Refugee Resettlement Case Processing

As I mentioned above, the 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 the decision on which refugees around the world are granted access to the USRAP for resettlement consideration, after formal consultations with Congress as set forth in section 207 of the Immigration and

Nationality Act. USCIS is responsible for conducting individual, in-person interviews with applicants to determine their eligibility for refugee status, including whether they meet the refugee definition and are otherwise admissible to the United States under U.S. law.

In order to fulfill its responsibilities under the USRAP, USCIS created the Refugee Corps in 2005, which is a cadre of specially-trained USCIS officers who are dedicated to adjudicating applications for refugee status 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 refugee admissions program, working in 66 countries in Fiscal Year (FY) 2012.

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 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. Since the advent of large-scale processing of Iraqi applicants in 2007, USCIS officers who adjudicate Iraqi refugee applications also receive additional two-day training on country-specific issues, including briefings from outside experts from the intelligence, policy, and academic communities. This specialized training was one of the requirements instituted under former DHS Secretary Chertoff, as part of the enhanced security screening procedures he announced in May 2007.

In order to fully explore refugee claims and to identify any 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. In addition, all refugee status determinations made by interviewing officers undergo supervisory review before a final decision is made. Refugee Affairs Division policy requires officers to submit certain categories of sensitive cases—including certain national security-related cases—to Refugee Affairs Division Headquarters to obtain concurrence prior to the issuance of a decision. This allows for 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

Security checks are an integral part of the USRAP for applicants of all nationalities, and coordinating these checks is a shared responsibility between the State Department and DHS. Prior to launching our large-scale Iraqi refugee processing in

spring 2007, we worked from a standard suite of required security. For example, all available biographic and biometric information is vetted against a broad array of law enforcement, 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 watchlist information—are initiated at the time of prescreening by the State Department's contractors. In addition, State requests Security Advisory Opinions (SAOs) from the law enforcement and intelligence communities for those cases meeting certain criteria. Biometric checks are coordinated by USCIS, using mobile fingerprint equipment and photographs at the time of the interview. These fingerprints are screened against the vast biometric holdings of the Federal Bureau of Investigation (FBI) Integrated Automated Fingerprint Identification System (IAFIS) and screened and enrolled in DHS's Automated Biometric Identification System (IDENT). Through IDENT, applicant fingerprints are screened not only against watchlist information, but also for previous immigration encounters in the United States and overseas—including cases in which the applicant previously applied for a visa at a U.S. embassy.

In order to mitigate the risk of exploitation while offering resettlement opportunities to thousands of Iraqi refugees in need of protection, USCIS has developed two key partnerships. First, we work with the Department of Defense (DOD) to augment our biometric screening by checking against the DOD Automated Biometric Identification System (ABIS), which contains fingerprint records captured in theatre in

Iraq and is a valuable resource for us to identify a wide array of relevant information. This includes data ranging from individuals who had been *detained* by U.S. forces to those who had been *employed* by U.S. forces.

In addition, we work with DHS's Office of Intelligence and Analysis (I&A) to identify potential screening capabilities and obtain critical intelligence information, as well as to enlist its services in our enhanced officer training.

These two partnerships were firmly in place in January 2008 when Congress passed the Refugee Crisis in Iraq Act, which directed the State Department and DHS to establish refugee processing mechanisms inside Iraq, supplementing the ongoing processing of Iraqi refugee applicants who had sought refuge in neighboring countries. Furthermore, with I&A's assistance, we have enhanced our refugee vetting protocols over time, for both Iraqi applicants and for applicants of other nationalities, including Afghans and Somalis. For example, in the fall of 2008, we launched a new biographic check with the National Counterterrorism Center (NCTC) for Iraqi applicants and added Intelligence Community support in July 2010 for what we now refer to as Interagency Checks (IAC). We have expanded this vetting protocol to other nationalities over time, and the IAC is now required for all refugee applicants ages 14-65, regardless of nationality.

Finally, in addition to the checks that I have described, our vetting regime now includes pre-departure checks that are conducted before a refugee applicant is scheduled to travel to the United States. Because there can be a considerable lapse of time between the initial vetting and the time of travel, these checks are important to identify any new derogatory information that may not have been available when the initial security checks

were conducted. The suite of pre-departure checks currently includes a second IAC as well as additional screening conducted by our DHS colleagues at U.S. Customs and Border Protection's National Targeting Center-Passenger, and Secure Flight screening conducted by the Transportation Security Administration. A refugee applicant cannot be approved for travel until all required security checks have been completed and cleared.

