



U.S. Citizenship
and Immigration
Services

June 27, 2016

The Honorable Kim Reynolds
Lieutenant Governor of Iowa
1007 E Grand Avenue
Des Moines, IA 50319

Dear Ms. Reynolds:

Thank you for your January 7, 2016 letter. Secretary Johnson asked that I respond on his behalf.

The Department of Homeland Security (DHS) is committed to continuing our Nation's strong history and tradition of accepting refugees who fear persecution in their home countries. Our emphasis is on admitting the most vulnerable refugees, including survivors of violence and torture, those with severe medical conditions, and women and children, in a manner that is consistent with national security priorities. In fact, the majority of Syrian refugees admitted in Fiscal Year 2015 were children.

We are also mindful that we must protect the integrity of the refugee program and safeguard the security of the United States. As such, DHS has worked with multiple law enforcement and intelligence entities to develop a robust refugee security vetting regimen. We recently published detailed information about our security vetting process on our website at www.uscis.gov/refugeescreening.

With respect to the potential security concerns relating to the Syrian refugee population, we have safely admitted smaller numbers of Syrian refugees for years, and have significant experience screening and admitting large numbers of refugees from similar environments. In addition to the comprehensive biometric and biographic checks applied to refugees regardless of nationality, U.S. Citizenship and Immigration Services (USCIS) has instituted an additional layer of review for Syrian refugee applications. Before being scheduled for an interview by a USCIS officer overseas, Syrian cases are pre-screened by refugee officers at USCIS headquarters. Cases that meet certain criteria are referred to the USCIS Fraud Detection and National Security Directorate (FDNS) for additional review and research. FDNS provides intelligence-driven support to refugee adjudicators, including identifying threats and suggesting topics for questioning. FDNS also monitors terrorist watch lists and disseminates intelligence information reports on any applicants who are determined to present a national security threat.

USCIS is also working to leverage social media in its review of certain immigration benefit applications, including Syrian refugee applicants who meet identified threshold criteria.

To date, USCIS has conducted several pilots using social media in connection with certain refugee applications and continues to explore the use of social media for other adjudications. For these pilots, USCIS has been working with members of the Intelligence Community, through the DHS Office of Intelligence and Analysis. Given the potential value of social media vetting, DHS continues to evaluate the results of these pilots in order to expand its appropriate use. The U.S. Refugee Admissions Program (USRAP) continues to examine options for further enhancements for screening Syrian refugees, the details of which are classified.

Coordination with Law Enforcement and Intelligence Communities

USCIS routinely engages with law enforcement and intelligence agencies for assistance with identity verification and acquisition of additional information. When FDNS identifies terrorism-related information, it makes the appropriate nominations or enhancements to the Terrorist Identities Datamart Environment, using standard interagency watch listing protocols. Additionally, USCIS provides Intelligence Information Reports to the Intelligence Community and U.S. law enforcement agencies, alerting them to information that meets standing intelligence priorities and requirements.

You state that having agencies, such as the Federal Bureau of Investigation (FBI), assist with the Syrian refugee vetting process would lend greater confidence to the process. Our security vetting regime has been developed in coordination with law enforcement and the Intelligence Community including the National Counterterrorism Center, the FBI, DHS, and the Department of Defense, and refugee biographic and biometric data is run against these entities' holdings as part of the vetting process. With regard to the FBI specifically, it plays an integral role in our screening process, having for many years conducted both biographic and biometric checks of refugees prior to their resettlement in the United States. Further, we continue to work with these entities to identify new opportunities, as we are currently doing with respect to social media, to protect the integrity of the process and to guard against dangers to the United States. We note that the FBI has access to all approved and denied refugees' biometrics collected by USCIS. The FBI retains these biometrics in their biometric repository: Integrated Automated Fingerprint Identification System. The FBI may be able to provide you with additional information about their own retention periods and other pertinent information.

Officer Training

Recognizing that a well-trained cadre of officers is critical to protecting the integrity of the refugee process, we provide the highest quality training to our adjudicators. All USCIS officers are required to complete five weeks of basic training. Refugee officers receive an additional 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, fraudulent document identification, credibility analysis, and country conditions research.

Additionally, before deploying overseas, adjudicators receive pre-departure training that 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 fraud trends or security issues that have been identified. Officers who adjudicate Iraqi or Syrian refugee applications also receive one week of training on country-specific issues, including briefings from outside experts from the intelligence, policy, and academic communities.

Refugee Interviews

The refugee interview is one of the most critical aspects of the refugee screening process. During the interview, the refugee officer elicits information to verify the identity of those present, determine eligibility for refugee status, determine whether the individual is barred from entering the United States, and assess whether fraud may be involved. The refugee officer also reviews all identity documents submitted by the applicant, such as passports, national identity cards, baptismal certificates, and cards issued by the United Nations High Commissioner for Refugees. Eliciting testimony involves more than simply asking questions and receiving responses. Officers are trained to develop tailored lines of questioning during case prescreening, and then actively draw out information from the interviewee in a non-adversarial manner. The non-adversarial interview is an effective technique to elicit testimony and assess credibility.

Moreover, as referenced previously in this letter, FDNS works with the USCIS Refugee, Asylum and International Operations Directorate to conduct an enhanced review of certain Syrian cases. This review involves FDNS providing intelligence-driven support to refugee adjudicators, including identifying potentially concerning information and suggesting topics for questioning to be used in the refugee interview. FDNS also monitors terrorist watch lists and disseminates intelligence information reports on any applicants who are determined to present a national security threat.

Application Adjudication

Every refugee case, regardless of nationality, is reviewed by a supervisor before a final decision is made. Certain Syrian refugee applications also undergo USCIS headquarters review prior to a final decision. It is important to note that we continue to conduct security checks between the time a case is approved and when the refugee travels to the United States, with a final biographic and biometric check at the port of entry prior to admission.

As you note, USCIS is evaluating refugee processing efficiencies; however, no efficiency will be implemented that diminishes the effectiveness of security vetting. On the contrary, refugee vetting has been further enhanced over the past year. The types of changes we are evaluating include size and make up of refugee processing teams, elimination of unnecessary administrative redundancies, and leveraging technology to reduce reliance on paper applications and manual processes.

Information Sharing

In your letter, you request that DHS modify its confidentiality policy with respect to Syrian refugee claims and ask for specific laws and regulations that govern the release of information pertaining to refugees. Federal regulations at 8 CFR 208.6 generally prohibit the

disclosure to third parties of information contained in or pertaining to asylum applications, except under certain limited circumstances. DHS applies this confidentiality regulation to refugee applicants as well as a matter of policy. These regulations safeguard information that, if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or non-state actors in the event that the claimant is repatriated, or endanger the security of the claimant's family members who may still be residing in the country of origin. Moreover, disclosure might, albeit in rare circumstances, give rise to a plausible protection claim where one would not otherwise exist by bringing a claimant to the attention of the government authority or non-state actor from which the claimant fears persecution.

However, asylum and refugee-related information may be disclosed to members of the Intelligence Community, law enforcement, or to any other Federal, state, or local government agency having a counterterrorism function, provided that the disclosure is made in furtherance of the recipient agency's authorized intelligence or counterterrorism function and that the information provided will be used only for the authorized purpose for which it was provided. This sharing is conducted in addition to the standard sharing that is done as part of the regular security screening process described above.

You ask whether governors may be briefed on any information held by the U.S. Government indicating that individuals tied to terrorist groups in Syria have already attempted to gain access to the country through the U.S. refugee program. DHS shares critical classified and unclassified terrorism-related information with state and local government decision-makers in a variety of ways, including through state and major urban area fusion centers. Any classified details about the security checks mentioned above will include information owned by Federal agencies other than USCIS. These agencies, along with other U.S. Government entities, would need to be consulted to determine whether, and to what extent, it would be appropriate to disclose information relating to the classified details of the security checks.

Requests for specific information should be referred to DHS's Single Point of Service function, which is a 24-hours/7-days-a-week centralized location that responds to such requests. The Single Point of Service function is designed to receive, facilitate, process, and in some circumstances, respond to operational or intelligence Requests for Information that originate from federal, state, local, tribal, and territorial entities. The DHS Single Point of Service can be contacted via email at DHS-SPS-RFI@hq.dhs.gov.

Additionally, the Department has communicated with our state partners on this issue through the relationships that we manage with the various national associations, such as the National Governors Association (NGA). On February 20, 2016, the Deputy Secretary of Homeland Security met with Governors in a closed door session at the NGA 2016 Winter Meeting to address many of your concerns. DHS will continue to communicate with our state partners on this issue should the need arise in the future.

Refugees Resettling in Iowa

Your request for information about refugees resettling to Iowa is best addressed by the Department of State's Bureau of Population, Refugees, and Migration, which has the responsibility for initial reception and placement of refugees upon entry to the United States, and the Department of Health and Human Services' Office of Refugee Resettlement, which has responsibility for coordinating resettlement services in the United States. DHS does not play a role in such decisions.

You ask if Federal officials inform states when refugees cross state lines. Like other residents of the United States, refugees enjoy freedom of movement within the country. However, refugees are required to report any change-of-address to USCIS within 10 days of moving within the United States or its territories. A refugee is also required to apply for adjustment of status to lawful permanent residence one year after admission as a refugee. At that point, the applicant is subject to background checks and may be questioned once again regarding potential inadmissibilities, such as criminal activity or terrorism-related inadmissibility grounds. Finally, any refugee who comes to the attention of law enforcement or national security agencies may be subject to criminal charges or civil immigration proceedings, possibly leading to removal from the country.

Thank you again for your letter and continuing commitment to the USRAP. Lieutenant Governor Reynolds, who co-signed your letter, will receive a separate, identical response. Should you wish to discuss this matter further, do not hesitate to contact me.

Sincerely,



León Rodríguez
Director

cc: John Kerry, Secretary of State