The Refugee Admissions Pipeline

DHS's commitment to a rigorous vetting regime for refugee applicants and the challenges of implementing enhancements to guard against national security risks had a significant impact on refugee admissions levels in FY 2011 and FY 2012. In both years, we fell short of the admissions ceiling authorized by the President, and we recognize that many eligible refugee applicants have considerable wait times before receiving a final decision on their case.

DHS has been working closely with interagency partners to improve, refine, and streamline the security vetting regime for refugee applicants and for other immigration categories. I am pleased to report that refugee admission levels began to rebound in the second half of FY 2012 as a result of these efforts. In FY 2012, the USRAP admitted a total of 58,238 refugees. This compares favorably to FY 2011's admission total of 56,424. We achieved this progress through a series of policy and operational decisions based on extensive interagency consultations. For example, the USRAP received critical policy guidance in February 2012 from the Deputies' Committee establishing an analytic framework for administering the IAC. In addition, DHS, the State Department, and other entities have cooperated to examine and harmonize the validity periods for various

checks and to streamline certain steps without compromising the overall integrity of the program.

We will continue these interagency efforts to improve the efficacy of the USRAP security screening regime, including progress toward more automated processes and bolstering capacity to conduct recurrent and continuous vetting for the refugee applicants.

Current Refugee Environment in the Middle East and Africa

USCIS officers conduct refugee status interviews for applicants from more than 60 countries each year, though the vast majority of these applicants are currently Iraqi, Bhutanese and Burmese nationals. Refugee processing operations in the Middle East are primarily focused on Iraqi nationals with interviews taking place in Lebanon, Turkey, Jordan, and Egypt as well as in-country processing of Iraqi nationals in Baghdad. Operations in Damascus, Syria, previously a large refugee processing site, have been suspended since March 2011.

In FY 2012, over 12,000 Iraqi refugees were admitted to the United States, and since 2007, over 71,000 Iraqi nationals have been resettled, many of whom have ties to the United States through work or family. Small numbers of Iranian and Afghani refugee applicants are also resettled through the USRAP—1,758 and 481 respectively for FY 2012. In Africa, the vast majority of refugee applicants are Somali, Congolese, Eritrean, Sudanese, and Ethiopian nationals processed in Egypt, Kenya, Ethiopia, and Uganda. Applicants from Africa accounted for 10,608 of the refugees admitted in FY 2012. In FY 2013, we expect similar refugee processing demographics for these two regions with increased processing of Congolese refugee applicants in Rwanda.

Special Immigrant Visas (SIVs)

The SIV program is separate and distinct from the refugee resettlement program, though certain individuals may be eligible to apply for both the SIV and the USRAP at the same time. Afghan and Iraqi SIV applicants are also subject to the same enhanced security vetting protocols as refugee applicants. There are three programs under which an individual may apply for an SIV:

- 1) The **Iraqi and Afghan Translators/Interpreters Program** under section 1059 of the National Defense Authorization Act for FY 2006, which allows up to 50 principal SIVs each fiscal year for Iraqi and Afghan translators or interpreters who worked for the U.S. military or under Chief of Mission (COM) authority;
- 2) The **Iraqi Affiliates Program** under section 1244 of the Refugee Crisis in Iraq Act, which authorizes up to 5,000 principal SIVs per year from FY 2008 through FY 2012¹ for Iraqis who worked for or on behalf of the U.S. Government; and
- 3) The **Afghan Allies Program** under section 602(b) of the Afghan Allies Protection Act of 2009, which authorizes up to 1,500 SIVs annually from FY 2009 through FY 2013² for Afghans who worked for or on behalf of the U.S. Government.

Like the refugee program, all three SIV programs are a shared responsibility of the State Department and USCIS. Individuals who wish to apply for a SIV must first

¹ With unused numbers available in FY 2013.

² With unused numbers available in FY 2014.

obtain COM approval from the State Department, or in the case of the Iraqi and Afghan Translators/Interpreters Program, the approval can come from an appropriate U.S. military general or flag officer. These letters certify that the individual has the requisite service and otherwise meets the general qualifications of the SIV program under which he or she is applying. When a COM letter is issued, the applicant may then submit it along with Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant and any additional supporting evidence to the USCIS Nebraska Service Center (NSC), which has sole jurisdiction over the processing and adjudication of SIV petitions. Average processing time at NSC for an I-360 SIV petition is between three and ten business days. During this time, USCIS conducts a biographic security check through DHS's TECS (formerly known as the Treasury Enforcement Communications System). The vast majority of SIV petitions are filed by individuals living outside the United States at the time of filing. If USCIS approves a SIV petition for an alien living outside the United States, USCIS forwards the case to the State Department's National Visa Center, which routes the case to the appropriate consulate overseas for interview of the petitioner and visa issuance. Prior to issuing the SIV, the State Department conducts additional biographic and biometric security checks—the same security vetting regime employed by the USRAP. To further streamline processing of SIVs, DHS and the State Department signed a Memorandum of Understanding in FY 2012 to establish a process in which individuals filing an I-360 under the Iraqi Affiliates Program or Afghan Allies Program may submit their petitions electronically with USCIS. Since FY 2006, USCIS has processed 12,899 I-360 petitions filed by Iraqis and Afghans who have assisted the United States, and has approved 10,739 of them as of September 2012.

Thank you for the opportunity to testify. I would be happy to answer your questions.

Statement of Dawn Scalici, Deputy Undersecretary for Intelligence and Analysis/Analysis, Office of Intelligence and Analysis, Department of Homeland Security

Chairman Meehan, Ranking Member Higgins, distinguished members of the subcommittee, thank you for the opportunity to testify today about the role of the Intelligence Community in the screening of Iraqi refugee applicants overseas seeking resettlement to the United States. As the Deputy Undersecretary for Intelligence and Analysis/Analysis, my office provides intelligence support to USCIS to help them leverage the full capabilities of the intelligence community (IC). We have worked closely with the Refugee Affairs Division to ensure all relevant intelligence is available and considered when screening applicants for refugee resettlement to the United States.

The integrity and security of the U.S. Refugee Admissions Program (USRAP), as well as other available immigration avenues, is of paramount importance to the Department of Homeland Security. We recognize that terrorists or other illicit actors could seek to use the refugee program to gain admission to the United States. To address this threat, the Department has taken significant steps to enhance the security checks conducted on refugee applicants. DHS and other interagency partners have conducted a number of classified briefings for committee staff on each of these topics and I would be happy to follow up with a classified briefing after today's hearing if needed.

When large scale processing of Iraqi refugee applicants was launched in 2007, DHS recognized the potential risks involved with administering such a program. To that end, at USCIS's request, my office has worked closely with key IC partners to develop

more robust security screening processes—first for Iraqi refugee applicants and then expanding these security checks to all refugee applicant age 14 to 65. Each agency involved in this process is committed to minimizing the burden to the thousands of refugees who seek our protection and assistance while still conducting the most thorough security checks.

As a result of our interagency efforts, the vetting regime in place for Iraqi refugee resettlement applicants in 2007 was strong, but not impervious. We have worked to strengthen existing protocols over the last five years, including facilitating collaboration among IC partners and USCIS to identify where additional intelligence-based screening may be possible and effective. The mechanisms we have designed seek to ensure relevant intelligence is reviewed by analysts before an applicant is approved for resettlement. Today, this process is a robust mechanism that enhances our ability to deter and detect individuals seeking to exploit the refugee program.

Over the past five years, DHS has prevented the travel to the U.S. of a number of individuals who would have posed a threat as a result of the security regime we have in place. For example, we have identified and denied refugee resettlement to the United States to applicants who were:

- Detained for several years by the U.S. military on terrorism-related grounds in Iraq;
- Involved in terrorist or insurgent attacks against U.S., Iraqi, or Coalition forces;
- Linked to fingerprints found on unexploded improvised explosive devices;
- and

- Fired from employment with the U.S. Government in Iraq on the grounds that they were linked to terrorism.

I&A has worked with the FBI, NCTC, and other agencies to identify areas where intelligence information can be used to further strengthen existing security vetting procedures, and worked with partner agencies to develop solutions. Since instituting the additional checks in the summer of 2010, there has been an appreciable increase in our ability to identify derogatory information on Iraqi refugee applicants. Indeed, the robust security screening employed in the refugee context—and in the SIV screening mechanisms, which are modeled on it—has allowed the Department to leverage lessons learned to strengthen our collaboration with law enforcement, national security, and intelligence communities.

When we instituted the new security checks we ensured that high-risk refugee applicants were screened, and we now require these additional checks of all refugee and SIV applicants aged 14-65. In addition, we took steps to re-examine individuals that were already admitted to the United States. We are providing the results of the re-screening to the appropriate law enforcement and intelligence parties and while I cannot go into details in an open setting due to the sensitive nature of this effort, I can tell you that these “retroactive” checks continue.

Thank you for the opportunity to testify. I would be happy to answer your questions.